

Guidelines for Photocopying of Printed Works by Not-for-profit Educational Establishments

A. Background

- (A1) Copyright law gives certain exclusive rights to copyright owners of printed works. Such rights include the right to copy the work. That means someone who wants to copy a printed copyright work needs to obtain the owner's permission first.
- (A2) To balance the interests of copyright owners and users, the Copyright Ordinance (Cap. 528) ("the Ordinance") provides certain limited allowances for copying of copyright works by educational establishments. However, the acts allowed should not conflict with a normal exploitation of the work by the copyright owner and should not unreasonably prejudice the legitimate interests of the copyright owner.
- (A3) Section 45 of the Ordinance allows photocopying of literary, dramatic, musical and artistic works **to a reasonable extent** by or on behalf of educational establishments for instruction purposes¹ where no relevant licensing schemes are available.
- (A4) The purpose of these Guidelines² is to set down the conditions for determining the extent of permissible photocopying³ of printed works⁴ by or on behalf of not-for-profit educational establishments for instruction purposes.⁵ For-profit educational establishments are not covered by these Guidelines.⁶

¹ Under section 45(2), copying is not authorised if licences under licensing schemes are available in respect of the relevant works and the person making the copies knew or ought to have been aware of that fact. As licences are currently available from licensing bodies in respect of most of the works covered by these Guidelines, copying is not authorised under section 45 for these works. However, the Administration made a proposal to the Legislative Council in March 2002 that the limitation in section 45(2) should be removed. Legislative amendments are in the process of being prepared.

² The *U.S. Guidelines for Classroom Copying* were used as a reference in the preparation of these Guidelines. The *U.S. Guidelines* can be viewed at www.copyright.gov/circs/circ21.pdf (pages 7 & 8).

³ "Photocopying" does not include the making of electronic copies.

⁴ Section 45 of the Ordinance also allows copying of works in other formats, e.g. works in digital format. However, these Guidelines apply to printed works only. Guidelines on copying of copyright works in digital format will be formulated separately.

⁵ Prior to the removal of section 45(2), these Guidelines operate as an agreement between the endorers as to the extent of permissible photocopying in not-for-profit educational establishments. With the removal of section 45(2) in the future, these Guidelines will become both an agreement between the endorers and a guidance on the meaning of "reasonable extent" when copying copyright works under section 45 of the Copyright Ordinance.

⁶ Under the Copyright Ordinance, an "educational establishment" basically means any school, college or university which is registered with the Education Department. These include both not-for-profit and for-profit educational establishments. However, the publishing industry is not prepared to endorse a set of Guidelines which would specifically allow for-profit educational establishments to make copies of printed works for instruction purposes. As the Guidelines were prepared using a consensual approach, for-profit educational establishments have been excluded from the scope of the Guidelines.

- (A5) These Guidelines represent the consensus among various copyright owners and educational users. A list of organisations endorsing these Guidelines is shown in Appendix 1. These Guidelines are not intended to affect or prejudice the permitted acts under the Copyright Ordinance, or any rights which may be conferred under other laws, or any licensing arrangements with licensing bodies.

B. Definitions

In these Guidelines: –

- (B1) “Course pack” means a compilation (whether bound or loose-leaf) of 4 or more photocopied extracts from one or more sources which is intended to provide students with a compilation of materials designed to support the teaching of a course.
- (B2) “Not-for-profit educational establishment” means an educational establishment specified in Schedule 1 of the Copyright Ordinance provided that it is also a not-for-profit establishment. These include all government schools, aided schools, schools operated by the English Schools Foundation, and other kindergartens, schools, colleges and universities specified in the “List of approved charitable institutions and trusts of a public character” under section 88 of the Inland Revenue Ordinance (Cap. 112).⁷
- (B3) “Illustrations” include charts, graphs, diagrams, drawings, cartoons and pictures accompanying other works and included for illustrative purposes.
- (B4) “Textbook” means a book written in accordance with any syllabus issued by the Hong Kong Curriculum Development Council.⁸
- (B5) “Course” means subject, programme, module or other similar descriptions in relation to a course of study provided by a not-for-profit educational establishment.⁹

