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香 港 及 國 際 出 版 聯 盟

Hong Kong and International Publishers' Alliance

Secretariat

Hong Kong Reprographic Rights Licensing Society
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Via electronic mail (mat_consultation@ipd.gov.hk)

9 August 2017

Director of Intellectual Property
Intellectual Property Department, the HKSAR Government
25th Floor, Wu Chung House
213 Queen's Road East, Wanchai
Hong Kong

Dear Sirs

The Hong Kong and International Publishers' Alliance (HKIPA) appreciates this opportunity to comment on the consultation paper about Review of Copyright Exceptions for Persons with a Print Disability.

The HKIPA was formed in September 2002. Its members include the Hong Kong Publishing Federation, The Hong Kong Association of Professional Education Publishing Limited (formerly the Anglo-Chinese Textbook Publishers Organisation and the Hong Kong Educational Publishers Association), the Association of American Publishers (AAP), the UK Publishers Association (PA), and the International Association of Scientific, Technical and Medical Publishers (STM).

Our views are as follows:

14.1 No objection to extending the definition of "beneficiary person(s)" as proposed.

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14.2 If the extension of the definition of “beneficiary persons” is adopted, the example of persons with dyslexia can be inserted, but it must be clear that the ultimate definition does not extend to, say, persons with a learning disability.

17.1 Publishers are neutral on the kinds of organisations that should be declared under the legislation to support visually impaired persons under the exception, subject to the overriding condition that they must be capable of easy identification and location by the public, such as by designation by way of Government Notice. A general “class of institutions” will not suffice.

20.1 No objection to the proposed extension of the scope of the exceptions in line with the Marrakesh Treaty, provided that (1) accessible format copies made under the exception should only be made from works lawfully acquired by the person utilizing the exception and provided that (2) the exception should not apply if works in accessible form are already available in the territory (see below).

23.1 We have no comment in respect of any other formats not already covered by the existing exception and look forward to being able to evaluate any proposals in this regard.

26.1 We agree that the supply to beneficiaries by way of distribution and making available to the public should be clarified, provided that the text of the amendment clearly indicates that such acts permitted by the exception are solely within the confines of the Treaty.

26.2 We expect that publishers would have no objection to an exception relating to the performance right so long as such exception remains within the confines of the Treaty and that there is no provision allowing the broadcast of such a performance.

28.1 We agree the current condition for utilizing the exceptions provided under the Copyright Ordinance should be retained. Specifically, a person wishing to make or supply accessible format copies should make reasonable enquiries as to “commercial availability” of works in accessible formats – indeed, we expect that if ‘authorized entities’ are easily identifiable, as suggested above, collaboration between publishers who produce works in accessible formats and the authorized

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entities should result. Also, the copyright owner should be notified of intention to make or supply accessible format copies.

31.1 No position.

31.2 No position.

31.3 No position.

34.1 No position.

HKIPA appreciates this opportunity to offer its perspectives on the consultation paper. If there are any questions concerning this submission, please contact the undersigned.

Respectfully submitted

Michael Ng
Convenor (Hong Kong)
(no signature via electronic transmission)