

**Notes of the 2nd Working Group Meeting  
on “Development of Non-statutory Guidelines  
for Copying and Distribution of Works in an Electronic Environment  
by Not-for-profit Educational Establishments”**

**Held on Friday 4 April 2003**

**at the Intellectual Property Department  
Room 2501, 25th Floor, Wu Chung House,  
213 Queen’s Road East,  
Wanchai, Hong Kong**

**Present :** Representative of Grant Schools Council (GSC)  
  
Representative of The Open University of Hong Kong (OUHK)  
  
Representative of Hong Kong Teacher-Librarians Association (HKTLA)  
  
Representative of Hong Kong Subsidized Secondary Schools Council (HKSSSC)  
  
Representative of Hong Kong Subsidized Primary Schools Council (HKSPSC)  
  
Representative of Hong Kong Professional Teachers’ Union (HKPTU)  
  
Representative of The Hong Kong Association for Computer Education (HKACE)

Representative of Hong Kong Reprographic Rights Licensing Society (HKRRLS)

Representative of Joint University Librarians Advisory Committee (JULAC)

Representative of Hong Kong Library Association (HKLA)

Representative of Hong Kong Educational Publishers Association (HKEPA)

Representative of The Anglo-Chinese Textbook Publishers Organisation (ACTPO)

Representative of Hong Kong Copyright Licensing Association (HKCLA)

*[In attendance for meetings of the Working Group only]*

Representative of Television Broadcasts Limited (TVB)

Representative of International Federation of the Phonographic Industry (Hong Kong Group) Limited

Representative of Motion Picture Industry Association Limited (MPIA)

Representative of Motion Picture Association (MPA)

Representative of Business Software Alliance (BSA)

Representative of Composers and Authors Society of Hong Kong Limited (CASH)

Representative of Hong Kong Education City Limited (HKECL)

Mr. Jeffrey CHAN  
Commerce, Industry and Technology Bureau (CITB)

Mr. CHAN Hau-wing  
Education and Manpower Bureau (EMB)

Mr. Simon IP  
Education and Manpower Bureau (EMB)

Mr. Stephen SELBY (Convenor)  
Intellectual Property Department

Ms. Joey HUNG (Secretary)  
Intellectual Property Department

**Absent with apologies:** Representative of Union of Government Primary School Headmasters and Headmistresses

Representative of Task Force on Reprographic Rights Licensing established under Heads of Universities Committee (HUCOM)

Representative of Hong Kong Publishing Federation Limited (HKPFL)

Representative of Hong Kong Cable Television Limited (HKCTV)

Representative of AOL Time Warner

*The meeting commenced at 3:10 p.m.*

1. Mr. SELBY welcomed the Working Group members.

### **Agenda Item I**

2. Mr. SELBY indicated that the Chinese version of the draft notes of the 1st Working Group meeting had been sent by e-mail to the

representatives for perusal. He requested that further amendments, if any, be sent to the Secretariat on or before the following Wednesday (9th April).

3. Ms. Joey HUNG added that some representatives had raised a number of amendments before the meeting. These amendments had been included in the updated revised version of the draft notes, which had already been sent to the representatives by e-mail. She indicated that further amendments, if any, could be sent to her by e-mail.

### **Agenda Item II (1)**

4. Mr. SELBY said that in the last meeting it had been mentioned that IPD would prepare a simple list setting out the permitted acts in respect of the education sector under the copyright legislation in Hong Kong. The list in both English and Chinese was tabled in the meeting for participants' information. He stressed that some statutory permitted acts had not been included in the list. For example, limited copying was allowed for the purpose of commenting on current affairs because such statutory permitted acts were not formulated exclusively for the education sector.
5. Ms. Joey HUNG then explained the contents of the list by displaying the presentation materials. She said that the acts restricted by copyright under Hong Kong's copyright legislation were as follows: (i) copying (section 23); (ii) issue of copies to the public (section 24); (iii) rental of a computer program or a sound recording to the public (section 25); (iv) making available copies of the work on the internet or intranet (section 26); (v) performance, playing or showing of work in public (section 27); (vi) broadcasting by means of wireless or cable programme service (section 28); and (vii) adaptation (section 29). Except items (i) and (v), the copyright legislation did not lay down the statutory permitted acts concerning copyright in respect of the education sector and required that it was necessary to obtain permission or licence prior to using the work.