C. Scope

- (C1) These Guidelines apply to literary, dramatic, musical and artistic works in printed form including items such as books, newspapers, periodicals, sheet music and printed music items.
- (C2) Works which are primarily intended to be “consumable”, such as workbooks, exercises, standardised tests, test booklets and answer sheets, are not covered by these Guidelines.¹⁰

⁷ As the Education Department does not maintain a register of educational establishments based on the for-profit/not-for-profit nature of the establishment, this formulation has been adopted in order to identify the not-for-profit educational establishments. The List can be viewed at the Inland Revenue Department website: www.info.gov.hk/ird/eng/paf/lac.htm.

⁸ More restrictive conditions apply to the copying of textbooks. Compare Clause E(6)(a) with E(6)(b).

⁹ For example, Chinese in Primary one and Primary 6 should be considered as two separate “courses”; every subject or unit in a 3 year university degree course should be considered as a separate “course”.

¹⁰ Textbooks which contain a small amount of exercises are covered by the Guidelines.

- (C3) These Guidelines do not allow the production of course packs.¹¹
- (C4) Under these Guidelines, single copies of transparencies, slides and other similar non-electronic presentation materials consisting of reprographic copies of works can be made by or on behalf of a not-for-profit educational establishment for the purposes of instruction.¹² Clauses D(4) and E(1) to E(5) do not apply to the making of such single copies of transparencies, slides and other similar non-electronic presentation materials.
- (C5) Those who wish to make copies of printed works beyond the scope of these Guidelines should contact the relevant copyright owners or licensing bodies (see Appendix 2) for the grant of permission or licences.

D. General Considerations

- (D1) Students should purchase books and publications that are used by them on a regular basis. Copying should not be used to substitute the purchase of such publications.
- (D2) Copying should not be used to replace or substitute for published anthologies, compilations, collective works or course packs which are commercially available.
- (D3) Copying should be done on the initiative¹³ of a teacher or teachers working together as a group.
- (D4) The time of the decision to use the work and the proposed time of its use in the classroom should be so close that it would be unreasonable to require the teacher to obtain permission for the copying. If the time between the decision and the proposed use is 3 working days or less then for the purpose of this clause, it will be deemed unreasonable to require the teacher to obtain permission for the copying.¹⁴
- (D5) Every set of copies of works made under these Guidelines should contain the following details on the front page or a covering sheet:

Author (if known):

Title of the work:

Source (publisher):

Date of making of this copy:

¹¹ Preparation of course packs usually involves a substantial amount of planning in advance. Therefore the school/teacher should have sufficient amount of time to seek permission or obtain a licence from the relevant copyright owners or licensing bodies. One of the conditions for making copies under these Guidelines is that the copying must be "spontaneous" (see Clause D(4)). As the production of course packs does not fulfil this condition, it is specifically excluded.

¹² This provision clarifies that slides, transparencies etc for use in teaching may consist of single copies of printed works, even if the preparation of the slides, transparencies etc is not "spontaneous" according to Clause D(4).

¹³ This means that a teacher should not make copies under these Guidelines if he/she has been asked by a third party to do so. The need and decision to copy should be made by the relevant teachers themselves.

¹⁴ Copying under these Guidelines should be "spontaneous". If the time of the teacher's decision to use the work and the proposed time to use it in the classroom is more than 3 working days apart, then the teacher is required to seek permission from the relevant copyright owner or licensing body before making the copies. The purpose of this provision is to exclude systematic and organised copying from the scope of the Guidelines.

This material has been copied in accordance with the "Guidelines for Photocopying of Printed Works by Not-for-Profit Educational Establishments". You are not permitted to make any further copy of this work, or to make it available to others. It is important to understand and respect copyright.

- (D6) At least once every academic year, teachers who make copies of materials for distribution to students pursuant to these Guidelines are obliged to draw attention to and explain to their students the content of the copyright notice specified in Clause D(5) above.

E. Multiple Copying for Instruction Purposes

- (E1) Multiple copies of a work may be made by or on behalf of a teacher giving a course.
- (E2) Copies made under these Guidelines are for the purpose of distribution to students for teaching, discussion or classroom use. Students may retain the copies for subsequent reference.
- (E3) Copies of any work should only be made and used for one course in a not-for-profit educational establishment¹⁵.
- (E4) The number of copies made should not exceed one copy per student in a course.
- (E5) There should not be more than 27 instances¹⁶ of copying made for one course in one academic year.¹⁷
- (E6) Copies made should be brief and short.
- (a) For one course in any one academic year, except for textbooks,¹⁸ the following limits on individual works apply:
- (i) Articles in newspapers or periodicals — a complete article of any length;
 - (ii) Poems — not more than 250 words; stories or essays — not more than 2,500 words (both word limits may be extended to allow the completion of an unfinished line of a poem or of an unfinished paragraph of a story or essay);¹⁹
 - (iii) Artistic works (including illustrations) — a complete work; but if there is more than one artistic work printed on the same page — the whole page;

¹⁵ Copies made for one particular course should not be re-used in other courses.

¹⁶ This clause limits the number of times copying can be done in an academic year. The figure 27 is based on the quantity adopted in the *U.S. Guidelines for Classroom Copying*, i.e. 9 instances per school term. A teacher may copy up to 3 works in one "instance", as copying 4 or more works would be regarded as making a "course pack", which is not allowed under the Guidelines.

¹⁷ "Academic year" is used instead of "school term" as it appears to be a more appropriate unit of measure for Hong Kong.

¹⁸ For limits on copying of textbooks, see Clause E(6)(b) below.

¹⁹ The figures 250 and 2,500 are based on the figures adopted in the *U.S. Classroom Guidelines*. There were discussions on whether it was appropriate to have a single set of limits for works in English and Chinese. The consensus was that the limits appear appropriate for both languages and that it would be inconvenient to teachers to have two different sets of limits.

- (iv) Musical works — an excerpt not exceeding 10% of the number of pages of the work (rounded up to allow a complete page to be copied);
- (v) Other works — an excerpt not exceeding 2,500 words or 10% of the number of pages of the work (including illustrations), whichever is less (rounded up to allow a complete page to be copied).
- (b) Copying of textbooks is subject to the following conditions:²⁰
- (i) Not more than 2% of the number of pages of a textbook (rounded up to allow a complete page to be copied) may be copied for one course in a calendar month;
- (ii) Not more than 5% of the number of pages of a textbook (rounded up to allow a complete page to be copied) may be copied in aggregate for one course in any one academic year;
- (iii) Notwithstanding (i) and (ii), not more than one chapter of a textbook may be copied for one course in any one academic year; and
- (iv) The copying must be made within the premises of an educational establishment.
- (E7) Copies made are subject to the following additional limits: —
- (a) With respect to articles in newspapers, not more than 15 works may be copied from the same newspaper title for one course in any one academic year.
- (b) With respect to:
- articles in periodicals
 - poems (250 words or less); stories or essays (2,500 words or less)
 - artistic works
 - musical works
- not more than 3 works may be copied from the same author for one course in any one academic year. If the above works are contained in a collective work, not more than 9 works (provided that each one of which has to be from a different author) may be copied from the same collective work for one course in any one academic year; and
- (c) In other cases, not more than 3 excerpts may be copied from the same author for one course in any one academic year.

Dated: 30 September 2002 (Revised on 10 March 2004²¹)

– End –

²⁰ The organisations endorsing these Guidelines accepted that separate treatment is necessary in order to protect the interests of local educational publishers. The conditions of copying for textbooks are more restrictive than those applicable to other works.

