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Division 3
Commerce and Economic Development Bureau
23/F, West Wing,
Central Government Offices,
2 Tim Mei Avenue, Tamar, Hong Kong

(Via Email: libreg_consultation@cedb.gov.hk and fax 21473056)

**The Hong Kong Reprographic Rights Licensing Society views on Consultation on Proposed
Subsidiary Legislation for (1) Specification of Libraries, Museums and Archives & (2)
Prescribed Conditions for certain Permitted Acts under Copyright Ordinance (Cap.528)
("Proposed Permitted Act") from Commerce and Economic Development Bureau
"Consultation Paper"**

The Hong Kong Reprographic Rights Licensing Society ("HKRRLS") hereby submit comments on the Proposed Subsidiary Legislation set out in the consultation paper presented by the Intellectual Property Department in February 2024.

I. HKRRLS welcome the proposed change

- (i) The existing specification and prescribed conditions under copyright (Libraries Regulations ("Libraries Regulations") confined only to certain libraries for several permitted acts being comparable to those under section 47, 48 and 50 of the Copyright Ordinance (as amended by Copyright (Amendment) Ordinance 2022 effective on 1st May 2023 ("CO")). There are no specification and prescribed conditions for permitted acts under sections 51, 51A, 52, 52A and 53 of CO. HKRRLS welcomes the legislative proposals to replace the Libraries Regulations and to enacted new subsidiary legislation for specifications and prescribed conditions for section 47 to 53 of CO. The Proposed Permitted Act help to remove uncertainties and inconvenience for libraries in determining whether they can avail themselves of the relevant permitted acts under the CO in the course of their day-to-day operations and provisions of services.
- (ii) The consultation paper made it clear that the proposed change are subject to primary consideration that the Proposed Permitted Act

- (a) does not conflict with normal exploitation of work by copyright owner; and
- (b) does not unreasonably prejudice legitimate interests of copyright owner.

HKRRLS is pleased that the rights of all copyright owners protected under licensing scheme with educational organization executed by HKRRLS will not be affected by the proposed change.

II. Concern about the term “conducted for profit”

The intent of the proposed subsidiary legislation seeks to strike a balance between the legitimate interests of copyright owners and public interest. The legislative proposals consider that only those libraries, museums and archives which are not “conducted for profit” should be made eligible to do the Proposed Permitted Act. In this internet era, the majority online platforms are operating free of charge. They source their income indirectly from online advertising/marketing. To avoid potential abuse by those platforms which source profit from indirect channel(s), HKRRLS would like to see clearer definition be provided for the term “conducted for profit”.

Please feel free to contact the undersigned if you have any questions or wish to discuss.

Yours sincerely,

For and on behalf of

The Hong Kong Reprographic Rights Licensing Society



Sharon Yin Yue Wong

Executive Director



Prepared by L&L Lawyers on behalf of HKRRLS