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CO Consultation CITB/CITB

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主旨: Fwd: A proposed pair of changes to the current Hong Kong copyright law
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To whomever it may concern:

As the government has the opportunity to upgrade the Copyright Ordinance, we would like to make two proposals for the government to consider.

1. Drafting the ordinance in user friendly language, as Singapore did when it tabled its Copyright Bill in July 2021 (the bill has since become law, the amended Singapore Copyright Act came into force on Nov. 21, 2021).

For example, consider the wording of these provisions in the updated Singapore Copyright Act:

When is a sound recording made

A sound recording is made when the first record embodying the sounds is produced.

Who is the maker of a sound recording

The maker of a sound recording is the person who owns the first record embodying the sounds when the recording is produced.

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Given that more copyright related issues will emerge with, inter alia, the growth of the creator economy or the use of NFTs, which pose a number of risks e.g. for primary and secondary copyright infringement, that will see more ordinary people involved in copyright related issues, having law in plain language would be helpful to such an audience

2. Hong Kong should also consider adding an exemption for text and data mining (TDM), the process of copying existing electronic information to analyse the data it contains for patterns, trends and other useful information.

Other jurisdictions are making progress in this regard and to ensure it remains competitive, Hong Kong should do the same:

- a. On 29 October 2021, the UK Intellectual Property Office issued an open consultation to examine certain aspects of copyright and patent law in the context of AI, in particular TDM and the potential approaches to permit TDM activities without requiring authorisation of a copyright owner.
- b. The aforementioned Singapore Copyright Law allows a user to legally perform TDM (e.g. sentiment analysis, text and data mining, or training machine learning), without needing to seek each copyright owner's permission.

We would be happy to provide additional details.

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