²¹ The Guidelines have been revised on 10 March 2004 to cover photocopying of newspapers. Suitable amendments have been made under Clauses C(1), E(6)(a)(i), and E(7)(a).

Appendix 1

List of Organisations Endorsing the Guidelines

(Unless otherwise specified, the following organisations became endorsers on 30 September 2002)

Name of Organisation	機構名稱
1. Caput Schools Council	香港按額津貼中學議會
2. Hong Kong Prevocational Schools Council	香港職業先修學校議會
3. Hong Kong Private Schools Association Limited	香港私立學校聯會
4. Hong Kong Subsidized Secondary Schools Council	香港津貼中學議會
5. Hong Kong Subsidized Primary Schools Council	香港津貼小學議會
6. Hong Kong Direct Subsidy Scheme Schools Council	香港直接資助學校議會
7. Hong Kong Association of Sponsoring Bodies of Schools	香港辦學團體協會
8. Association of Principals of Government Secondary Schools	政府中學校長協會
9. Hong Kong Professional Teachers' Union	香港教育專業人員協會
10. Task Force on Reprographic Rights Licensing established under Heads of Universities Committee	大學校長會 複印授權專責小組
11. Hong Kong Shue Yan College	香港樹仁學院
12. The Open University of Hong Kong	香港公開大學
13. The Hong Kong Association for Computer Education	香港電腦教育學會
14. The Hong Kong Academy for Performing Arts	香港演藝學院
15. Vocational Training Council	職業訓練局
16. Hong Kong Copyright Licensing Association Ltd.	香港複印授權協會
17. Hong Kong Reprographic Rights Licensing Society Ltd.	香港版權影印授權協會
18. Joint University Libraries Advisory Committee	大學圖書館聯席諮詢委員會
19. Hong Kong Teacher-Librarians Association	香港學校圖書館主任協會
20. Hong Kong Library Association	香港圖書館協會
21. Hong Kong Publishing Federation Limited	香港出版總會有限公司
22. Hong Kong Publishers & Distributors Association	香港出版人發行人協會
23. Hong Kong Educational Publishers Association	香港教育出版商會
24. Anglo-Chinese Textbook Publishers Organisation	中英文教出版事業協會
25. Witman Publishing Co (HK) Ltd.	偉文出版社(香港)有限公司
26. Grant Schools Council*	補助學校議會
27. Hong Kong Special Schools Council*	香港特殊學校議會
28. Education and Manpower Bureau**	教育統籌局

* Added 3 April 2003.

** For and on behalf of all government schools; added 3 April 2003.

The Guidelines were developed by a Working Group convened by the Director of Intellectual Property and under the auspices of the following Government bureaux and department:

Commerce, Industry and Technology Bureau 工商及科技局
 Education and Manpower Bureau (formerly known as Education Department)
 教育統籌局 (前名: 教育署)
 Intellectual Property Department 知識產權署

For enquiries on the Guidelines, please contact Ms Brenda Wan of the Intellectual Property Department (Tel: 2961 6872; email: brendawan@ipd.gov.hk).

Appendix 2

THE HONG KONG COPYRIGHT LICENSING ASSOCIATION LIMITED (HKCLA) 香港複印授權協會有限公司

地址 Address: 香港北角英皇道 75-83 號聯合出版大廈 904 室
ROOM 904, SUP TOWER, 75-83 KING'S ROAD,
NORTH POINT, HONG KONG

電話 Tel: 2948 3650

傳真 Fax: 2603 7165

網址 Homepage: www.hkcla.org.hk

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Opening Hours: 星期六 Saturday 上午 9:00 am - 正午 12:00 noon

List of newspapers represented by HKCLA: 香港複印授權協會所代表的報章

1. China Daily Hong Kong Edition	中國日報香港版
2. Hong Kong Commercial Daily	香港商報
3. Hong Kong Daily News	新報
4. Hong Kong Economic Journal	信報
5. Hong Kong Economic Times	香港經濟日報
6. Ming Pao	明報
7. Sing Pao	成報
8. Sing Tao Daily	星島日報
9. South China Morning Post & Sunday Morning Post	南華早報
10. Ta Kung Pao	大公報
11. The Standard	英文虎報
12. Wen Wei Po	文匯報