6. Ms. Joey HUNG also said that in relation to item (i) (copying), there were certain permitted acts under Hong Kong's copyright legislation allowing limited use of copyright works by the education sector. For example, copying by handwriting (not by means of a reprographic process) of a literary, dramatic, musical or artistic work and for the purpose of examination was not an infringement of the copyright of such works (section 41). Section 45(1) also provided that copying of artistic works or of passages from published literary, dramatic or musical works made to a reasonable extent (by means of a reprographic process) was a permitted act. Under the existing provision, if a licensing scheme was already available and the person making the copies knew or ought to have been aware of the scheme, the permitted act was not applicable in this circumstance. Section 41(2) also stipulated the permitted acts in respect of a sound recording, film, broadcast or cable programme. In addition, in compliance with certain statutory provisions, the making of a recording of broadcasts or cable programmes was not an infringement of the copyright of such works (section 44(1)). However, it should be noted that if a licensing scheme was available for granting a licence on making a recording of the programmes and the person making the recording knew or ought to have been aware of the scheme, the permitted act was not applicable in this circumstance. She understood that no such licensing scheme was available at present.
7. She also said that performance, playing or showing of a work in public was an act restricted by the copyright of the work (section 27). However, section 43(1) (relating to a literary, dramatic or musical work) and section 43(2) (relating to a sound recording, film, broadcast or cable programme) provided that under certain conditions (e.g. if the audience consisted of teachers, pupils and the pupils' parents or guardians; and if the performance, playing or showing was carried out for the purposes of instruction), the performance, playing or showing of a work was allowed in the education sector and such acts were not infringing the copyright of the work.
8. She emphasised that the copyright legislation had laid down all permitted acts in respect of the education sector. The primary

consideration was that the act should not conflict with a normal exploitation of the work by the copyright owner and should not unreasonably prejudice the copyright owner's legitimate interests.

9. Mr. SELBY asked whether the participants had any question about the list.
10. The representative of HKACE asked what restricted acts were and whether they were stipulated by legislation.
11. Mr. SELBY said that Hong Kong's copyright legislation had set out the acts restricted by copyright. The basic principle was that unless there were statutory exemptions, it was necessary to obtain the copyright owner's permission or licence prior to using the work.
12. The representative of HKSSSC asked whether it was necessary for teachers to obtain the permission of the Hong Kong Examination and Assessment Authority (HKEAA) for using its examination papers published in printed form or in the form of CD-ROM.
13. Mr. CHAN Hau-wing said he was not sure about the situation.
14. Mr. SELBY indicated that publications and CD-ROMs generally had copyrights. Teachers should note whether the publications and CD-ROMs contained any terms and conditions allowing their use in the education sector and (if so) the conditions of such use.
15. The representative of JULAC asked whether the licensing schemes under section 44(2) were different from the copyright owners in meaning.
16. Mr. SELBY replied that the licensing schemes were administered by the licensing institutions representing the rights of the copyright owners of works. These institutions were responsible for granting licences. For example, copying licences were granted by HKRRLS

and HKCLA on behalf of publishers/authors and some local newspapers respectively; and licences in respect of musical works and musical recordings were granted by the International Federation of the Phonographic Industry (Hong Kong Group) Limited and CASH. At present, licensing schemes in respect of films and broadcast programmes (cable and wireless) were not yet available.

17. The representative of JULAC pointed out that the permitted acts under section 45 were not applicable if the licensing schemes were available. She wondered whether it was necessary for teachers to obtain a licence under the licensing scheme first if they made photocopies in accordance with the previous Guidelines.
18. Mr. SELBY replied that the previous Guidelines were approved by consensus among the representatives of various sectors (including the publishing industry, licensing institutions and the education sector). If the photocopying was made in compliance with the specific requirements of the previous Guidelines, it was not necessary to obtain permission or licence from the copyright owner or licensing institution. If the photocopying exceeded the scope of the previous Guidelines, it was necessary to obtain the relevant permission or licence.

