

**Summary of Permitted Acts under Sections 47 to 53 of Copyright Ordinance (Cap. 528) (“CO”),  
Copyright (Specified Libraries, Museums and Archives under Sections 47 to 53) Notice (“Notice”) and  
Copyright (Libraries, Museums and Archives – Prescribed Conditions for Making Copy) Regulation (“Regulation”)**

(This summary is for reference only. For details, please refer to the CO, the Notice and the Regulation)

Section No. and Permitted Act <sup>1</sup>	Specified Libraries	Requirements in CO and Prescribed Conditions in Regulation for Compliance
Section 47  Conditionally permits <b>the making and the supply of copies of articles in periodicals</b> by specified libraries for purposes of <b>research or private study</b>	<p>(a) A library of the Government, the Legislative Council or the Judiciary.</p> <p>(b) Any of the following libraries that is not established or conducted for profit<sup>2</sup> and the collection of which includes copyright works and is generally accessible to the public or a section of the public—</p> <p style="padding-left: 40px;">(i) a library of a statutory body;</p> <p style="padding-left: 40px;">(ii) a library of an educational establishment specified in Schedule 1 to the CO;<sup>3</sup></p>	<p>(a) The person requesting for the copy (“recipient”) must declare that—</p> <p style="padding-left: 40px;">(i) the copy will only be used for research or private study;</p> <p style="padding-left: 40px;">(ii) the requirement of the recipient is not related to any similar requirement of another person; and</p> <p style="padding-left: 40px;">(iii) the recipient has never had a copy of the article, or had had a copy but the copy has been lost, destroyed or damaged.</p>

<sup>1</sup> To strike a proper balance between safeguarding the legitimate interests of copyright owners and the public interest, the CO contains over 60 provisions providing that users of copyright works may, under certain specific circumstances and subject to compliance with the relevant prescribed conditions, reasonably use copyright works without the copyright owners’ licence and without infringing copyright (such acts collectively referred to as “permitted acts”).

<sup>2</sup> For the purposes of specified libraries, museums or archives under sections 47 to 53 of the CO, in determining whether a library, museum or archive is “established or conducted for profit”:

- all circumstances of the case are to be taken into account, in particular the nature and operation of the library, museum or archive;
- the library, museum or archive is not to be determined as being established or conducted for profit solely because it has a revenue (rental income, admission fee, membership fee, administrative fee, etc.) or solely because its owner carries on a business for profit.

<sup>3</sup> E.g. any school within the meaning of section 3 of the Education Ordinance (Cap. 279) entirely maintained and controlled by the Government, any school which is registered or provisionally registered under the Education Ordinance, etc.

	<p>(iii) a library of an entity that is conducted wholly or primarily for facilitating or promoting the research or private study of any discipline;</p> <p>(iv) a library conducted for facilitating or promoting the research or private study of any discipline.</p>	<p>(b) Only one copy of one article in each issue of a periodical may be supplied to the recipient.</p> <p>(c) The recipient is required to pay for the cost attributable to the production of the copy.</p>
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Section No. and Permitted Act	Specified Libraries	Requirements in CO and Prescribed Conditions in Regulation for Compliance
<p>Section 48</p> <p>Conditionally permits <b>the making and the supply of copies of parts of the following published works</b> by specified libraries for purposes of <b>research or private study</b>—</p> <p>(a) <b>literary, dramatic, musical or artistic works</b> (other than articles in periodicals); or</p> <p>(b) <b>sound recordings or films</b></p>	<p>(a) A library of the Government, the Legislative Council or the Judiciary.</p> <p>(b) Any of the following libraries that is not established or conducted for profit and the collection of which includes copyright works and is generally accessible to the public or a section of the public—</p> <p>(i) a library of a statutory body;</p> <p>(ii) a library of an educational establishment specified in Schedule 1 to the CO;</p> <p>(iii) a library of an entity that is conducted wholly or primarily for facilitating or promoting the research or private study of any discipline;</p> <p>(iv) a library conducted for facilitating or promoting the research or private study of any discipline.</p>	<p>(a) The recipient must declare that—</p> <p>(i) the copy will only be used for research or private study;</p> <p>(ii) the requirement of the recipient is not related to any similar requirement of another person; and</p> <p>(iii) the recipient has never had a copy of the same part of the work, or had had a copy but the copy has been lost, destroyed or damaged.</p> <p>(b) Only one copy of a reasonable proportion<sup>4</sup> of each work<sup>5</sup> may be supplied to the recipient.</p> <p>(c) The recipient is required to pay for the cost attributable to the production of the copy.</p>

<sup>4</sup> In determining a reasonable proportion, all circumstances of the case are to be taken into account, in particular the type, nature and volume (by reference to the number of words, the number of pages, duration or the number of bytes etc.) of the work. A copy consisting of not more than 10% of the work is regarded as a reasonable proportion.