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Opening Hours: 上午 10:00 am - 正午 12:00 noon
下午 1:00 pm - 下午 4:00 pm

非牟利教育機構影印印刷作品指引

A. 背景

- (A1) 版權法賦予印刷作品的版權擁有人若干獨有權利，其中包括複製作品的權利。因此，任何人擬複製有版權保護的印刷作品時，必須事先得到版權擁有人的許可。
- (A2) 為平衡版權擁有人與使用者的權益，《版權條例》(第 528 章) (“該條例”) 容許教育機構對版權作品作有限度的複製。不過，允許的作為須不抵觸版權擁有人對有關作品的正常利用，而且不得對版權擁有人的合法權益造成不合理損害。
- (A3) 該條例第 45 條准許教育機構或其代表為教學目的而在合理的範圍內影印文學、戲劇、音樂及藝術作品。¹
- (A4) 本指引² 旨在為非牟利教育機構或其代表，就教學目的影印³ 印刷作品⁴，訂明可影印幅度及適用條件。⁵ 牟利教育機構不在本指引的涵蓋範圍內。⁶
- (A5) 本指引代表各版權擁有人和教育界使用者的共識。認可本指引的機構名單載於附錄一。本指引無意影響或損害該條例載有的允許作為或其他法例所賦予的權利，亦無意影響或損害特許機構發出的特許安排。

¹ 該條例第 45(2) 條規定，如有關作品有特許計劃，可就複製發出特許，而製作複製品的人已知道或應已知道該事實，則該條文不授權進行有關複製。由於本指引涵蓋的大部分作品現時都可以從特許機構取得有關特許，所以第 45 條並不授權複製這些作品。然而，當局於二零零二年三月向立法會建議刪除第 45(2) 條的限制，並正預備修訂有關法例。

² 本指引是參考美國在這問題上的教室準則 (《美國準則》) 制訂的。有關《美國準則》的資料，可到網址 www.copyright.gov/circs/circ21.pdf 瀏覽 (第 7 至 8 頁)。

³ “影印” 並不包括以電子方式複製作品。

⁴ 該條例第 45 條同時准許複製其他形式的作品，例如以數碼形式記錄的作品。然而，本指引只適用於印刷作品。有關複製以數碼形式記錄的作品，將會另外制訂一套指引。

⁵ 在第 45(2) 條被刪除之前，此指引將成為認可指引的各機構之間，有關非牟利教育機構可影印的幅度的一項協議。當第 45(2) 條被刪除之後，此指引並將會為第 45 條內 “合理的範圍” 一語，就影印版權作品而言，提供詮釋上的指示。

⁶ 根據該條例，“教育機構” 基本上是指已向教育署註冊的任何學校、學院或大學，包括非牟利教育機構和牟利教育機構。不過，出版界對於把牟利機構納入指引的涵蓋範圍表示不能接受。由於本指引代表認可機構的共識，因此牟利教育機構沒有被納入在本指引的範圍內。

B. 定義

在本指引內：

- (B1) “套裝教材”是指從一個或多個來源節錄出來的資料，為數在四份或以上，經影印後匯編成教學材料（不論是合訂本或活頁本），作輔助教學之用。
- (B2) “非牟利教育機構”指該條例附表 1 所指明的教育機構，但須同時為非牟利機構。這些機構包括所有官立學校、資助學校、英基學校協會屬下的學校，以及《稅務條例》（第 112 章）第 88 條項下“認可慈善機構及信託團體名單”所指明的其他幼稚園、學校、學院及大學。⁷
- (B3) “插圖”包括附連於其他作品及作解說用途的圖表、圖形、圖解、繪圖、漫畫及圖片。
- (B4) “教科書”指根據香港課程發展議會所發出課程綱要而編寫的書本。⁸
- (B5) “課程”指一間非牟利教育機構所提供的學習科目、項目、單元或其他相類的學習名目。⁹