#### **Agenda Item II (1)(a)**

19. Mr. SELBY invited the participants' views on the following question -

“Are there sufficient educational justifications for using the digital copies of school textbooks (as defined in the previous Guidelines) through the school intranet?”

20. The representative of OUHK considered that this depended on teachers' need and how the “need” was defined. The previous Guidelines stipulated that teachers could make limited photocopies of published works for instructional purposes without obtaining permission or licence to facilitate the teaching activities. The same

consideration could be applicable to the current Guidelines. He believed that it would not be much of a problem provided that the copying did not exceed the extent as permitted by the previous Guidelines.

21. Mr. SELBY personally opined that the previous Guidelines had laid down the “spontaneity” requirement and other restrictive conditions on the photocopying of textbooks. For example, in relation to the extent of photocopying, textbooks are subject to conditions such as not more than 5% of the number of pages of a textbook might be copied in aggregate for one course in any one academic year etc. The scope of the Guidelines would be rather narrow, if these conditions were applicable to other media such as films and music.
22. The representative of HKACE indicated that the current Guidelines involved more complicated problems. With regard to the technical aspect, the two sets of Guidelines had different considerations. For example, according to the previous Guidelines, the number of photocopies made was calculated on the basis of making one copy for each student. If there were forty students, forty photocopies had to be made. But the current Guidelines were related to the distribution of the electronic copy of books. It was therefore necessary to consider how to ensure that only those forty students could use the electronic copy.
23. Mr. SELBY pointed out that in the Working Group meetings on formulating the previous Guidelines, the participants had expressed the view that even if the photocopies of printed works were distributed to students, it was unlikely that this would lead to uncontrollable abuse of copyright works. However, if copying and distribution of works were made by digital means, the situation would be different.
24. The representative of HKEPA said that the publishing industry had to put in more investment in publishing works by digital means (e.g. producing interactive maps in electronic books) than in the conventional way (i.e. in printed form). Besides, before publishing a

textbook, the publisher might have already made licensing agreements with other copyright owners (e.g. the Discovery Channel) for using the copyright works in question. If teachers were allowed to use the electronic copy (e.g. CD-ROM) of the textbook through the school intranet, it might be a breach of the agreement and their interests would not be under protection.

25. Mr. SELBY indicated that the statutory exemptions in Hong Kong should not pose any infringement problem in the territory.
26. The representative of HKECL said that viewing of materials on the internet should not pose any infringement problem. However, she enquired whether the Guidelines covered the situation whereby teachers used educational resources on the internet to compile teaching materials and upload them to the school intranet.
27. Mr. SELBY said that purely viewing materials on the internet and temporarily storing them by means of a browser would not pose any infringement problem. However, long-term storage and distribution of materials might cause infringement problems.
28. The representative of HKECL remarked that as nowadays interactive teaching was prevalent, teachers always produced teaching materials by means of different channels (including HKECL's on-line resources) and upload them to the school intranet or store them in CD-ROMs for classroom teaching purposes. She asked whether the Guidelines could be formulated in the light of the practical situation to meet teachers' specific needs.
29. Mr. SELBY said that details of the Guidelines would be discussed in the future. He further asked the participants whether it was extremely necessary to use the digital copies of school textbooks through the school intranet. He wondered if simple permission procedures could actually serve the purpose while also preventing the uncontrollable abuse of copyright works.

