

Submission from Motion Picture Association (MPA):**1. In page 22 under section 4.9.1 Communications technologies**

- On a more imminent front, the expected launch of digital terrestrial television (DTT) by the two local terrestrial television broadcasters in 2007 will provide another digital platform for media convergence. DTT will bring free-to-air high-definition television services to Hong Kong. It is also expected to spur the growth of interactive services such as datacasting (e.g., financial quotes and flight information) and online games. ICT manufacturers will benefit from the demand for consumer electronic products capable of receiving digital television services.

MPA comment 1:

For free to air television to remain a viable means of distribution, the transition to digital television must be accompanied by a solution to prevent its unauthorized redistribution over the Internet. In the USA discussions are underway to incorporate the broadcast flag into unencrypted free-to-air digital television. Japan has already implemented its own version of the flag which signals a "copy one" for copyrighted content, while other countries are also studying such solutions.

Technological solutions exist for all types of broadcasting systems, including the DVB systems, but all these need government leadership to take effect. For HK to continue in its position of leadership in digital media industry, it should consider seriously the introduction of redistribution control as a means to promote the digital content industry. Redistribution control will prevent the unauthorized copying of content, including to the Internet.

Discussions on this topic have taken place in the Asia Pacific Broadcasting Union (ABU) and in the Cable and Satellite Broadcaster's Association of Asia (CASBAA). To further elucidate this topic, the MPA has attached a paper entitled, "Preserving the Viability of Digital Broadcast TV" that was given during the Broadcast Asia 2005 conference and that was also re-published in the ABU Technical Review journal July-August 2005.

In addition, MPA suggests the Government to consider improving the Copyright Ordinance/Broadcast Ordinance with clauses to address specifically the copyright violations under the digital broadcasting scenario. New legislation should include effective civil and criminal penalties for acts of circumvention of the digital protection mechanisms of the DTT device.

For the protection of digital set-top boxes we recommend the CASBAA content protection guidelines formulated by 110 Asian cable and

satellite operators of the Cable and Satellite Broadcasters Association of Asia (CASBAA). To reference the position of CASBAA on content protection needed for set-top boxes, please refer to this web link:

http://www.casbaa.com/doc/CASBAA_Content_Protection_Principles_Aug05.pdf

- The Government will continue to provide an enabling environment for the introduction of new communications technologies, such as broadband wireless access for fixed-mobile convergence and ultra-wideband for home networking. Policy frameworks and regulatory arrangements, such as those relating to the radio frequency spectrum, will be reviewed as and when necessary to take account of prevailing market situations.

MPA comment 2:

MPA suggests that the Government require legislation to request broadband wireless providers to keep detailed records of wireless access (e.g. IP address, time and access node) so that tracing of wireless access will be possible under request from proper authorities. Such records can help the investigations of criminal activity, including intellectual property rights violations (and other serious crimes) on the Internet via wireless access. For public access networks, appropriate security measures must be required for users to register their identities to gain access to the Internet.

2. In page 23 under section 4.9.2 Digital content

- “Content is king” is the often quoted slogan of the media industry. Emergence of new distribution platforms, such as DTT and mobile television services, will boost the demand for new content in different formats (e.g., tailor-made clips and short programmes for mobile television) as well as enhanced content (e.g., high definition content and interactive advertising).

MPA comment 3:

MPA suggests the Government clarify legislation to prohibit the illegal transformation of content in different formats manually or automatically without the authorization of content owner.

- With our solid industrial base and a ready pool of creative talent in film production, broadcasting and advertising, Hong Kong has the means to develop into a digital content and services hub in the Asia-Pacific region. To spearhead development in this area, the Government has sponsored the establishment of various industry support centres at Cyberport, including the Digital Entertainment

Incubation-cum-Training Centre and the Digital Media Centre, to provide state-of-the-art facilities as well as technical and marketing support to companies involved in computer graphics, animation, and the production of films and games.

MPA comment 4:

MPA suggests the Government to increase resources for improving the existing infrastructure for Digital Content Production and Digital Content Protection and promotion to public.

3. In page 34 under section 5.9.3 Protection of intellectual property rights

- Development and exchange of digital content can effectively take place only in the presence of adequate intellectual property rights protection. With the support of the Innovation and Technology Fund, a Digital Rights Management (DRM) infrastructure employing state-of-the-art technologies was set up at Cyberport in November 2005 to provide a channel for digital content creators to distribute their products to consumers efficiently at a very low cost. With funding support from the Government, the Hong Kong Cyberport Management Company is implementing a two-year programme starting from June 2006 to promote the use of DRM among ICT system developers, digital content developers and consumers, particularly young people, so as to cultivate a legal software download culture in the community.

MPA comment 5:

MPA considers DRM is an important means of copyright protection. The wider adoption of DRM by content owner and distributor can reduce the casual pirate activity. MPA suggests the Government work out a long-term strategy and allocate sufficient funds for DRM development and promotion.

- At the same time, the Government will continue with its efforts to provide a robust system to safeguard intellectual property rights in Hong Kong. This includes keeping our intellectual property legislation up to date, taking vigorous enforcement action against infringement activities and conducting public education to increase community awareness of, and respect for, others' intellectual property rights. Specifically, the Government will launch a public consultation exercise on the review of copyright protection in the digital environment by the end of this year.

MPA comment 6:

MPA has previously submitted its views to HKSAR Government on the need to update the Copyright Ordinance to ensure continued protection for copyrighted works over the Internet and we reiterate those comments here as an essential requirement for Hong Kong's positioning as a "world digital city." These legislative initiatives should be accorded priority and implemented without further delay.

4. In page 57 sub-head: “Developing Hong Kong as a hub for technological cooperation and trade” under Chapter 8: Targets and Outcomes

- Cultivating a legal software download culture by building on the Digital Rights Management infrastructure (Key Dept.: OGCI0)

MPA comment 7:

MPA suggests the Government to announce specific programmes or projects building on the DRM infrastructure to cultivate a legal download culture.

5. In page 59, sub-head: “Building an inclusive, knowledge-based society” under Chapter 8: Targets and Outcomes

- Setting out specific objectives and action plans in addressing issues relating to broadband connectivity, ICT facilities for students, access to industry software solutions, information management and digital rights management (Key Dep/Bureau: OGCI0/EMB)

MPA comment 8:

MPA suggests the Government to put more resources into educating students and the general public on the need to respect Intellectual Property (IP) rights over the Internet. MPA suggests that the EMB include copyright concepts and DRM knowledge in the education curricula for primary and secondary schools.