C. 範圍

- (C1) 本指引適用於文學、戲劇、音樂及藝術作品的印刷本，包括書籍、報章、期刊、單張樂譜及音樂印刷品等。
- (C2) 本指引的涵蓋範圍不包括原擬供“消耗”的作品，例如作業、練習、標準測驗、測驗簿及答案紙。¹⁰
- (C3) 本指引不容許製作套裝教材。¹¹

⁷ 由於教育署沒有根據教育機構屬牟利抑或非牟利性質而編定註冊紀錄，提出這辦法的目的，是為了解別非牟利教育機構。有關名單載於稅務局的網頁，網址為www.info.gov.hk/ird/chi/paf/lac.htm。

⁸ 複製教科書的規限較嚴格。請比較第 E(6)(a) 與 E(6)(b) 條。

⁹ 例如小學一年級與六年級的中文科，應被視為兩個不同的“課程”。而大學的 3 年制學士學位課程中，任何一個科目或單元，亦應被視為一個獨立“課程”。

¹⁰ 本指引的涵蓋範圍，包括載有少量練習的教科書。

¹¹ 編製套裝教材通常事前要進行大量籌備工作，因此，學校／教師應有足夠的時間向有關版權擁有人或特許機構取得允許或特許。本指引規定進行複製的條件之一，是該複製作為必須是“即興”的（見第 D(4)條）。由於製作套裝教材不符合這項條件，因此明文規定不把套裝教材納入本指引的範圍內。

- (C4) 本指引容許非牟利教育機構或其代表為教學目的而製作一份包含某作品的翻印複製品的高影機膠片、幻燈片和其他相類的非電子簡報材料。¹² 本指引第 D(4) 及 E(1) 至 E(5) 條不適用於製作這類高影機膠片、幻燈片和其他相類非電子簡報材料的作為。
- (C5) 如欲複製本指引涵蓋範圍以外的印刷作品，應聯絡有關的版權擁有人或特許機構（見附錄二），以便取得允許或特許。

D. 考慮因素

- (D1) 學生應購買常用的書刊，不應以複製來代替購買。
- (D2) 不應以複製品取代或代替已經出版和市面有售的選集、匯編、合集或套裝教材。
- (D3) 應由個別教師或一組教師自行決定¹³ 複製的需要。
- (D4) 如決定使用某作品，而作出決定的時間與擬於課堂上使用該作品的時間十分接近，則要求教師必須取得複製許可並不合理。就本條文而言，如決定使用某作品的時間與擬於課堂上使用該作品的時間相距不多於三個工作天，則要求教師必須取得複製許可並不合理。¹⁴
- (D5) 根據本指引製作的複製品，必須在每份的首頁，或在複製品之首，夾附說明頁，列明下述資料：

作者（如有資料）：
作品名稱：
來源（出版社）：
複製日期：

這份資料根據《非牟利教育機構影印印刷作品的指引》複製，請勿再行複製或供應給其他人士。了解及尊重版權，至為重要。

- (D6) 根據本指引複製教材派發給學生的教師，每學年須最少一次提醒學生留意上文第(5)條所示的版權公告，並向學生解釋公告內容。

¹² 這條文澄清，即使製作幻燈片、高影機膠片等一類物品的作為並不符合第 D(4)條所訂的“即興”原則，但教學用的幻燈片、高影機膠片等，也可以包含印刷作品的複製本。

¹³ 換言之，如有第三者要求教師根據本指引進行複製，教師不應答允。有關教師應自行衡量複製的需要，然後作出決定。

¹⁴ 根據本指引進行複製必須符合“即興”的原則。如教師決定使用某作品的時間與擬於課堂上使用的時間相距超過三個工作天，教師必須在進行複製前，向有關版權擁有人或特許機構取得允許或特許。這條文旨在把有系統及有組織的複製作為剔出本指引的涵蓋範圍。

