
Hutchison Telephone Company Limited

In Response to Updating Hong Kong's Copyright Regime

23 February 2022





1. Introduction

- 1.1 Hutchison Telephone Company Limited (“**Hutchison**”) has set out below our key responses to the updating of Hong Kong’s Copyright Regime Public Consultation Paper issued by Commerce and Economic Development Bureau (“**CEDB**”) on 24 November 2021 (“**CP**”).

2. General

- 2.1 Hutchison believe the CP’s basic premise and objectives to ensure Hong Kong can further develop into a regional intellectual property centre are already achievable under the existing regime.

3. Copyright exceptions – exhaustive or non-exhaustive approach

- 3.1 Hutchison agrees with the Government’s proposal as the current Copyright Ordinance provides exception for authorised use of copyright works, the exhaustive approach will provide clarity and certainty to copyright owners or users.

4. Contract override

- 4.1 Under the current law, parties are free to agree among themselves the use of copyright works, whilst it provides sufficient protection to the users of its rights, it also provide flexibility for the parties to negotiate appropriate rights for users to use the copyright works which also will benefit the copyright users.
- 4.2 If the Government restricted parties from excluding or limiting the statutory copyright exceptions, copyright owner and users could not enjoy the autonomy of entering into contract which will deter innovation and Hutchison is of the view that such arrangement will deter user from investing in innovation and it will limit Hong Kong from being regional intellectual property centre.



5. Specific regulations on illicit streaming devices

- 5.1 Hutchison shared the view that the existing Copyright Ordinance provide enough protection to combat against illicit streaming devices.

6. Judicial site blocking mechanisms

- 6.1 Hutchison do not approve, condone or authorize any person engaging in copyright infringement by any means. Hutchison will and do cooperate in any action taken directly by copyright owners against infringement. Hutchison is of the view that the Copyright Ordinance already provides copyright holders a strong remedies to take action against those infringers. However, the copyright holders have chosen not to take any action directly against the infringers. Therefore Hutchison is of the view that the general injunctive relief is sufficient to protect copyright owners and it is not necessary at this point of time to introduce specific judicial site blocking mechanism unless it is proven that the existing injunctive relief is ineffective.
- 6.2 Hutchison believes the Office of the Communications Authority and the Consumer Council should be taking a more active role in lobbying for a softened approach that protects the rights and lessens the impact on internet users in HK.

7. Confidentiality

- 7.1 Hutchison does not regard any part of this submission as confidential and has no objection to it being published or disclosed to third parties.