

Consultation Document on Copyright Protection in the Digital Environment

Purpose

This paper briefs Members on the public consultation exercise launched by the Administration in December 2006 on issues relating to copyright protection in the digital environment. A copy of the consultation document is attached.

The Consultation Exercise

2. We have been keeping our copyright law under review in order to ensure that it remains effective and appropriate in present-day circumstances. In this regard, we introduced the Copyright (Amendment) Bill 2006 into the Legislative Council in March 2006. The main objective of the Bill is to strengthen copyright protection (including measures against business end-user piracy activities and circumvention of technological measures for copyright protection), while affirming user's need for fair and reasonable use of copyright works.
3. In the light of advances in technology and the development of broadband network, we are now undertaking the next phase of our review of the copyright law to meet the challenges facing us in the digital era.
4. The consultation document covers six issues, namely:
 - (a) the legal liability for unauthorised uploading and downloading of copyright works (including whether unauthorised downloading should be criminalised);
 - (b) protection of copyright works transmitted to the public via all forms of communication technology (i.e. whether copyright should be protected regardless of what form of transmission technology is used to disseminate the copyright works to the public);
 - (c) the role of online service providers in relation to combating

Internet piracy (including whether online service providers should be held liable for infringing activities occurring on their service platforms);

- (d) facilitating copyright owners to take civil actions against online infringements (including whether simplified procedures should be introduced to assist copyright owners to obtain the personal particulars of online infringers);
- (e) statutory damages for copyright infringement; and
- (f) copyright exemption for temporary reproduction of copyright works.

5. For each of the above issues, the consultation document outlines the situations in other jurisdictions. We have also floated possible options addressing the issues identified, together with the considerations surrounding these options. The considerations and options floated in the document are not meant to be exhaustive. They are drawn up to stimulate public discussion.

6. The Administration has an open mind on how the issues raised should be addressed. We hope the consultation document will help to stimulate extensive and informed discussions in the community, thereby helping us to strike a reasonable balance between competing interests.

7. We will carefully consider the views received in the consultation exercise before formulating any proposals. The consultation period will end on 30 April 2007.

Advice Sought

8. Any views that Members may have on the issues raised in the consultation document will be taken into account before we determine the way forward.

**Commerce and Industry Branch
Commerce, Industry and Technology Bureau
January 2007**