

Hong Kong copyright bill: Why we need it and what to do with it

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Business

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“Foreign officials, entrepreneurs and their chambers of commerce in Hong Kong have been urging us to pass this [Copyright Amendment Bill] as soon as possible in every meeting [with the government] over the past two years.”

Leung Chun-ying

SCMP, December 7

With a few taps on the keyboard of my laptop I can access and listen to any piece of music I have ever cared to hear. I assume I can do the same with movies except that I don't watch movies much.

It is all standard digital reproduction, as good as I can get from the legitimate article, and I don't have to pay anyone a cent for it.

I cannot do it quite so easily with books yet but that day will come. Two-thirds of the books I now buy I read through an e-book reader or listen to as audiobooks. These are about half the cost of their hard copy print versions and I don't mind paying up. If I did, however, I know there are pirate gateways to vast libraries.

[READ MORE: Hong Kong needs strict copyright protections, says China's science and technology minister \[1\]](#)

It is also true of artworks, of software, of pretty much everything that has ever been copyrighted. They are all just copy write now. Copy and write or preserve in any form you want, electronic or print. The war on copyright piracy has been lost.

Or won, if you look at it from the Robin Hood perspective and there are many people who do, including, let's be frank, a significant proportion of industrialists across the border. Include patent infringement and it's my guess that a measurable element of mainland China's present wealth stems from intellectual piracy.



Selective enforcement of the law is a speciality of Hong Kong's law enforcement agencies. Photo: SCMP Pictures

But think of how this industrialist sees it. To him it is a matter of the haves in America and Europe trying to keep the have-nots of Asia in permanent economic subjugation. Even our chief executive recognises this point of view – “Foreign officials, entrepreneurs and their chambers of commerce ...”

Historically it also apt. It used to be the United States that demanded more liberal copyright laws with Europeans, who held most copyrights, resisting these demands. Now it is the copyright-rich US that demands rigorous copyright enforcement while Europeans are changing their minds.

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I have never understood how one can say “all mine” of an artwork as one can say it of a pen (which, by way, one

cannot. The design is copyrighted). Find me that individual whose thoughts, compositions, or designs were conceived outside of any influence from his or her culture.

Why then give all the rights to the individual and not recognise the culture? It is in fact a bizarre notion that an idea can be a possession, that it springs magically into existence from nothing and is owned outright by the first person who was publicly recognised as declaring it.

Nor am I convinced that artists need copyright in order to conceive art, that they are like appliance salesmen and won't do their thing unless their income is directly linked to meeting their production targets. This may be true of the "product" of commercial "studios" but let's not demean real creative works, shall we.

Unfortunately, the studios have convinced governments around the world that victory in the Copyright Wars is still attainable if only copyright laws are made even more severe. It's a last-gasp delusion but politicians fall for it.

Thus let's cut to the chase. We have to pass this new and more restrictive copyright law because the foreign interests to whom Mr Leung refers can make commercial life very difficult for us if we do not. It is the price we pay for being a trading and financial centre and it is probably a price worth paying.

But this does not say we have to enforce this law with any zeal and I heartily recommend to Mr Leung that we do not.

He is entirely familiar with how to pass laws and not enforce them. Think of our supposed ban on idling engines or illegal parking by drivers waiting for their bosses. Selective enforcement of the law is a speciality of our law enforcement agencies.

So, yes, let's pass this law and satisfy these foreign chambers of commerce. Then let us pinch our noses and hold it distant between thumb and forefinger.

More on this:

[Hong Kong copyright bill: Don't delay vote, warns Chief Executive Leung Chun-ying as opponents threaten freedom](#)

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