

Education Bureau Circular Memorandum No. 149/2018

From: Secretary for Education

Ref: EDB(EID/ITE)/IT/IP/4/2

Date: 20 September 2018

To: Heads of All Government and Aided Primary and Secondary Schools (including Caput Schools and Grant Schools) and Special Schools

New Licence Agreements on Photocopying and Scanning of Printed Copyright Materials

Purpose

This Circular Memorandum informs schools of a new set of Licence Agreements between five Schools Councils and the Hong Kong Reprographic Rights Licensing Society (HKRRLS) effective from 1 September 2018 and for a period of five years. These Licence Agreements will grant to schools under the respective Schools Councils a non-exclusive, irrevocable and non-transferrable licence to make copies of copyright materials using the licensed photocopiers or scanning machines in their own premises during the licence period.

Details

2. Since 2000, five Schools Councils, namely Subsidized Primary Schools Council, Hong Kong Subsidized Secondary Schools Council, Grant Schools Council, Caput Schools Council, and Hong Kong Special Schools Council, acting on behalf of their respective schools, as well as the Education Bureau (EDB) acting on behalf of Government schools, have entered into various Licence Agreements with the HKRRLS for making copies of printed copyright materials for instructional purposes on a licence fee which is paid by the EDB to the HKRRLS on a yearly basis. The previous set of Licence Agreements has expired on 31 August 2018.

3. After negotiation, the five Schools Councils together with the EDB will enter into a new set of Licence Agreements with the HKRRLS for a period of five years with effect from 1 September 2018 with revised licence fees. Summary and details of the new Licence Agreements are available at Appendix 1 and the following web link: <http://www.edb.gov.hk/ited/copyright-la>.

4. In order to benefit from the Licence Agreements, in line with the existing practice, schools have to complete and return a Letter of Authorisation to authorise their respective Schools Councils to act on their behalf and enter into Licence Agreements with the HKRRLS. The licence fees will be borne by the EDB. Non-member schools may also benefit from the Licence Agreements via their respective Schools Councils. Schools are requested to follow the procedures as set out in Appendix 2 and return the completed authorisation letters to Information Technology in Education Section of the EDB **by POST or by FAX on or before 15 October 2018 (Monday)**. Relevant documents can be downloaded at the above web link.

Copyright Protection

5. Copyright protection is a Government policy. In order to respect the rights of copyright material owners, as well as to ensure the prudent use of public funds and avoid unnecessary increase in licence fees, teachers should try their best to avoid photocopying or scanning of printed copyright materials if there are other means or resources available to achieve the same teaching effectiveness. If teachers do have genuine needs to make certain copies of printed copyright materials to achieve the teaching objectives, they should keep the number of copies to the minimum, especially when free e-learning resources are increasingly available on the Internet nowadays. For details of the guidelines on the use of copyright works in the course of learning and teaching, please refer to the Education Bureau Circular Memorandum No. 137/2010 “Note for Non-profit Making Educational Establishments relating to the Use of Copyright Works in the Course of Teaching and Learning” and the EDB webpage at <http://www.edb.gov.hk/ited/copyright>.

Enquiries

6. For enquiries, please contact Mr NG Chi-fai at 3698 3610 or Mr LEE Kin-wan at 3698 3601 of the Information Technology in Education Section.

Dr WC HO
for Secretary for Education

c.c. Heads of Sections - for information

Summary of the Licence Agreements

A set of Licence Agreements was made between the five School Councils and the EDB, and the Hong Kong Reprographic Rights Licensing Society (HKRRLS) effective from 1 September 2018 for a period of five years. Under the Licence agreements, schools are allowed to make copies of a licensed material to a reasonable extent and in any case not more than 10% of pages of a licensed material. If the licensed material concerned is a textbook, each school shall not, in any academic year, (i) copy from more than three textbooks in relation to the same course and, (ii) with respect to each textbook, copy more than 5% of the number of pages of the textbook. If schools intend to make copies of licensed materials exceeding this limit or outside the scope of protection, they must apply in writing to the relevant copyright owners beforehand, who have the absolute discretion in deciding whether or not to grant permission as well as to collect an appropriate fee in granting the permission.

Photocopying and scanning of workbooks, workcards, exercise books, worksheets, assignment sheets, tests, examination papers and teachers' resources including instructors' manuals, solutions manuals, test bank and teachers' guides are not covered by the Licence Agreements with HKRRLS. More information about the current Licence Agreements can be found at the relevant webpage (<http://www.edb.gov.hk/ited/copyright-la>). A list of printed copyright materials not covered by the current Licence Agreements is also provided for reference in Schedule II of the agreement documents.

Procedures for Schools to Sign the Licence Agreement

1. Please make reference to the sample Authorisation Letter attached and prepare a Letter of Authorisation with your school letterhead to your respective Schools Council.
2. Please fill in the particulars of your school (i.e. the Licensee) at the Schedule.
3. Please send the **duly signed (with school chop) Authorisation Letter and the completed Schedule** to Information Technology in Education Section of the EDB **by POST or by FAX on or before 15 October 2018 (Monday)**.

(i) By POST

Information Technology in Education Section
(Attn: Mr NG Chi-fai)
E420, 4/F, East Block
EDB Kowloon Tong Education Services Centre
19 Suffolk Road, Kowloon Tong
Kowloon

(ii) By FAX (Fax No: 2382 4403 / 2382 6551)

4. Please check if your school has been included in the Licensee list by using the following link on or after 30 November 2018.
<http://www.edb.gov.hk/ited/copyright-la>

Information for completing Authorisation Letter –

Chairpersons and Addresses of the Schools Councils

Schools Council	Chairperson and Address
Hong Kong Subsidized Secondary Schools Council	Dr POON Suk-han, Halina c/o Christian & Missionary Alliance Sun Kei Secondary School 6 Tong Chun Street, Tseung Kwan O, N.T.
Subsidized Primary Schools Council	Mr SO Ping-fai c/o Tin Shui Wai Methodist Primary School Phase 1, Area 31, Tin Shui Wai, N.T.
Grant Schools Council	Dr SO Ying-lun c/o Wah Yan College, Hong Kong 281 Queen's Road East, Wanchai, Hong Kong
Caput Schools Council	Mr CHAN Yau-chi c/o United Christian College 11 Tong Yam Street, Tai Hang Tung, Sham Shui Po, Kowloon
Hong Kong Special Schools Council	Ms SHUM Siu-fong c/o Po Leung Kuk Mr. & Mrs. Chan Pak Keung Tsing Yi School No. 2 Tsing Chin Street, Tsing Yi, N.T.

****SAMPLE AUTHORISATION LETTER****

[USE SCHOOL LETTERHEAD]

[Date]

[Name of Chairman]

Chairman

[Name of Schools Council]

[Address of Schools Council]

Dear [Mr / Ms XXX],

As duly authorised by the Incorporated Management Committee / School Management Committee by resolution, we hereby appoint you to act for us to enter into and sign the Licence Agreement (2018/19 – 2022/23) with The Hong Kong Reprographic Rights Licensing Society Limited and other parties, a copy of which is attached hereto (the "Agreement").

We confirm that we have reviewed and understand the Agreement and will comply with its terms.

Yours sincerely,

[signature and school chop]

[Name of Principal]

Principal

[Name of School]

Encl.: Schedule

SCHEDULE

PARTICULARS OF THE LICENSEE

Name of Licensee:

Address:

Tel:

Fax:

School code:

Contact person: