

Submission on reform of Copyright Ordinance, by David Gunson

The advance in computing power and data processing during the past 50 years, although unstated is, to me, the basis for a number of the Government's comments in its public consultation paper "Updating Hong Kong's Copyright Regime".

An interest of mine is the subject of magnetic flux density and meteorology, the latter of which to me is largely guess work dressed up as science, relying as it does, on algorithm derived probabilities. The algorithm approach in turn relies on ever-increasing Base 2 data processing power, driven by AC at 60 cycles per second.

The relevance of these comments in my submission, is that the law on copyright is vague about the interface between the **form** of expression of ideas and the **concepts** underpinning those ideas. Copyright tends to recognize **form** but not **concepts**. I do not recommend any change in this approach, because it otherwise will muddle copyright with patents.

Where, I believe, copyright will struggle in future is with engaging with a convergence of concepts, such as meteorology and the metaverse expressed by computing power. One future is that the metaverse will be deployed to model the tracks of tropical cyclonic storms (as electro-magnetic phenomena) in both hemispheres, to obtain a departure from algorithmic probability towards logarithmic calculation, instead. This future very much implies that the metaverse and use of AI can harness sufficient e.g. Base 6 computing power, to become an everyday tool for analysis of complex systems such as tropical cyclonic storms.

So which bit or byte of that proposition is engaged by copyright? Is it say Base 6 logarithm tables? Is it the consequential tracks modelled? Is it in the design of that part of the metaverse? How do we distinguish between **form** and **concepts**?

One answer is to turn the question upside down. **Concepts** produce their **form**, but **form** does not produce **concepts**, because it is always bereft of its own originality and so, empty. **Form** is just a particular method of delivery of the **concepts**.

The argument on the extent and reach of copyright becomes easier to see if one adopts that upside down approach. For this reason, I recommend inclusion of a statement of policy on the extent and reach of copyright, in any amending Ordinance. By contrast, I do not recommend a statement of policy weaving innovation into copyright because innovation is to do with dissenting **concepts** not their **form** of expression.