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| **For Official Use** |
| Date of receipt |
| Application No. |

**Annex**

**Application by Non-Government-owned Libraries, Museums or Archives**

**for Designation under Section 118(2FB) of the Copyright Ordinance**

**Application Form**

\*Before completing this form, please read thoroughly the **Guidance Note for Applicants** and the **Important Notes** at the end of this form.

Application is made to the Secretary for Commerce and Economic Development (“SCED”) for consideration to be designated under section 118(2FB) of the Copyright Ordinance, Cap. 528 (“CO”). The completed application form with all supporting information and documents as required in this application form must be sent to the Intellectual Property Department (“IPD”) **on or before 2 July 2024**by hand or post at the following address:

 Copyright Team
 Intellectual Property Department

 24/F Wu Chung House

 213 Queen’s Road East

 Wanchai, Hong Kong

**1. Details of Applicant**

1. Name of non-government-owned library, museum or archive in the Hong Kong Special Administrative Region (“HKSAR”) —

(i) in English: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(ii) in Chinese: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Type *(Please tick the appropriate box below and* ***provide the relevant supporting documents****)*

[ ]  Library

[ ]  An institutional member of the Hong Kong Library Association (HKLA) [[1]](#footnote-1)

[ ]  Museum

[ ]  An institutional member of the International Council of Museums (ICOM) [[2]](#footnote-2)

[ ]  Archive

1. Registration number(s) *(If applicable, please tick the appropriate box below and* ***provide the required supporting information and documents****)*

[ ]  Company registration number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***Please provide a copy of the certificate of incorporation and articles of association in support.***

[ ]  Registration number under the Societies Ordinance (Cap. 151): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***Please provide a copy of the constitution in support.***

[ ]  Business registration number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***Please provide a copy of the business registration certificate in support.***

1. Address and contact details in HKSAR

|  |  |
| --- | --- |
| Address of registered office / principal place of business |   |
| Telephone number |  |
| Email address |  |

1. Particulars of contact person(s)/office bearer(s)

|  |  |
| --- | --- |
| Full name in English |  |
| Full name in Chinese (if applicable) |  |
| Position held (e.g. Director, Partner, etc.) |  |
| Telephone number  |  |
| Email address |  |

**2. Details of Owner of Applicant**

1. Name of the Owner of non-government-owned library, museum or archive (as provided in part (1)(a) above)—
2. in English: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
3. in Chinese: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***Please provide supporting documents to show the Applicant’s relationship with its Owner.***

1. Registration number(s) *(Please tick the appropriate box below and* ***provide the required supporting information and documents****)*

[ ]  Company registration number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***Please provide a copy of the certificate of incorporation and articles of association in support.***

[ ]  Registration number under the Societies Ordinance (Cap. 151): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***Please provide a copy of the constitution in support.***

[ ]  Business registration number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***Please provide a copy of the business registration certificate in support.***

1. Tax exemption status of the Owner of non-government-owned library, museum or archive[[3]](#footnote-3) *(Please tick the appropriate box below and* ***provide the required supporting information and documents****.* ***\*If none of the following items applies, then the Applicant is NOT eligible for the application.****)*

[ ]  A charitable institution or trust of a public character that is exempt from tax under section 88 of the Inland Revenue Ordinance (Cap.112) (“IRO”); or

 ***Please provide supporting documents such as a trust deed.***

[ ]  A statutory body[[4]](#footnote-4) that is exempt from tax under an Ordinance other than the IRO; or

*Please**state the Ordinance and its chapter below:*

*Ordinance: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Chapter: \_\_\_\_\_\_\_\_\_\_\_\_*

[ ]  A subsidiary[[5]](#footnote-5) of a statutory body[[6]](#footnote-6) that is exempt from tax under an Ordinance other than the IRO.

***Please provide supporting documents*** *and state the Ordinance and its chapter below:*

*Ordinance: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Chapter: \_\_\_\_\_\_\_\_\_\_\_\_*

1. Address and contact details in HKSAR

|  |  |
| --- | --- |
| Address of registered office / principal place of business |  |
| Telephone number |  |
| Email address |  |

1. Particulars of contact person(s)/office bearer(s)

|  |  |
| --- | --- |
| Full name in English |  |
| Full name in Chinese (if applicable) |  |
| Position held(e.g. Director, Partner, etc.) |  |
| Telephone number  |  |
| Email address |  |

