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Page: 1/2

**Council for Trade-Related Aspects of
Intellectual Property Rights**

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS
UNDER ARTICLE 63.2 OF THE TRIPS AGREEMENT**

HONG KONG, CHINA: COPYRIGHT (AMENDMENT) ORDINANCE 2022 (ORD. NO. 16 OF 2022)

Notifying Member	HONG KONG, CHINA
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Details of the notified legal text

Title	Copyright (Amendment) Ordinance 2022 (Ord. No. 16 of 2022)
Subject matter	Copyright and related rights; Industrial property (general)
Nature of notification	<input checked="" type="checkbox"/> Main dedicated intellectual property law or regulation <input type="checkbox"/> Other law or regulation
Link to legal text*	https://ip-documents.info/2023/IP/HKG/23_10037_00_e.pdf
Notification status	<input type="checkbox"/> First notification <input checked="" type="checkbox"/> Amendment or revision to notified legal text <input type="checkbox"/> Replacement or consolidation of notified legal text(s)
Previous notification(s) referred to	IP/N/1/HKG/37 ; IP/N/1/HKG/4 ; IP/N/1/HKG/2 ; IP/N/1/HKG/C/2/Add.3 ; IP/N/1/HKG/C/2/Add.2 ; IP/N/1/HKG/C/2 ; IP/N/1/HKG/C/1/Add.14 ; IP/N/1/HKG/C/1/Add.13 ; IP/N/1/HKG/C/1/Add.12 ; IP/N/1/HKG/C/1/Add.11 ; IP/N/1/HKG/C/1/Add.10 ; IP/N/1/HKG/C/1/Add.9 ; IP/N/1/HKG/C/1/Add.8 ; IP/N/1/HKG/C/1/Add.7 ; IP/N/1/HKG/C/1/Add.6 ; IP/N/1/HKG/C/1/Add.5 ; IP/N/1/HKG/C/1/Add.4 ; IP/N/1/HKG/C/1/Add.3 ; IP/N/1/HKG/C/1/Add.2 ; IP/N/1/HKG/C/1/Add.1 ; IP/N/1/HKG/C/1

Brief description of the notified legal text

1. The Copyright (Amendment) Ordinance 2022 (the "Amendment Ordinance") updates the Copyright Ordinance (Cap. 528) mainly to strengthen copyright protection in the digital environment, covering the following five key areas:

- (a) To introduce a new technology-neutral exclusive communication right for copyright owners to communicate their copyright works to the public through any mode of electronic transmission;
- (b) To introduce criminal sanctions against infringements relating to the new communication right;
- (c) To revise and expand the scope of copyright exceptions to allow use of copyright works in certain common Internet activities; facilitate online learning and operation of libraries, museums and archives; and allow media shifting of sound recordings for private and domestic use, etc.;

- (d) To introduce "safe harbour" provisions to provide incentives for online service providers to cooperate with copyright owners in combating online piracy; and
- (e) To introduce two additional statutory factors for the court to consider when assessing whether to award additional damages to copyright owners in civil cases involving copyright infringements.
2. The Amendment Ordinance also repeals a few outdated and not-in-operation provisions of the Copyright (Amendment) Ordinance 2007 (Ord. No. 15 of 2007) relating to rental rights for comic books.

Language(s) of notified legal text	English
Entry into force	1 May 2023
Other date	

Notification details

Submission date of notification	12 May 2023
Other information	
Agency or authority responsible	Intellectual Property Department Government of Hong Kong, China Telephone: (852) 2961 6901 Fax: (852) 2574 9102 Email: enquiry@ipd.gov.hk

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