

# ■ 複製器材使用者須知

適用於以影印機、掃描器、印表機、流動電話及其他有複製功能之器材複製有版權的素材

## 法律限制

1. 複製作品指以任何實質形式複製該作品，包括影印該作品和藉電子方法將作品複製或貯存於任何媒體。
2. 凡為自用而複製者：該複製只可作
  - (a) 其研究或私人研習之用，或
  - (b) 於本校提供的課程中為教學或接受教學之用。
3. 如為他人複製，複製只可：
  - (a) 作研究或私人研習之用，且該複製不得使多於一人擁有實質上相同的複製品；或
  - (b) 為在本校提供的課程代教師複製作教學之用。
4. 假若你代表本校作出複製，該複製行為必須：
  - (a) 為本校提供的課程作教學的目的；或
  - (b) 為考試的目的。

## 複製限度

### 用於研究和個人學習:-

視乎複製行為是否符合版權條例訂明的公平處理的原則，須考慮有關個案的整體情況，尤其須考慮的因素包括：(i) 該項處理的目的及性質，包括該項處理是否為非牟利的目的而作出以及是否屬商業性質，(ii) 所複製作品的性質，(iii) 就整體作品而言，複製的數量及內容，及(iv) 該項處理對該作品的潛在市場或價值的影響。

### 用於教學:-

該複製行為:-

- (a) 必須由教師或任何代表他的人或由學生作出，目的是為在本校提供的課程教學或接受教學，而且必須在考慮有關個案的整體情況下(尤其考慮以上(i)至(iv)的因素)構成版權條例訂明的公平處理；或
- (b) 如代表本校進行或由在本校提供的課程中接受教學的學生進行，對於藝術作品，或已發表的文學、戲劇或音樂作品，該複製必須限制在合理的範圍之內。

### 用於考試:-

該複製行為只可為考試的目的並藉擬出試題、向考生傳達試題或解答試題而作出。嚴禁複製音樂作品以供考生表演。

**注意：**複製行為既不應與版權擁有人對作品的正常使用相抵觸，也不應不合理地侵害版權擁有人合法權益。

**嚴禁將以上述目的製作的任何複製品出售、出租、要約出售或要約出租給他人。**

如使用者違反任何複製版權作品的法律限制，該使用者須就其侵犯版權行為承擔本校因此而承受的一切索賠、責任、費用及損失並作出彌償。如有疑問，

請於香港特別行政區政府律政司網站 <http://www.elegislation.gov.hk> 查閱有關版權條例(第 528 章)。

# ■ WARNING to Users of Copying Devices

*This warning applies to copying of copyrighted materials by photocopiers, scanners, printers, mobile phones and other devices with copying function.*

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## Legal Restrictions

1. Copying of a work means reproducing the work in any material form. This includes making photocopy of a work as well as reproducing and / or storing the work in any medium by electronic means.
2. For individuals making **PERSONAL COPIES**, the copying must be:-
  - (a) for their own research or private study; or
  - (b) for giving or receiving instruction in a course of study provided by the University.
3. **If COPYING IS MADE FOR OTHERS**, the copying must be:-
  - (a) for research or private study, and the copying must not result in more than one person having copies of substantially the same material for the same purpose; or
  - (b) on behalf of a teacher for giving instruction in a course of study provided by the University.
4. **If COPYING IS MADE ON BEHALF OF THE UNIVERSITY**, the copying must be:-
  - (a) for the purpose of giving instruction in a course of study provided by the University; or
  - (b) for the purpose of an examination.

## Extent of Copying

### **If copies are for research or private study:-**

The test is whether the act of copying constitutes fair dealing under the Copyright Ordinance taking into account all the circumstances of the case and in particular:-

- (i) the purpose and nature of the dealing, including whether the dealing is for a non-profit-making or commercial purpose;
- (ii) the nature of the work copied;
- (iii) the amount and substance copied in relation to the work as a whole; and
- (iv) the effect of the dealing on the potential market for or value of the work.

### **If copies are for instruction:**

The copying must:-

- (a) constitute fair dealing under the Copyright Ordinance by or on behalf of a teacher or by a student for the purposes of giving or receiving instruction in a course of study provided by the University taking into all the circumstances of the case (in particular factors (i) to (iv) above); or
- (b) be limited to a reasonable extent of an artistic work, or a published literary, dramatic or musical work, if the copying is made on behalf of the University, or if the copying is made by a student receiving instruction in a course of study provided by the University.

### **If copies are for examination:**

The copying must be for the purposes of an examination by way of setting the questions, communicating the questions to candidates or answering the questions. Copying of musical works for performance by examination candidates is strictly prohibited.

**Note:** The act of copying should neither conflict with a normal exploitation of a work by the copyright owner nor unreasonably prejudice the legitimate interests of the copyright owner.

**Any copies made for any of the above purposes must not be sold, let for hire or offered for sale or hire to others.**

If a user breaches any legal restrictions on copying of copyrighted materials, the user shall be liable for any claims, liabilities, costs and damages that the University may suffer as a result of his/her infringement on an indemnity basis. In case of doubt, please check the Copyright Ordinance (Cap 528) at the website of the Department of Justice of the HKSAR Government: <http://www.elegislation.gov.hk>

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