30. The representative of HKSPSC indicated that each session in primary schools normally lasted 30, 40 or 45 minutes. To widen primary students' perspective, teachers always stored the useful materials searched from the internet on the school intranet first and then used them in class later. There would be practical difficulties if teachers did not put the materials on the intranet but asked students to log in the particular website in class themselves for viewing the materials. For example, it might not be so smooth to get on-line, hence affecting students' chance of viewing the information. Storing teaching materials on the school intranet would facilitate the control of the teaching process and enhance teachers' efficiency in lesson preparation.
31. Mr. SELBY mentioned about the computer's cache function. With the help of this function, computer users could store materials on a temporary basis and locate them within a short time for users' viewing. He said that temporary storage did not pose any infringement problem. He asked the participants whether it was still necessary to store materials on the school intranet under such circumstance.
32. The representative of HKACE pointed out that on-line teaching involved functions such as webpage link and deep link, which might pose infringement problems. As for the cache function, there were different technical considerations. For example, as far as users were concerned, there were considerations such as what materials could be stored by means of the cache function, the size of the document and the capacity of the cache function etc.
33. The representative of OUHK said that the cache function might be applicable to teaching activities in the classroom. However, there might be other situations whereby it was necessary to store teaching materials on the school intranet, e.g. in order to enable students to make good use of their spare time at home to view the materials on the intranet at home. After all, this was only done for the purpose of facilitating the teachers' work. He opined that it should not lead to uncontrollable abuse of copyright works. Even if the target scope of the Guidelines in respect of textbooks was very narrow, teachers

should be allowed to use the digital copies of textbooks to a reasonable extent through the school intranet for instructional purpose. If the use exceeded the permissible limit, teachers should obtain permission or licence irrespective of the volume used.

34. Mr. SELBY invited the publishing industry to consider and study the following question and inform members of the findings and views at the next meeting -

“Should the current Guidelines, as the previous Guidelines, cover textbooks and adopt the same copying conditions (such as the “spontaneity” requirement; and not more than 5% of the number of pages of a textbook may be copied in aggregate for one course in any academic year etc.)? Besides, could the electronic copies of textbooks be scanned, uploaded and stored on the school intranet, and distributed to students through the intranet?”

Mr. SELBY clarified that teaching software published by the publishing industry was not under consideration.

### **Agenda II(1)(b)**

35. Mr. SELBY asked the participants the following question -

“As there were already permitted acts under the existing legislation (please see the list tabled at the meeting), were there sufficient educational justifications for using the digital copies of films and sound recordings, as well as the digital recordings of cable and wireless broadcasts on the internet? If such uses were permitted, would they lead to uncontrollable abuse of copyright works?”

36. The representative of HKACE said that teachers needed to use works such as certain clips of films or sound recordings as a part of the teaching materials (e.g. Powerpoint presentations). The teaching materials prepared would be uploaded to the school intranet for

viewing by students in class or during recess. Teachers had great teaching needs in this regard and this should not be overlooked. He held that there was slim chance that this would lead to uncontrollable abuse of intranet information.

37. The representative of HKSPSC opined that the teaching materials uploaded to the school intranet contained only a small part of copyright works. This would not result in large-scale copying and distribution, and therefore should not lead to abuse. She further indicated that to stimulate students' senses, teachers would select some short clips of 5 to 10 minutes from video and sound recordings and use them as teaching materials.
38. The representative of GSC also held that teachers would only use a small part of copyright works. As for the homework done by students, the proportion of homework using audio-visual materials and uploaded to the school intranet was not high. Basically, there was also a general trend towards uploading a small part of the teaching materials containing copyright works on the school intranet. It was unlikely that there would be uncontrollable abuse of these clips.
39. The representative of the International Federation of the Phonographic Industry (Hong Kong Group) Limited pointed out that at present there had already been in the market many commercial musical recordings that could be used in presentations, e.g. the commercial musical recordings with licences authorising public performances and limited copying. He opined that the copying and distribution of electronic musical recordings on the intranet should better be handled through licensing schemes. With regard to musical recordings, as an appropriate regulatory system on intellectual property was not yet available at present, it was not desirable to liberalise the use of electronic copies of musical recordings too early.
40. Mr. SELBY said that the applicable exemptions under the existing legislation provided that teachers could copy or use a part of a song

by electronic means and embed it in Powerpoint presentations used in teaching.

