

**Treatment of
Parody**
Main Topic

Sherry YIP/CITB/HKSARG
25/09/2013 15:26

Subject: S0292_Ronald Yu
Category:

Originator	Reviewers	Review Options	
Sherry YIP/CITB/HKSARG		Type of review:	One reviewer at a time
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Public Consultation on Treatment of Parody under the Copyright Regime

to: co_consultation@cedb.gov.hk

25/09/2013 15:00

From:

To: co_consultation@cedb.gov.hk

Dear Sirs

As an introduction, I teach intellectual property (IP) law and patent law at the University of Hong Kong, have lectured on IP strategy at Hong Kong Polytechnic and have written a book on IP called IP for Business. I also am counsel for a company who, among other things, develops online educational content.

I advocate adoption of all three options currently under consideration, namely clarification of existing criminal sanctions under the Copyright Ordinance (Cap. 528) and introduction of both a criminal exemption and fair dealing exception for parody as it would add legal certainty to what is currently a grey area in the law.

Such clarification is particularly important for developers of content including online games as well as online users who work collaboratively to create works or users of 3D printing or additive manufacturing technology who may create works that could fall under the ambit of 'parody.'

Without clarification of the law, such persons would not only be left in a legally uncertain position but would also be vulnerable to copyright trolls, trademark bullies or other parties who might seek to take advantage of this situation to extort money from or hinder development or other creative endeavors of otherwise innocent individuals, small business and other entities.

Sincerely,

Ronald Yu,

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Guest lecturer, Hong Kong Polytechnic