E. 多份複製以供課堂上使用

- (E1) 授課教師或其代表可製作多份印刷作品的複製本。
- (E2) 根據本指引製作的複製品，是用來分發給學生作教學或討論用途，或在課室中使用。學生可保留有關複製品以便日後參考。
- (E3) 任何作品的複製本，只可就有關的非牟利教育機構的一項課程而製作及供其使用。¹⁵
- (E4) 所製作的複製品數量，應只限於有關課程的學生每人一份。
- (E5) 在同一個學年內¹⁶，不得就任何一項課程複製作品多於 27 次。¹⁷
- (E6) 複製品的篇幅應該簡短。
- (a) 任何一個學年內，如須就某項課程複製個別作品（教科書¹⁸除外），則須遵守以下規限：
- (i) 報章或期刊的文章——整篇文章，不論長短；
- (ii) 詩——不超過 250 字；故事或文章——不超過 2,500 字（兩類作品的字數限制可以調高，以便複製一首詩未完的一行，或故事或文章未完的段落）；¹⁹
- (iii) 藝術作品（包括插圖）——整份作品；如同一頁印有超過一份藝術作品，則可將整頁複製；
- (iv) 音樂作品——有關的節錄部分不超過作品總頁數 10%（可調高有關百分比，以便複製一整頁）；
- (v) 其他作品——有關的節錄部分不超過 2,500 字或作品總頁數 10%（包括插圖），以較少者為準（可調高有關字數限制或百分比，以便複製一整頁）。

¹⁵ 為某項課程製作的複製品不得再用於其他課程。

¹⁶ 按照香港的實際情況，以“學年”作為計量單位，較“學期”為恰當。

¹⁷ 這條文限制每學年的複製次數，27 次是根據《美國準則》（即每學期 9 次）計算出來的。一名教師可在“一次”複製行為中複製最多 3 件作品。由於複製 4 件或以上作品屬於製作“套裝教材”，指引並不容許同時複製 4 件或以上的作品。

¹⁸ 有關複製教科書的規限，請參閱下文第 E(6)(b) 條。

¹⁹ 所採用的 250 及 2,500 字限制，是參考《美國準則》訂定的。就中英文作品應否採用同樣字數限制一事曾進行討論，並已取得共識，上述字數限制應適合用於這兩種語言的作品。如採用兩套不同的字數限制，會對老師造成不便。

(b) 複製教科書須遵守的規限²⁰：

- (i) 在同一個月內，不得就任何一項課程複製一本教科書 2% 以上的頁數（可調高有關百分比，以便複製一整頁）；
- (ii) 在同一個學年內，不得就任何一項課程合共複製一本教科書 5% 以上的頁數（可調高有關百分比，以便複製一整頁）；
- (iii) 儘管有第 (i) 及 (ii) 條規定，在同一個學年內，不得就任何一項課程複製一本教科書超過一章；以及
- (iv) 必須在有關教育機構的範圍內進行複製。

(E7) 製作複製品還須符合下列規定：

- (a) 如屬報章上的文章，則在一個學年內，不得就任何一項課程複製多於十五份刊登於同一報章上的作品；
- (b) 如屬：
 - 期刊的文章
 - 詩（250 字或以下）、故事或文章（2,500 字或以下）
 - 藝術作品
 - 音樂作品

則在一個學年內，不得就任何一項課程複製同一作者的作品多於三份。如上述作品載於合集之內，則在一個學年內，不得就任何一項課程複製該合集的作品多於九份（每份作品必須出自不同的作者）；以及

