



Motion Picture Licensing Company (International) Limited
MPLC House, 22-24 Gildredge Road
Eastbourne, East Sussex, BN21 4SA
United Kingdom

22 February 2022

Division 3
Commerce, Industry and Tourism Branch,
Commerce and Economic Development Bureau
23rd Floor, West Wing,
Central Government Offices,
2 Tim Mei Avenue,
Tamar, Hong Kong
via Email: co_consultation@cedb.gov.hk

Subject: MPLC's view on the topics set out in the public consultation paper entitled "Updating Hong Kong's copyright regime" from the commerce and economic development bureau ("Consultation Paper")

To Whom It May Concern:

Motion Picture Licensing Corporation commenced operations in 1986 in the USA, and opened its United Kingdom operations in 2004, later becoming an Independent Management Entity when introduced in the region. MPLC raises awareness for creators' rights by making our represented clients' works available for public consumption on fair and reasonable terms while ensuring compliance with the Copyright, Designs & Patents Act, 1988. MPLC opened its Hong Kong office to license within Hong Kong and to act as the Asia hub for our long-term expansion with governments and copyright owners. Among the six registered Copyright Licensing Bodies (CLB) in Hong Kong, MPLC is the only CLB to offer non-theatrical public performance rights for movie screenings.

MPLC is a passionate supporter of intellectual property rights and of measures to improve respect and recognition for creators by ensuring that copyright owners and participants are suitably acknowledged and compensated for the use and enjoyment of their works.

MPLC represents more than 1,000 worldwide production companies, including well-known Hollywood studios, by operating a licensing framework enabling the public performance of their copyrighted works in various capacities and market sectors around the world.

After three years of observation, we are pleased to offer our following views in response to the Intellectual Property Office's Public Consultation on Updating Hong Kong's Copyright Regime.

(A) Communication Right

MPLC supports the technology-neutral communication right for copyright owners. Additionally, we would encourage language to acknowledge the intertwining of the public performance right with the communication to the public right as they are not mutually exclusive.

(B) Criminal Liability

Strengthening the protections for rights holders exhibits the commitment to protecting copyright. Demonstrated economic prejudice sometimes can be difficult to quantify. A strict liability test may prove to be a heavier deterrent to infringing conduct.

In addition, it may be useful to set up a copyright infringement taskforce, such as FACT in the UK that works on IP protection and also conducts criminal investigations. The taskforce can collect reports of copyright infringement which can then be investigated.

(C) Additional Damages in Civil Cases

Having additional factors for the court to assess damages is a positive tool for judges to utilize. In addition, having a speedy court reserved for smaller copyright infringement claims could also alleviate some pressure on the court as well as serve the creative community with efficient remedies. With additional damages, the successful party in a copyright dispute could claim administrative fees.

(D) Safe Harbour

No comment.

(E) Fair Dealing Exceptions

The new fair dealing exceptions seem appropriate and customary around the globe.

(F) Revised and New Copyright Exceptions

Educational sector: MPLC supports granting greater flexibility to the education sector in how it obtains and stores content, while the updates still curtail the use of copyrighted content for the purposes of “giving and receiving instruction in the specified course of study”, and Section 43 “Performing, playing or showing work in course of activities of educational establishments” which is an appropriate use of creative content with the exhaustive approach. The law can be further clarified to specifically state the limits to the educational use, such as belonging to a bona-fide educational institution and for use in the course of study. Other entertainment uses on campus would not qualify under the exemption. As stated in Chapter 3.2 of the Exhaustive Approach to Exceptions of the Updating Hong Kong’s Copyright Regime Public Consultation Paper (Page 12), the four factors especially (c) the amount and substantiality of the portion dealt with in relation to the work as a whole; and (d) the effect of the dealing on the potential market for or value of the work need to be considered.

(1) Should all exceptions be set out exhaustively in the law?

The UK copyright system providing for a specified range of purposes and circumstances gives room for adaptation, but importantly, provides guidance on the range of purposes and circumstances where copyright exceptions should apply. The clarity in the law pre-empts legal action to determine if an exception applies or not.

(2) Should exceptions be overridden by contracts?

Copyright owners and users should be able to enter into contracts to exclude or restrict application of certain statutory exceptions. It is customary and usual in most of the world’s major film and television markets for performers’ rights to be protected by means of industry contracts which should be honoured wherever the content is performed around the globe.

In conclusion, MPLC is pleased to have responded and stands prepared to maintain its ongoing participation in the consultative process as well as contributing to the school survey with Education Bureau (EDB) and NGO survey with the Intellectual Property Department (IPD).

With kind regards,



Julie S. Maresca
General Counsel
Motion Picture Licensing Company (International) Limited



Daniel Fong
Chief Operating Officer
Motion Picture Licensing Company (Hong Kong) Limited