

**Treatment of
Parody**
Main Topic

Sherry YIP/CITB/HKSARG
14/11/2013 10:40

Subject: S0446_Gary Lau
Category:

Originator	Reviewers	Review Options	
Sherry YIP/CITB/HKSARG		Type of review:	One reviewer at a time
		Time Limit Options:	No time limit for each review
		Notify originator after:	final reviewer

From:
To: co_consultation@cedb.gov.hk
Date: 13/11/2013 13:19
Subject: Re: Public Consultation on Treatment of Parody under the Copyright Regime
Sent by:

To whom may concern,

This is totally absurd that a works needs to go through a self censoring before releasing any work just to avoid the legal liability. This would detrimentally obstruct work of all art creator as they need to have the legal restriction in mind rather than a creative mind.

If this is to be criminalized, mens rea to violate the copyright and IP must be a mandatory requirement in order for authority to proceed any litigation against the potential infringed work owner. Unless the authority can prove the mens rea to take advantage of existing copyright prima facie, no interruption, investigation, nor prosecution should be taken place. it is the responsibility of the authority which has the relatively higher resource to prove anyone had violated copyright of another in HK or around the world. It is absolutely not the responsibility of an art creator who probably had none or only minimal resource to prove that his/her work had not violate another copyright against another in HK or around the world.

In fact, if anyone copyright holder notices and decides anyone is taking advantage of their copyright, they may always evaluate and report to the authority and then the authority may decide if there's such mens rea to take advantage through the violation and proceed accordingly. If there's no mens rea, the copyright holder and / or authority should not be allowed to interrupt the work of an art creator.

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Gary Lau