- (c) 在其他情況下，在一個學年內，不得就任何一項課程複製同一作者的作品節錄多於三份。

日期：二〇〇二年九月三十日（二〇〇四年三月十日修訂²¹）

— 完 —

²⁰ 認同本指引的機構同意應另外處理複製教科書的問題，以保障本地教育出版商的權益。複製教科書的規限較其他作品更為嚴格。

²¹ 本指引於二〇〇四年三月十日作出修訂，經修訂後適用於複製報章。有關修訂載於第 C(1)、E(6)(a)(i) 及 E(7)(a) 條。

附錄一

認可本指引的機構名單

(除非另有指明外，以下機構均於二〇〇二年九月三十日認可本指引)

Name of Organisation	機構名稱
1. Caput Schools Council	香港按額津貼中學議會
2. Hong Kong Prevocational Schools Council	香港職業先修學校議會
3. Hong Kong Private Schools Association Limited	香港私立學校聯會
4. Hong Kong Subsidized Secondary Schools Council	香港津貼中學議會
5. Hong Kong Subsidized Primary Schools Council	香港津貼小學議會
6. Hong Kong Direct Subsidy Scheme Schools Council	香港直接資助學校議會
7. Hong Kong Association of Sponsoring Bodies of Schools	香港辦學團體協會
8. Association of Principals of Government Secondary Schools	政府中學校長協會
9. Hong Kong Professional Teachers' Union	香港教育專業人員協會
10. Task Force on Reprographic Rights Licensing established under Heads of Universities Committee	大學校長會 複印授權專責小組
11. Hong Kong Shue Yan College	香港樹仁學院
12. The Open University of Hong Kong	香港公開大學
13. The Hong Kong Association for Computer Education	香港電腦教育學會
14. The Hong Kong Academy for Performing Arts	香港演藝學院
15. Vocational Training Council	職業訓練局
16. Hong Kong Copyright Licensing Association Ltd.	香港複印授權協會
17. Hong Kong Reprographic Rights Licensing Society Ltd.	香港版權影印授權協會
18. Joint University Libraries Advisory Committee	大學圖書館聯席諮詢委員會
19. Hong Kong Teacher-Librarians Association	香港學校圖書館主任協會
20. Hong Kong Library Association	香港圖書館協會
21. Hong Kong Publishing Federation Limited	香港出版總會有限公司
22. Hong Kong Publishers & Distributors Association	香港出版人發行人協會
23. Hong Kong Educational Publishers Association	香港教育出版商會
24. Anglo-Chinese Textbook Publishers Organisation	中英文教出版事業協會
25. Witman Publishing Co (HK) Ltd.	偉文出版社(香港)有限公司
26. Grant Schools Council	補助學校議會 (註 1)
27. Hong Kong Special Schools Council	香港特殊學校議會 (註 1)
28. Education and Manpower Bureau	教育統籌局 (註 2)

註 1： 加入：二〇〇三年四月三日

註 2： 代表所有政府學校 (加入：二〇〇三年四月三日)

本指引是由一個知識產權署署長召集的工作小組所制訂。以下是協助制訂本指引的政府決策局及部門：

Commerce, Industry and Technology Bureau 工商及科技局

Education and Manpower Bureau (formerly known as Education Department)

教育統籌局 (前名：教育署)

Intellectual Property Department 知識產權署

如對本指引的內容有任何疑問，請與知識產權署溫淑雯女士聯絡 (電話：2961 6872；電郵地址：brendawan@ipd.gov.hk)。

附錄二

THE HONG KONG COPYRIGHT LICENSING ASSOCIATION LIMITED (HKCLA) 香港複印授權協會有限公司

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List of newspapers represented by HKCLA:

香港複印授權協會所代表的報章

1. China Daily Hong Kong Edition	中國日報香港版
2. Hong Kong Commercial Daily	香港商報
3. Hong Kong Daily News	新報
4. Hong Kong Economic Journal	信報
5. Hong Kong Economic Times	香港經濟日報
6. Ming Pao	明報
7. Sing Pao	成報
8. Sing Tao Daily	星島日報
9. South China Morning Post & Sunday Morning Post	南華早報
10. Ta Kung Pao	大公報
11. The Standard	英文虎報
12. Wen Wei Po	文匯報

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