<sup>5</sup> A published work (e.g. a poem or an essay) in an anthology, compilation or collection is to be regarded as the whole work and not as a part of the anthology, compilation or collection in which it is published.

Section No. and Permitted Act	Specified Libraries	Requirements in CO and Prescribed Conditions in Regulation for Compliance
<p>Section 50</p> <p>Conditionally permits <b>the copying</b> of the following materials (“<b>specified materials</b>”) by specified libraries (“<b>source libraries</b>”) for <b>supply</b> to other specified libraries (“<b>receiving libraries</b>”)—</p> <p>(a) <b>articles in periodicals;</b></p> <p>(b) the <b>whole or parts</b> of <b>published literary, dramatic, musical or artistic works</b>; or</p> <p>(c) <b>sound recordings or films</b></p>	<p><u>Source libraries</u></p> <p>Any library.</p> <p><u>Receiving libraries</u></p> <p>(a) A library of the Government, the Legislative Council or the Judiciary.</p> <p>(b) A library that is not established or conducted for profit and the collection of which includes copyright works and is generally accessible to the public or a section of the public.</p>	<p>(a) This permitted act does not apply to—</p> <p>(i) the whole or part of a published literary, dramatic, musical or artistic work; or</p> <p>(ii) a sound recording or film,</p> <p>if at the time of copying the source library knows, or could by reasonable inquiry ascertain, the name and address of a person entitled to authorize the copying.</p> <p>(b) The receiving library must declare that—</p> <p>(i) it is a specified library;</p> <p>(ii) it has never had a copy of the specified material, or had had a copy but the copy has been lost, destroyed or damaged; and</p> <p>(iii) it is not reasonably practicable to purchase a copy of the specified material.</p> <p>(c) Only one copy of each specified material may be supplied to the receiving library.</p> <p>(d) The source library may charge for the cost attributable to the production and supply of the copy.</p>

Section No. and Permitted Act	Specified Libraries, Museums or Archives	Requirements in CO and Prescribed Conditions in Regulation for Compliance
Section 51		A “permanent collection” <sup>6</sup> must be—
(a) Conditionally permits the <b>copying</b> by specified libraries, museums or archives of <b>items</b> in their <b>permanent collections</b> for the purposes of <b>preservation</b> or <b>replacement of the original items</b>	<u>For permitted act under section 51(1)(a)</u>  Any library, museum or archive.	(i) a collection of cultural or historical significance or importance that is maintained by the relevant library, museum or archive with a view to its being used by any person wholly or primarily for reference on the premises of the library, museum or archive; or  (ii) a collection of cultural or historical significance or importance of the relevant library, museum or archive available on loan only to any other library, museum or archive. <sup>7</sup>
(b) Conditionally permits the <b>copying</b> by specified libraries, museums or archives (“ <b>source establishments</b> ”) of <b>items</b> in their <b>permanent</b>	<u>For permitted act under section 51(1)(b)</u>  <u>Source establishments</u>  Any library, museum or archive.  <u>Receiving establishments</u>	<u>For permitted act under section 51(1)(a)</u>  (a) It is not reasonably practicable to purchase a copy of the item in question in order to preserve or replace that original item.  (b) The total number of copies made from an item must not exceed three at any one time, and only one of those copies may be accessible to the public at that library, museum or

<sup>6</sup> As long as a collection kept by a specified library, museum or archive on a permanent basis satisfies one of the two conditions stated above, even though an item in the collection may be returned to the owner of that item temporarily, such collection is still a “permanent collection”.

<sup>7</sup> Including but not limited to specified libraries, museums or archives.

