

13th Business Liaison Group Meeting for Recreational Clubs



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Legislation

Copyright Ordinance, Cap. 528

Copyright works:-

- ◆ original literary, dramatic, musical or artistic works
- ◆ sound recordings, films, broadcasts or cable programmes
- ◆ the typographical arrangement of published editions

Offences and Maximum Penalties

- ◆ Make, sell, possess or import/ export an infringing copy of a copyright work for commercial purposes:
 - + imprisonment for **4 years** and fine of **HK\$50,000 per infringing copy**
- ◆ Make, sell, possess or import/ export an article specifically designed or adapted for making infringing copies of a particular copyright work for commercial purposes:
 - + imprisonment for **8 years** and fine of **HK\$500,000**

End-user's Liability

- ◆ Use of a pirated copyright work in the course of business
 - + Computer software
 - + Movies
 - + TV dramas
 - + Musical sound/visual recordings
 - + Maximum penalty: imprisonment for **4 years** and fine of **HK\$50,000 per infringing copy**
- ◆ Examples
 - + Companies using unlicensed software
 - + Karaoke bars using infringing music / videos

Enforcement

Recent enforcement action

- ◆ In mid Dec 2013, Customs took enforcement action to search a technology company and 5 other pubs at different locations
- ◆ 49 sets of karaoke system loaded with infringing songs and movies were seized
- ◆ 6 men and 3 women were arrested
- ◆ Investigation is still ongoing

FAQ

- 1) How can the trade tell whether the songs in the karaoke system are with copyrights or not?
 - ✓ Copyright is an automatic right. It subsists when a works is created and recorded.
 - ✓ All the musical sound/ visual recordings are with copyright.

2) What should the trade be aware of if they are going to buy karaoke systems?

- ✓ To fulfill the licensing requirements or conditions of the copyright owners concerned.
- ✓ Due diligence to ensure the songs are licensed by the copyright owners.
- ✓ Do not simply count on the suppliers/ agents, cross check with other sources.

3) Is it legal for the trade to use songs downloaded from the internet?

- ✓ Obtain songs from proper channels.
- ✓ Using infringing songs downloaded from internet for business commits an offence.

4) Is it legal for the trade to transfer songs from a genuine music CD to an iPod on a PA system so as to be played as background music at the club?

- ✓ Un-authorized transfer : infringing copy
- ✓ Using infringing copyright work in the course of business is offence

Q & A's

Thank you

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