

# Copyright (Amendment) Ordinance 2020 gazetted

The Copyright (Amendment) Ordinance 2020 (the Amendment Ordinance) was gazetted and came into operation today (June 26). The Amendment Ordinance enhances the copyright exceptions relating to persons with a print disability in the Copyright Ordinance (Cap. 528) in order to meet the standards under the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (Marrakesh Treaty).

The Amendment Ordinance enhances the exceptions or permitted acts in the existing Copyright Ordinance that allow the production of specially adapted copies (accessible copies) for the personal use by persons with a print disability, including:

- (a) expanding the definition of "print disability" in the Copyright Ordinance to enable persons with a perceptual or reading disability, including dyslexia, to use the copyright exceptions provided for persons with a print disability;
- (b) making it clear that audio forms of certain copyright works (such as audiobooks) may be used in the production of accessible copies for the personal use by persons with a print disability; and
- (c) allowing cross-border exchange of accessible copies of copyright works for the personal use by persons with a print disability, subject to certain conditions being met.

The Amendment Ordinance also introduces other amendments to the existing copyright exceptions relating to persons with a print disability, including amending certain formulations in the Ordinance to better align with those used in the Marrakesh Treaty.

"Enhancing the copyright exceptions in the Copyright Ordinance for persons with a print disability will benefit a wider print-disabled population, enabling them to enjoy better access to accessible copies of copyright works," a Commerce and Economic Development Bureau spokesman said.

The Marrakesh Treaty is an international agreement concluded under the auspices of the World Intellectual Property Organization. Its main goal is to facilitate and enhance access to copyright works in accessible formats for persons with a print disability. As at early June 2020, 67 countries have ratified or acceded to the Treaty. China is a signatory to the Treaty but has yet to ratify it. Although Hong Kong has no obligation to comply with the Marrakesh Treaty at present, the Amendment Ordinance will enhance the existing copyright exceptions to bring them in line with the international standards set out in the Treaty, benefiting persons with a print disability as soon as possible.