41. The representative of the International Federation of the Phonographic Industry (Hong Kong Group) Limited said that if the electronic copies of songs were allowed to be uploaded to the school intranets for re-distribution, the situation might be uncontrollable and the interests of copyright owners would be prejudiced. If there were exemptions in this respect, it would arouse concerns in the international community.
42. However, the representative of HKPTU opined that whether we had laid down any statutory permitted acts or Guidelines or not, there would likely to be infringement of copyrights. The last resort was to bring the case to court, depending on whether the legitimate interests of copyright owners were prejudiced. He said that if uploading the electronic copies of copyright works to the school intranet led to uncontrollable abuse of such works, this was to a larger extent related to technical problems, which could be solved technically. If the electronic copies of copyright works were uploaded to the school intranet for instructional purposes only, permission should be given.
43. The representative of the International Federation of the Phonographic Industry (Hong Kong Group) Limited reiterated their stance. He agreed to the reasonable use of musical recordings if this was done for instructional need. However, he did not agree to a further relaxation of requirements on copying and distribution of digital copies of musical recordings. He opined that this should be handled through licensing schemes.
44. Mr. SELBY said that teachers were allowed to produce Powerpoint presentations as teaching materials and use a part of the electronic copies of copyright works (e.g. musical works in electronic form) to a reasonable extent for instructional purposes. These were capable of being regarded as statutory permitted acts. He wondered whether teachers should be allowed to upload the Powerpoint presentation to

the school intranet for a period of time (e.g. a few months) and distribute it to the students after it had been played to students. He invited the participants to give their views on whether this matter should be handled with flexibility.

45. The representative of OUHK remarked that nowadays teaching always emphasised interactive learning. It was very common to use Powerpoint presentation for instructional purposes. If teachers were not allowed to use copyright works to a reasonable extent for instructional needs for producing Powerpoint presentation as teaching materials and then upload the materials to the school intranet, it simply meant that the education sector was not granted any statutory exemptions. It was inevitable that the dispute between the industries and the education sector would have to be resolved by the court. He opined that the meeting could determine the reasonable extent for using the works (e.g. a song) through discussion.
46. The representative of JULAC held that the school intranets played a vital role in the course of learning. Other than in class, students might also gain access to the school intranet to retrieve further information with a password. This was very helpful to students' individual learning. In fact, teachers seldom played the whole piece of music through the intranet for students to listen. She considered that as nowadays effective technology was already available for protecting on-line works, there should be a greater use of such technology.
47. The representative of HKSSSC pointed out that teachers seldom included lengthy film clips in the Powerpoint presentations as teaching materials. The uploading of teaching materials to the school intranet was generally done for instructional need.
48. The representative of GSC opined that if the Guidelines did not cover films, sound recordings and other types of copyright works, teaching activities would be impeded. Indeed, if teachers were allowed to use

the digital copies of such works, it would have positive publicity effects and such works would also be benefited.

49. Mr. SELBY explained why the discussion needed to be focused on the production of Powerpoint presentations used in teaching. It was because the use of Powerpoint software (e.g. the production of digitized slides) in educational activities had become very popular nowadays. The teaching software, once produced, could be played to students.

*[The representative of GSC left the meeting early at 4:30 p.m.]*

50. Representative of HKECL pointed out that the following two features of the future learning trend were worth attention:

- (1) Interactive teaching and learning

Teaching was not confined to the unilateral transmissive mode. The concept of multi-media encouraged interactive and flexible learning.

- (2) Integrated teaching

The current teaching trend emphasised multi-functional teaching. The learning content was increasingly diversified, involving more than one medium. It would cause a lot of trouble if teachers were required to obtain permission from copyright owners before using every copyright work. She opined that if all members agreed to the principle of “reasonable use” of copyright works by the education sector, we should formulate the Guidelines for copying and distribution of copyright works in an electronic environment based on this principle for teachers to observe. For example, coping of a piece of music was allowed provided that the copied section was not more than one minute of the whole piece or was within the limit acceptable to the copyright sectors. She said that the Working Group should carry out the discussion on the basis of the actual teaching trend. The actual situation was that it had become increasingly popular

to use the school intranet as a teaching channel. She further pointed out that schools now began to produce Campus TV to replace the conventional use of textbooks for teaching. In view of this trend, the Guidelines were beneficial to the teaching activities. As the Guidelines would set out the copying and distribution limits, there would not be unlimited use of copyright works by the teachers. As such, the interests of the copyright owners would be under protection. This would be a win-win situation.

