

Mr. Edward Yau, GBS, JP
Secretary for Commerce & Economic Bureau
Commerce and Economic Bureau
22/F, West Wing, Central Government Offices
2 Tim Mei Avenue
Tamar, Hong Kong



**The American Chamber
of Commerce in Hong Kong**

22/F, Hong Kong Diamond Exchange Building
8-10 Duddell Street, Central
Hong Kong

February 22, 2022

Re: Updating Hong Kong's Copyright Regime

Dear Secretary Yau,

The American Chamber of Commerce in Hong Kong (“AmCham HK”) appreciates the HKSAR Government’s commitment to reactivating the long-overdue copyright reform in Hong Kong. As a long-time advocate for Hong Kong’s development as a global and regional intellectual property (“IP”) hub, AmCham HK has been providing comments on improving the copyright regime since 2003 and is pleased to have the opportunity to provide the following comments.

We are encouraged by the latest Chief Executive’s Policy Address to position Hong Kong as a regional IP trading center and an East-meets-West Center for International Cultural Exchange.¹ Echoing your remarks on multiple occasions describing Hong Kong’s copyright regime was “over a decade behind international developments”, AmCham HK reiterates the importance to comprehensively review and update the copyright regime at an earliest date to strengthen copyright, combat digital and online piracy, as well as to keep pace with international norms and technological advancements which are conducive to the development of creative industries in Hong Kong.

In the meantime, AmCham HK understands the Government is focusing on the four outstanding issues laid out in the public consultation paper. Specifically on contract override, we support the Government’s position to maintain a non-interference approach to contractual arrangements. Upholding the freedom of contract in Hong Kong, introducing provisions to the Copyright Ordinance to restrict the use of contracts to exclude or limit the application of statutory copyright exceptions would have a deep and extensive impact on business models and operations.

AmCham acknowledges the Government’s overall approach to addressing the most imminent and fundamental issues that were left off from previous exercises in the forthcoming amendment bill as a starting point, passage of which would be a step in the right direction to continue the robust development of the industries while fostering creativity and innovation. AmCham HK urges the Government to proceed with modernizing the copyright regime.

We welcome and look forward to future opportunities to discuss with you and your office on emerging copyright issues, particularly AI and copyright, text and data mining, as well as the term of protection. Please do not hesitate to contact Queenie Tsui, Director, Communications & Government Affairs (email: qtsui@amcham.org.hk) for follow up.

Best regards,

Tara Joseph
President

¹ <https://www.policyaddress.gov.hk/2021/eng/p70.html>