

Public consultation on proposed subsidiary legislation under Copyright Ordinance launched

The Government launched today (February 15) a two-month public consultation on the proposed subsidiary legislation under the Copyright Ordinance (Cap. 528) (Ordinance). The subsidiary legislation aims to specify libraries, museums and archives, and prescribe conditions for certain permitted acts for use of copyright works under the Ordinance.

With the Copyright (Amendment) Ordinance 2022 (Amendment Ordinance) coming into effect on May 1, 2023, the Ordinance in force provides strengthened copyright protection in the digital environment while maintaining a balance between copyright protection and reasonable use of copyright works. Among others, the Amendment Ordinance has introduced new and expanded permitted acts to facilitate reasonable daily operations of specified libraries, museums and archives conducive to research, private study as well as knowledge preservation and dissemination. The existing Copyright (Libraries) Regulations (Cap. 528B), which govern the relevant permitted acts under the Ordinance, are therefore in need of an update.

A spokesman for the Commerce and Economic Development Bureau (CEDB) said, "The Government is committed to upholding a robust copyright regime which includes various permitted acts of reasonable use of copyright works by different sectors covering libraries, museums, archives, etc. To enable specified libraries, museums and archives to effectively utilise these permitted acts under the Ordinance while fulfilling their roles in cultural heritage preservation and conservation, it is essential to provide them with a set of clear and up-to-date statutory framework for compliance in appropriate circumstances."

The spokesman added that the Government proposes enacting two pieces of new subsidiary legislation under section 46(1) of the Ordinance to replace the existing one. The proposed legislation seeks to specify the types and classes of libraries, museums and archives which are eligible to do the relevant permitted acts under the Ordinance, and prescribe the applicable conditions for each of these permitted acts.

The consultation document has been uploaded to the respective websites of the CEDB (www.cedb.gov.hk) and the Intellectual Property Department (www.ipd.gov.hk). Members of the public may submit their views by email (libreg_consultation@cedb.gov.hk), fax (2147 3065) or post (Division 3, Commerce and Economic Development Bureau at 23/F, West Wing, Central Government Offices, 2 Tim Mei Avenue, Tamar, Hong Kong) on or before April 15, 2024.