<p><b>collections</b> for the purposes of <b>replacement of items</b> in the <b>permanent collections</b> of other specified libraries, museums or archives (“<b>receiving establishments</b>”) which have been <b>lost, destroyed</b> or <b>damaged</b> (“<b>unavailable items</b>”)</p>	<p>(a) A library, museum or archive of the Government, the Legislative Council or the Judiciary.</p> <p>(b) A library, museum or archive that is not established or conducted for profit.</p>	<p>archive.</p> <p><u>For permitted act under section 51(1)(b)</u></p> <p>(c) It is not reasonably practicable to purchase the item in question to replace the unavailable item of the receiving establishment.<sup>8</sup></p> <p>(d) The receiving establishment must declare that—</p> <ul style="list-style-type: none"> <li>(i) it is a specified library, museum or archive;</li> <li>(ii) its permanent collection fulfills the requirement;</li> <li>(iii) there is an item in its permanent collection that has become an unavailable item;</li> <li>(iv) it is not reasonably practicable for it to purchase a copy of the unavailable item; and</li> <li>(v) the copy supplied will only be used to replace the unavailable item.</li> </ul> <p>(e) The source establishment may charge for the cost attributable to the production of the copy.</p>
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<sup>8</sup> Please note that the source establishment is responsible for ensuring this condition is met.

Section No. and Permitted Act	Specified Libraries, Museums or Archives	Requirements in CO and Prescribed Conditions in Regulation for Compliance
<p>Section 51A</p> <p>Conditionally permits specified libraries, museums or archives to <b>communicate a copy made under section 51</b> to their <b>users or staff</b> by <b>making</b> the copy <b>available online</b> to be <b>accessed</b> through the <b>use of a computer terminal</b> installed <b>within</b> their <b>premises</b></p>	<p>Any library, museum or archive.</p>	<p>(a) Only one user may access the copy at any one time.</p> <p>(b) The library, museum or archive takes appropriate measures to prevent users from further copying the copy or communicating the copy to others.</p> <p>(c) This permitted act does not apply if the library, museum or archive knew or ought to have been aware of the fact that licences under licensing schemes are available authorizing the communication in question.</p>

Section No. and Permitted Act	Specified Libraries, Museums or Archives	Requirements in CO and Prescribed Conditions in Regulation for Compliance
<p>Section 52</p> <p>Conditionally permits specified libraries, museums or archives to—</p> <p>(a) <b>copy the whole or parts of unpublished literary, dramatic, musical or artistic works</b> from a document (including a document in electronic form); or</p> <p>(b) <b>copy the whole or parts of unpublished sound recordings or films,</b></p> <p>and <b>supply the copies</b> for purposes of <b>research or private study</b></p>	<p>Any library, museum or archive.</p>	<p>(a) This permitted act does not apply if at the time of copying the library, museum or archive is or ought to be aware of either of the following—</p> <p>(i) the work had been published before it was deposited in the library, museum or archive; or</p> <p>(ii) the copyright owner has prohibited copying of the work.</p> <p>(b) The recipient must declare that—</p> <p>(i) the copy will only be used for research or private study; and</p> <p>(ii) the recipient has never had a copy of the work, or had had a copy but the copy has been lost, destroyed or damaged.</p> <p>(c) Only one copy of each work may be supplied to the recipient.</p> <p>(d) The recipient is required to pay for the cost attributable to the production of the copy.</p>



Section No. and Permitted Act	Specified Libraries, Museums or Archives	Requirements in CO and Prescribed Conditions in Regulation for Compliance
<p>Section 52A</p> <p>Conditionally permits specified libraries, museums or archives to <b>play or show sound recordings or films</b> in their <b>permanent collections</b> to the <b>public within</b> their <b>premises</b></p>	<p>Any library, museum or archive.</p>	<p>(a) If the audience is required to pay for the playing or showing of the sound recording or film, the payment is no more than a reasonable contribution towards the maintenance of the library, museum or archive.</p> <p>(b) This permitted act does not apply if the library, museum or archive knew or ought to have been aware of the fact that licences under licensing schemes are available authorizing the playing or showing of the sound recording or film.</p>

Section No. and Permitted Act	Specified Libraries, Museums or Archives	Requirements in CO and Prescribed Conditions in Regulation for Compliance
<p>Section 53</p> <p>Permits the <b>copying</b> by specified libraries, museums or archives of <b>articles of cultural or historical importance or interest</b> which are <b>likely to be lost to Hong Kong through sale or export, for deposit</b> at such libraries, museums or archives</p>	<p>(a) A library, museum or archive of the Government, the Legislative Council or the Judiciary.</p> <p>(b) A library, museum or archive that is not established or conducted for profit and the collection of which includes copyright works and is generally accessible to the public or a section of the public.</p>	<p>(a) The article is of cultural or historical importance or interest.</p> <p>(b) The article is likely to be lost to Hong Kong through sale or export.</p>