

- Constitutional Legislation Committee, the Parliament of the Commonwealth of Australia, May 2001.
<[http://www.aph.gov.au/Senate/committee/legcon_ctte/copyright2001/Copyright%20\(Parallel%20Imports\)%202001.pdf](http://www.aph.gov.au/Senate/committee/legcon_ctte/copyright2001/Copyright%20(Parallel%20Imports)%202001.pdf)>, accessed 19 February 2001.
- 13 Section 16 of the *Customs Administration Act*.
- 14 Section 132(5A) & (5B) of the *Copyright Act*.
- 15 An example is the requirement that the mechanism used to illegally access the system, the circumvention device, have no substantially non-infringing purpose. This leads to the unusual result that the infringer could, by attempting to legitimise the illicit business and applying it to other non-infringing uses, shield the illicit business
- from liability under these provisions. This was surely not envisaged by the legislator.
- 16 Sections 116B and 132(5C) of the *Copyright Act*.
- 17 Sections 115 and 116 of *Copyright Act*.
- 18 *Ly v Jenkins* [2001] FCA 1640 (26 November 2001).
- 19 For example high volume low commercial impact infringements.

Hong Kong - Parallel Imports of Computer Software

Intellectual Property News, Linklaters and Alliance

Hong Kong: The Copyright (Amendment) Bill will amend the Copyright Ordinance to exclude from the class of “infringing copies” any copy of a computer program which has been brought into Hong Kong as a parallel import.

The *Copyright (Amendment) Bill 2001* was published on 7 December. This is intended to liberalise the parallel importation of computer software. It will amend the Copyright Ordinance to exclude from the class of “infringing copies” any copy of a computer program which has been brought into Hong Kong as a parallel import.

A “parallel import” in this context means a copy of a computer program

that was lawfully made outside Hong Kong but was imported into Hong Kong without the permission of the copyright owner. The exclusion also applies to a “copy of an associated work” i.e. a copy of any other work that was embodied in the same article as the computer program at the time of its importation.

However, the Bill carves out from the definition of an associated work: a feature film or part of a feature film

whose duration (as embodied in the article) is more than 20 minutes; or a musical sound recording or musical visual recording, where the economic value of the article is substantially attributable to the economic value of the copy.

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Contribute to the Journal

The editors welcome contributions to the journal

We encourage submission of articles, casenotes, reviews and comments on topics relating to computers/technology and the law.

The following are some topics you may be interested in submitting a piece on:

- casenote on any recent litigation in Australian and New Zealand courts;
- the internet, content regulation, jurisdictional and conflict of law issues;
- issues arising from computer contracting;
- e-commerce and related subjects such as financial services and securities dealing on the web;
- privacy, consumer protection and security issues concerning the use of computer technology.

Please feel free to submit papers on topics of your choice that are of current public interest. The above suggestions are intended merely as “springboards”. Please refer to the “Notes for Contributors” on the next page for more details.