

CO Consultation CITB/CITB

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To Whom It May Concern,

Thank you for providing the opportunity for public comment on the recent consultation (https://www.ipd.gov.hk/eng/intellectual_property/copyright/Consultation_Paper_on_Copyright_Eng.pdf)

I have two comments from the perspective of a general member of the public, but also someone who helped introduce commercial Internet and the Creative Commons Copyright licencing framework to Hong Kong, in the early 1990's and 2000's respectively.

The current consultation provides substantive improvements to our copyright ordinance, yet does not appear to take into consideration new digital business models that might give :

- 1) HK-based rights holders a clear competitive advantage in today's globally digitally connected world, or
- 2) a way to serve the wider public interest of having a simple and clear process to identify and use out-of-copyrighted works.

By framing how the HK Government can clearly use changes to our copyright ordinance to tangibly deliver on the Nation's 14th 5-Year plan objective, specifically establishing HK as an international center for cultural exchange, I suggest the following:

- a) Establishment of a HK Digital Chinese Museum / Cultural Park -- A Copyright Public Domain Registry for Out-of-Copyright Chinese Cultural works

I encourage the HK Government to work in concert with HK's museums, and members of the West Kowloon Cultural District, to study the copyright policies of famous museums that have recently promoted out-of-copyright cultural works digitally (e.g. the Dutch [Rijksmuseum](#), [British Museum](#)).

Specifically I suggest augmenting its digital safe harbour provision to establish 'The Digital Chinese Museum' or 'HK Cultural Park' -- a curated, high quality, clearly identifiable public domain for out-of-copyrighted works promoting HK and Chinese cultural heritage to provide an open and 'safe' digital space for creators and members of the public i.e. further reduce the friction in complicated copyright clearance processes.

For those authors who wish to waive their copyright rights, clear process mechanisms should be provided under the amended ordinance. Such mechanisms should be identified to ensure a lively local creative community, especially for publicly funded works produced by the HK government itself (e.g. RTHK).

For your consideration, Creative Commons has provided such a global mechanism, that is not specific to Hong Kong, called CC Zero (<https://creativecommons.org/share-your-work/public-domain/cc0/>).

- b) Digital Signature - Copyright Registry: Clearly Linking Digital Signatures (ETO Cap 533) to Copyright Rights Holders.

To my eye, the current copyright amendments will bring Hong Kong up-to-date circa 2019 (EU copyright directive) and much has happened since that time.

Specifically, over the last 3 years, the invention of distributed ledger technology (a.k.a. blockchain technology), has further reduced the cost of establishing digital provenance. This is of interest as the monetization timeframe for living authors has previously been uncertain and unclear.

To help provide a meaningful livelihood for HK artists, we should study and incorporate best practices from the Non-Fungible Token (NFT) phenomenon. Strangely, experiments with NFT's are not mentioned at all in the recent consultation.

This is understandable -- unfortunately as NFT's currently exist, there is a very tenuous link to copyright and the rightsholder.

Some regard recent NFT current practices as highly speculative and fraudulent activities.

Nevertheless, the technical developments in NFT should not be completely ignored, rather HK can address the shortcomings of existing NFTs as an opportunity to establish a HK-China-NFT process where the legal status of the right's holder(s) can be clearly established and monetized using modern financial means.

Indeed, as far as digital monetization goes, with the advent of China's Central Bank Digital Currency (DC/EP a.k.a. E-CNY), HK can bridge both developments to establish a strategic digital advantage for Hong Kong's intellectual property community.

As such, any amendment to HK's copyright ordinance, needs to also consider evolving CAP 533 (the Electronic Transaction Ordinance), so that the link between a digitally signed work can more easily be globally established and legal rights monetized using modern technologies that involve emerging Chinese cryptographic standards.

Thank you for your attention and for the opportunity to provide public comment.

Yours sincerely,

Pindar Wong

PS:

More information about Creative Commons in Hong Kong can be found here:

<https://hk.creativecommons.org/>