

New Provisions for liability of directors and partners now in effect

New provisions of the Copyright (Amendment) Ordinance 2007 concerning the liability of directors and partners in relation to “possession offence” and civil liability against the act of circumvention of technological measures used for copyright protection came into effect today (July 11), a spokesperson for Intellectual Property Department said.

Under the new provisions, where an organisation has committed an offence relating to possession of infringing copies of computer programmes, movies, television dramas or musical (sound or visual) recordings for use in business, its directors and partners may also be held criminally liable.

To help organisations better manage their copyright assets and guard against inadvertent end-user piracy in business, the Government has produced a “Guidance Note on Prevention of End-User Piracy in Business”. More than 12,000 copies of the guidance note have been distributed to business organisations in Hong Kong. Interested parties can gain access to the guidance note by visiting the website http://www.ipd.gov.hk/eng/intellectual_property/copyright/booklet_piracy_in_business_e.pdf. The Government and the relevant stakeholders launched a free Software Asset Management (SAM) Consultancy Programme in October, 2007, to help the business community, in particular the small and medium enterprises, better manage their software assets and ensure compliance with the related provisions.

Concerning the provisions to new civil liability against the act of circumvention of technological measures used for copyright protection, the Government has produced a “Guidance Note for Proponents of Additional Exemptions on Circumvention of Technological Measures” (http://www.ipd.gov.hk/eng/intellectual_property/copyright/Note_for_Proponents_Circumvention_e.pdf) to facilitate the submission of new proposals to the Government.

More information about the new provisions and relevant materials can be found on the website of the Intellectual Property Department at www.ipd.gov.hk.

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