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## CO Consultation CITB/CITB

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寄件者:  
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主旨: Public View on HK Copyright Regime  
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This bill echos the view that all the political and non-political debates in Legco are haunted by previous regime especially in Hong Kong after 1997.

After the implementation of National Security Law in Hong Kong, Hong Kong just steps in a new era of regional IP trading centre supported by the Central Government.

My view is concluded to the consideration of yours for the coming legislation amendment if any recommended in Public consultation Paper 2021.

In gist, Balancing the rights of different spectrum is the focus on Copyright Law around the whole world, including developing and undeveloped jurisdictions. That private right is not unfettered is endorsed by every court around the world.

### Exhaustive Approach to Exceptions

Copyright is a private property right which subsists in certain types of creative works. Everyone, not just the owner of that creative works, has the private property right to express their view or modify the works or improve the arts in relation to that creative works committed by others with their own peculiar characteristics. As long as the dealing is "fair" and the precedents adopted by any impartial court in HK have been considered, there is no reason to maintain the current rigid exhaustive approach. The United States, where it is the most innovative jurisdiction to nurture IP industry, is a good model.

### Contract Override

I am broadly and respectfully in agreement with the recommendation in the consultation paper.

### Illicit Streaming Devices

Despite the long and everlasting efforts of C&ED, infringement is still commonplace in HK and the rest of the world, which demonstrates the fact that the crackdown on the criminal and civil violation of copyright without global collaboration is not possible. The current CO regime does fail, not seem to fail to protect/reduce the infringement cases.

So, it requires Gov't to step up the enforcement action by imposing higher and specific liability in civil and criminal fronts with cooperation with global teams to deter further encroachment upon private interest of the owner with no any betterment of the general public.

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#### Judicial Site Blocking

I am broadly and respectfully in agreement with the recommendation in the consultation paper.

#### Possible New Issues for Further Studies

Since there is no invitation for commentary, my view is reserved for the time being.

By any rate, these areas have in fact been thoroughly studied and examined in law schools by every legal practitioner that IP law has been one of the curriculum in undergrad and postgrad degree. Issues are not secret and not unspecific. Gov't should commence the consultation on these areas as soon as possible because these subjects are of paramount technological, national and economic advancement in future decades.

My right of disclosure of my name and background is absolutely reserved if you permit.

Regards,