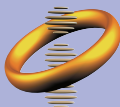


# **Copyright (Amendment) Ordinance 2022 ("Amendment Ordinance")**

## **New and Expanded Copyright Exceptions**

(Effective on 1 May 2023)



Intellectual Property Department  
The Government of the Hong Kong  
Special Administrative Region

To tie in with the introduction of the communication right and also to maintain an appropriate balance between copyright protection and reasonable use of copyright works, the Amendment Ordinance introduces **new copyright exceptions** and **expands pre-existing copyright exceptions** in the Copyright Ordinance (Cap. 528) ("Ordinance").<sup>1</sup>

## New Copyright Exceptions

### Fair dealing of copyright works

for the following specific purposes:



**P**arody, satire, caricature and pastiche



**C**ommenting on current events<sup>2</sup>



**Q**uotation from a work for criticism, review or other purposes<sup>2,3</sup>

These exceptions would, in appropriate cases, already cover a wide range of common and reasonable Internet activities.

- 1 When a copyright exception applies, a copyright work may be used without its owner's consent
- 2 To be accompanied by a sufficient acknowledgement identifying the work and its author, where feasible
- 3 The work must have been released or communicated to the public, and the extent of the quotation is no more than necessary for the specific purpose of the quotation



**Fair dealing** of a copyright work generally refers to dealing with the work in a fair and reasonable manner, and has to be determined by considering all the circumstances of the case, particularly —

- the **purpose and nature** of the dealing, including whether such dealing is for a non-profit-making purpose and of a commercial nature;
- the **nature** of the work;
- the **amount and substantiality** of the portion dealt with in relation to the work as a whole; and
- the **effect** of the dealing on the potential market for or value of the work.

### Copying sound recordings for private and domestic use

The owner of a sound recording (original copy) may make an additional copy of the recording (private copy)(e.g. ripping music from CD to MP3 format) for private and domestic use, subject to the following prescribed conditions:

- the original copy must be a genuine copyright work;
- only one private copy is made and stored in each personal device of the owner; and
- the owner must retain the ownership of both the original and private copies.



# Expanded Copyright Exceptions



## For Educational Establishments

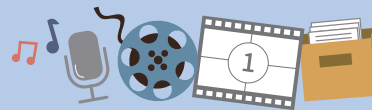
- (a) An educational establishment, or its pupil in a specified course of study, may, to a reasonable extent, make copies of artistic works, passages from published literary, dramatic or musical works, or extracts from published sound recordings or films for educational purposes.
- (b) A person authorized by an educational establishment may communicate to an authorized recipient (e.g. a teacher or pupil of the establishment) for educational purposes (e.g. distance learning) —

- a recording of a broadcast or cable programme, or a copy of such a recording, made in accordance with section 44 (1) of the Ordinance; and
- a copy of any works made pursuant to point (a) above.



## For Specified Libraries, Museums and Archives

- (a) Certain copyright exceptions for librarians of specified libraries and archivists of specified archives are extended to benefit curators of specified museums.
- (b) To facilitate libraries, archives and museums in their daily operations (such as the communication, playing or showing of certain works in their premises) and in preserving valuable works, the scope of certain pre-existing copyright exceptions is expanded and new copyright exceptions are introduced.



These exceptions are subject to certain prescribed conditions. For example, those exceptions for educational establishments mentioned above, and certain exceptions for libraries, museums and archives do not apply if licences under the relevant licensing schemes are available.

This leaflet intends to provide a brief overview of the new and expanded copyright exceptions under the Amendment Ordinance for general reference only. Please consult professional advice if in doubt.

Please visit  
[www.ipd.gov.hk](http://www.ipd.gov.hk)