**3. Additional supporting information and documents**

*(Please tick the appropriate box below and* ***provide the required supporting information and documents****)*

|  |  |
| --- | --- |
| (a) | [ ]  Applicant (i.e. library/museum/archive) has one or more than one category of the following works in its collection:[ ]  Movie;[ ]  Television drama;[ ]  Musical sound recording;[ ]  Musical visual recording. |
| (b) | [ ]  Applicant accepts/will accept public donation of a copy of the work(s) ticked in (a) above. |
| (c) | [ ]  Applicant keeps/will keep a copy of the work(s) ticked in (a) above and donated/given by the public for the purpose of heritage conservation.***Please provide supporting documents, such as the Applicant’s mission statements setting out its vision, mission and values.*** |
| (d) | [ ]  Applicant provides supporting information and documents for the status as a **library/museum/archive\***. |
| (e) | [ ]  Any other supporting information or documents that the Applicant considers will support its application.***Please specify the title of each piece of the submitted supporting information and documents.*****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| (f) | [ ]  The Applicant has read and understood the “**Important Notes**” at the end of this form. |
| \* | Please delete where inapplicable. |
| # | ***All the supporting information and documents submitted with this application need to be certified by the relevant office bearer.*** |

**4. Declaration by the Applicant**

I/We\* declare that the Applicant’s operation in running a library, museum or archive is in compliance with the laws of the HKSAR, and all the information, particulars, statements, materials and documents submitted herein and with this application are true and correct to the best of my/our\* knowledge and belief.

I/We\* confirm that I/we\* have read and understood the “**Important Notes**” at the end of this form.

Signed

Name of the Applicant’s Authorised Signatory

Capacity

(Evidence of authorisation of the signatory should be produced)

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\* Please delete where inapplicable.

**Important Notes**

1. **General notes**
2. You are advised to read sections 118(2A), (2B), (2E), (2F), (2FA), (2FB) and (2FC) of the CO before submitting this application.
3. SCED and/or the Director of Intellectual Property (whether upon the advice of the Director of Leisure and Cultural Services or not) may request the Applicant to submit supplementary supporting information and documents should the application submitted be incomplete or lacking sufficient documentary proof.
4. The Applicant must promptly inform the IPD in writing of any changes to the information provided in this form or the supporting information and documents submitted with this application, even after the application is submitted or approved. This is particularly important in respect of the following:
	1. any alteration to the name(s) of the Applicant and/or Owner in this application;
	2. any change in the tax exemption status of the Owner; and
	3. any update to the address(es) of the registered office(s) or the principal place(s) of business of the Applicant and/or Owner, as relevant.
5. To rely on the exemption from the business end-user possession offence imposed by section 118(2A) and (2B) of the CO, a non-government-owned library, museum or archive that has been designated by SCED under section 118(2FB) of the CO **must** comply with all the conditions set out in either section 118(2E) or (2F) of the CO.
6. To avoid doubt, the designation of non-government-owned library, museum or archive under section 118(2FB) of the CO only qualifies the said library, museum or archive for the exemption from the business end-user possession offence mentioned in paragraph 4 above, but does not exempt it from or affect any civil or criminal liability that it may otherwise have under other provisions of the CO, any other Ordinances or any rule of law.
7. For enquiries on this application form, please contact the Copyright Team of the IPD (email: ipdcopyright@ipd.gov.hk).
8. **Use of personal data**
9. The Government is committed to ensuring that all personal data provided are handled in accordance with the relevant provisions of the Personal Data (Privacy) Ordinance, Cap.486 (“PD(P)O”).

*Purposes of Collection*

1. The personal data provided by means of this form and the supporting information and documents will be used by the Government for the following purposes:
2. activities relating to the processing of the Applicant’s application in this form;
3. activities relating to the designation and revision of the designation notice (if applicable); and
4. facilitating communication between the IPD and yourself / the Applicant.

The provision of personal data is voluntary. However, failure to supply the requested information may impede our ability to carry out the processes mentioned in points (a) to (c) above.

*Transfer of Personal Data*

1. The personal data collected will be kept in confidence. However, the Government may disclose your personal data to other organisations and third parties for the purposes of collection mentioned above.

*Access to Personal Data*

1. In accordance with the PD(P)O, you have the right to access and correct your personal data provided. The relevant request shall be submitted in writing to the Personal Data (Privacy) Officer of the IPD at 24/F Wu Chung House, 213 Queen’s Road East, Wanchai, Hong Kong.
2. **Warning**

11. If any false statement, information or documents are provided in relation to this application, the application will be refused; if such circumstances are discovered after the designation notice is published, the relevant library, museum or archive will be removed from the designation notice.

12. Any person who makes or uses a false instrument or a copy of a false instrument commits an offence.

1. HKLA, a Hong Kong organisation established in 1958, aims to unite the practitioners in different libraries and information institutions, to plan and promote the development of the library profession, and to enhance the professional status of the library practitioners. [↑](#footnote-ref-1)
2. 2 ICOM, established in 1946, is an international organisation of museums and museum professionals and is committed to the conservation, continuation and communication to society of the world's natural and cultural heritage. [↑](#footnote-ref-2)
3. 3  Please refer to section 118(2FB) of the CO for details. [↑](#footnote-ref-3)
4. 4 “Statutory body” means a body established or constituted by or under the authority of an Ordinance. [↑](#footnote-ref-4)
5. 5  “Subsidiary” has the meaning given by section 15 of the Companies Ordinance (Cap. 622). [↑](#footnote-ref-5)
6. 6 See footnote 4. [↑](#footnote-ref-6)