51. The representative of HKSSSC considered that it was not necessary to copy the whole copyright work when preparing the teaching materials. Besides, the teaching materials were only stored for instructional purposes, it was therefore very unlikely that this would lead to uncontrollable abuse of copyright works.
52. The representative of OUHK stressed that only copying and distribution of copyright works for instructional purposes could be exempted. Any student who copied a section of a musical work, even not exceeding 30 seconds, on the school intranet for commercial purposes committed an offence. He suggested attaching an electronic notice to the intranet specifying the code of using on-line information. For example, the notice should specify that the sale of copyright materials by users could constitute criminal liability.
53. The representative of International Federation of the Phonographic Industry (Hong Kong Group) Limited clarified that the existing legislation did not contain any provisions allowing the copying of a maximum of 30 seconds of a musical song. He said that the existing technology could not provide sufficient monitoring on such acts. He worried that this would lead to uncontrollable abuse in the distribution of musical works if the works were stored and distributed through the intranet. He reiterated that this should be handled through licensing schemes.

54. The representative of MPIA shared the views of the representative of International Federation of the Phonographic Industry (Hong Kong Group) Limited. He said that both the film and musical industries had the same considerations. He queried whether there were adequate safeguards for preventing infringement of copyrights if the school intranet was used as a channel of storing and distributing electronic copies of film clips. He held that nowadays youngsters could always manage to remove the security blocks and improperly used on-line copyright works.
55. The representative of OUHK said that the University monitored intranet activities (such as the storage of information) by means of system technology. Hence, the largest extent of monitoring and control could be guaranteed.
56. Mr. SELBY stated that the representatives of the concerned industries could consider the following -
- “Would the musical, film and broadcasting industries accept a set of guidelines to govern the following situation : teachers of not-for-profit educational establishments were allowed to use, pursuant to the statutory permitted acts, portions (not exceeding 15 seconds) of sound and video recordings as a part of the teaching materials in presentations (produced by Powerpoint or similar software) for instructional purposes. After such presentation materials embedded with portions of sound and video recordings were played to students, teachers were allowed to store these materials on the school intranet for instructional purposes and distribute them to students through the intranet, but further and subsequent dealing with such materials were not allowed.”
57. The representative of MPIA added that students could divide a film into small portions and save them onto other files to avoid monitoring. Other people were then allowed to download all files in secret for the purpose of watching the whole film. These copying and distribution

channels were not easily monitored. Hence, there existed some loopholes, leaving the film industry unprotected.

58. Mr. SELBY said that Hong Kong's copyright legislation had laid down the permitted acts for the education sector and the exemptions were granted to the teachers, but not the students.
59. The representative of MPA did not quite share the view that allowing teachers to use film clips for instructional purposes would help to promote the film. He reiterated that although the highlights of each film were shown to the audience, this would not attract more people to buy tickets for watching the film. Besides, he said that the copyrights of some American films were owned by the companies concerned. For example, the Walt Disney Company owned the copyrights of some cartoon figures in films. If teachers had to use the film clips of these cartoon figures, they should note the relevant copyright requirements.
60. The representative of ACPTO opined that formulating the Guidelines might indirectly encourage teachers to use free information on the internet. However, such information might not be obtained through proper channels and approval from the copyright owners had not been obtained. Hence, teachers would unknowingly infringe the copyrights of others. He held that although applying for a licence might cause inconvenience, it was still a more desirable way of obtaining legitimate information.
61. The representative of HKSPSC opined that the Guidelines would not lead to an uncontrollable abuse of copyright works. On the contrary, the Guidelines could serve to remind teachers of the meaning of legitimate copying and distribution, and enhance students' awareness of respecting and protecting intellectual property. Nowadays, even Primary 1 or 2 students often made use of presentation software to prepare homework and then saved the product on the school intranet for sharing with others. Hence, it was necessary to formulate the Guidelines. In the absence of requirements on the reasonable use

laid down for the education sector, teaching activities would be impeded.

