


Press Release

 Email this article | Government Homepage

Copyright (Amendment) Ordinance 2003 comes into force next month

The Government gazetted the Copyright (Amendment) Ordinance 2003 (27 of 2003) (Commencement) Notice 2003 today (October 3). The Notice provides that the Copyright (Amendment) Ordinance 2003 (the Ordinance) shall come into operation on November 28, 2003.

The Ordinance, after its commencement, will remove civil and criminal liabilities pertaining to parallel importation of and subsequent dealings in most articles which have embodied in them a computer program (commonly known as computer software products).

The scope of liberalisation, however, does not cover computer software products which contain a computer program but the principal attraction of which is musical sound or visual recordings, movies, television dramas, e-books, or a combination of them.

Under the existing Copyright Ordinance, it is a criminal offence to import otherwise than for private and domestic use or sell parallel-imported copies of a copyright work (including a computer software product) that has been published for less than 18 months in Hong Kong or elsewhere. The maximum penalty is \$50,000 per such copy and four years' imprisonment.

"Liberalising the parallel importation of computer software products will increase the availability of such products in the market and benefit consumers," a spokesman for the Commerce, Industry and Technology Bureau said.

"The liberalisation is also in line with our free-market philosophy and our policy of facilitating the free flow of genuine goods," added the spokesman.

The Notice is a piece of subsidiary legislation and is subject to the negative vetting procedure of the Legislative Council. For details of the changes to be brought by the Ordinance, members of the public may visit the website of the Intellectual Property Department at <http://www.info.gov.hk/ipd>.

End/Friday, October 3, 2003

NNNN

《2003年版權（修訂）條例》十一月底生效

政府今日(十月三日)在憲報刊登《〈2003年版權（修訂）條例〉（2003年第27號）2003年〈生效日期〉公告》。根據公告，《2003年版權（修訂）條例》將於二〇〇三年十一月二十八日生效。

條例生效後，平行進口大部份載有電腦程式的物品（一般稱為電腦軟件產品）及進口後處理這些物品的民事及刑事法律責任，將予免除。

不過，放寬的範圍並不包括載有電腦程式的電腦軟件產品，但其主要賣點是音樂聲音或視像紀錄、電影、電視劇或電視電影、電子書，或上述各項的組合。

根據現行的《版權條例》，如某版權作品（包括電腦軟件產品）在香港或其他地方發表不足十八個月，輸入該作品的平行進口複製品作私人和家居以外用途，或售賣該作品的平行進口複製品，即屬犯罪。最高的刑罰是每份複製品罰款50,000元及監禁四年。

工商及科技局發言人說：「放寬平行進口電腦軟件產品將增加這些產品在市場的供應量，使消費者受惠。」

該發言人亦說：「放寬安排亦與我們自由市場的理念，以及促進正版貨品自由流通的政策相配合。」

該公告屬附屬法例，並須經過立法會不反對不提出修訂即屬通過的程序。公眾如欲進一步瞭解該條例帶來的改變，可瀏覽知識產權署的網址 <http://www.info.gov.hk/ipd>。

完

二〇〇三年十月三日（星期五）