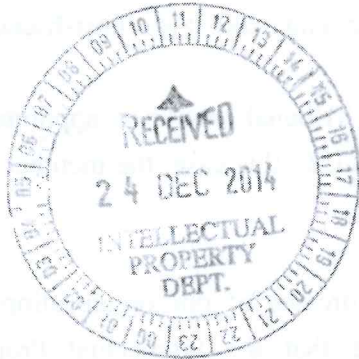




本函編號 OUR REF. 14/CRA/I-CTR/2

來函編號 YOUR REF.

電 話 TEL.



22<sup>nd</sup> December 2014

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

Dear Sir/Madam,

**Comment on the Consultation on Draft Copyright Tribunal Rules**

FKM Group refers to the Consultation Paper prepared by the Intellectual Property Department for the "Draft Copyright Tribunal Rules". We would like to make the following submissions for your consideration.

2. In the draft rules related to adjudication, we noticed that the Copyright Tribunal could appoint the Chairman, the Deputy Chairman or a suitably qualified ordinary member to hear and determine interlocutory applications. It would be a greater chances of that a party is not satisfied with the decision of the Tribunal, especially extension of time for submitting certain documents, as single member in adjudication leads to doubts about impartiality of the Tribunal.

3. As the Tribunal are intended to be less formal than court proceedings, both plaintiff and respondent would consider more non-judicial factors, which are relatively subjective, such as the contents of copyrights and the technical factors of

FKM Group

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designs or innovations. Thus, regardless of the appointed member should be qualified for appointment as a District Judge under the District Court Ordinance, the decision of single member would also meet with incredulity.

4. The appeal procedures are complicated and extra legal costs would be incurred, and might discourage the use of the Tribunal and make it less user-friendly.

5. We believe that more members of the Tribunal should be appointed in adjudication, to retain the confidence of the Tribunal. In this case, the member may not be qualified for appointment as a District Judge.

6. We would like to keep all of the addresses of our organization and members confidential. However, it is acceptable that the Intellectual Property Department and other government departments reproduce and publish our views on the draft in future for public information.

7. We look forward to your acknowledgement of this letter and our request for data processing, at your earliest convenience. Please content by post.

8. Thank you very much.

Yours faithfully,

President of FKM Group