62. The representative of JULAC pointed out that the practical difficulty facing teachers was their lack of expertise. They often found themselves at a loss when using multi-media copyright works because they did not know to whom they should apply for permission or licence for use and distribution.
63. The representative of TVB pointed out that their broadcast programmes involved the interests of other copyright owners (e.g. artists, musical industry). They could not grant permission to the education sector for using their broadcast programmes without the consent of other copyright owners.
64. The representative of HKECL opined that the Guidelines would allow reasonable use of copyright works by the education sector, bringing about a positive effect on facilitating the teaching activities. Otherwise there would be grey areas which would easily lead to contraventions by the teachers. As for the question on whether the school intranet would become a breeding ground of illegal acts, she personally held that principals and teachers were law-abiding individuals. If there were guidelines specifying the copying and distributing acts that were not permitted, they would certainly comply with the provisions and would not act against the law. Besides, she opined that if students were engaged in any illegal on-line infringement activities, they would not do so at school because schools would definitely exercise stringent control over on-line activities. If there were any improper infringement acts, schools should be able to find them out and this should have deterrent effects.
65. Mr. SELBY informed the meeting that as reported in an article, the Technology, Education and Copyright Harmonization Act (TEACH Act) in the U.S. had imposed too many restrictions (e.g. requiring colleges to adopt various technical measures to prevent piracy of on-

line copyright works), hence causing a lot of uncertainties among the teachers in the country.

66. The representative of HKEPA pointed out that a high level of royalties was charged by HKEAA, Radio Television Hong Kong (RTHK) and Information Services Department (ISD). He enquired about the Government's attitude towards the use of intellectual property information by the education sector.
67. Mr. SELBY said that the Government had considered liberalising some copyright works for users' use. However, some works (e.g. maps) produced by certain departments had marketing value and sometimes the departments also had to obtain permission before using the work of a third party. In view of the different circumstances, different approaches were adopted by the departments. IPD's stance was that except where the work of a third party was involved and where it was necessary to comply with the copyright notice, otherwise IPD's works could be opened for use by the public.
68. The representative of HKECL added that they were exempted from applying for the use of RTHK's works for instructional purposes.
69. Mr. CHAN Hau-wing of EMB pointed out that the public was welcomed to use the bureau's copyright works for non-profit-making purposes.
70. The representative of the International Federation of the Phonographic Industry (Hong Kong Group) Limited indicated that they would actively study ways to handle the education sector's request for using sound recordings. He stressed that the industry was not antagonistic towards the education sector, but the latter had to take into account the interests of the copyright owners.
71. Mr. SELBY proposed sending letters to the musical, film and broadcasting industries to seek their views on the specific situation as mentioned in para. 56 above.

72. The representative of HKACE emphasised that the current Guidelines could adopt the concept of making a copyright notice as contained in the previous Guidelines. The notice should contain an acknowledgement in respect of the author, title of work, name of publisher etc. He hoped the representatives of the industries concerned should not be unduly worried. As for the technical issues, consideration could be made at the technical level in order to solve the problems (e.g. by attaching an e-signature).
73. Mr. SELBY shared the view of the representative of HKACE concerning the copyright notice. The attachment of an e-signature would, however, cause inconvenience to teachers.
74. The representative of HKECL also agreed that a copyright notice should be attached in order to show basic respect to the copyright work.
75. Mr. SELBY declared the meeting closed. The next meeting would take place on Monday 28 April 2003 at 3:00 p.m. At the next meeting participants would be seated at a round table to facilitate discussion and exchange of views.

*The meeting closed at 5:15 p.m.*