

Division 3, Commerce and Economic Development Bureau,
23/F, West Wing, Central Government Offices,
2 Tim Mei Avenue, Tamar,
Hong Kong

7th September 2024

Dear Sir / Madam,

We are a Hong Kong based music company and are writing in response to the Copyright and Artificial Intelligence Consultation Paper.

We have read the consultation paper with interest and wish to make the following suggestions:

Clarification of the law on copyright in computer-generated works (“CGW”)

We would suggest that the law be clarified to make it clear that the creator of the AI system should have no copyright in any work created using that system in the same way as the creator of a word processing system has no claim in the copyright to a novel written using that system. We would further suggest that it be clarified that any party claiming copyright in a computer-generated work (in other words, purporting to be the arranger) should need to prove substantial creative input. For example, a party that asks an AI system to generate a love song in the style of a famous singer shall not be entitled to copyright the work generated as a result, as it is the AI system that produces the expression of the generated work, not that party.

Clarification of the law on infringement of copyright in human generated work by AI systems

Artists and composers have invested huge amounts of time, effort and creativity in creating their works and deserve to be compensated for their endeavours. Additionally, companies have invested vast financial resources in these copyrights. We believe that it is not fair for these copyrights to be utilized, without compensation, to generate a system which will create works that will directly compete with them. Our proposal aims to ensure a fair balance of interests, clarifying that any use of existing copyright works for the purposes of machine learning should be done strictly on a licensed basis.

Protection of an individual’s voice and image

While the existing law may not protect against the use of so-called “deep fakes,” a clear fraudulent act aims to mislead or confuse the target audience, we propose creating a specific law that gives individuals a clear right to their personal indicia and outrightly outlaws the creation of these deep

fakes, similar to the one that already exists in Mainland China. This emphasis on individual rights is crucial to maintaining a secure and respectful environment.

Extension of the Term of copyright for human generated works

Although it is not part of the consultation, we believe it is an important issue that needs to be addressed sooner rather than later. Many territories now have a copyright term of 70 years from the author's death or date of publication (depending on the type of work), and we propose extending the term to strengthen IP rights, enhance the value of copyright within the territory, and bring the HKSAR in line with these territories.

We thank you for giving us the opportunity to offer our thoughts on these matters. We believe these proposals are crucial to the future of the creative industries in HKSAR and its role as an IP trading hub. We appreciate your attention to these important matters and look forward to your continued engagement.

Yours faithfully



Ashley Whitfield

Managing Director