

**Sample Affidavit to state the copy of the work (FILM) was made outside
HONG KONG referred in S35(3)(b) and S121(2A)**

IN THE MATTER of s 121 (2A) of
the Copyright Ordinance, Cap 528

AND

*) No need to state
) this if affirmed
) before a Notary*

IN THE MATTER of the Oaths and
Declaration Ordinance, Cap 11

*) Public outside
) Hong Kong*

AND

IN THE MATTER of [C&E file no.]

AFFIDAVIT OF XYZ

I, XYZ of ABC Ltd, a company incorporated under the laws of Hong Kong, having its registered office at _____, solemnly and sincerely affirm and say as follows :

1. I am employed by the aforesaid ABC Ltd as _____ [JOB TITLE] _____.
I am duly authorised to make this affirmation on behalf of the said ABC Ltd and the following companies ¹:

- (a) Warner Bros, a duly incorporated company having its registered office at _____.
- (b) etc.

¹ S.121 permits an affirmation to be made by or on behalf of the copyright owners(s). All the copyright owners of all films referred to in column 2 must therefore be inserted here.

Film

2. A Schedule marked “XYZ-1” is annexed to this affirmation. References made in all of paragraph hereunder to columns are references to the columns in the said Schedule.

3. **Column 1** contains the title of each of the films.

4. The name of the copyright owner ² of each of the said films is set out in **column 2**.

5. True copy of each of the said films as set out in column 1 is exhibited hereto and marked with the exhibit marking as set out in **column 3**.

6. In relation to items [1 to 2] ³ of the said Schedule, the copy of each of the said films exhibited hereto was made in a place outside Hong Kong as set out in **column 4a** by the copyright owner.

[7]. In relation to the items [3] ⁴ of the said Schedule, the copy of each of the said films exhibited hereto was made in a place outside Hong Kong as set out in **column 4b** by a person who has the licence of the copyright owner to make copies of the said films in that place, but does not have the licence of the copyright owner to make copies of the said films in Hong Kong.⁵

[8]. The name and address of the person referred to in column 4b and paragraph [7] above are set out in **column 5**.

9. I declare that all of the above matters are true to the best of my knowledge and belief.

² Only the name of the current copyright owner are required.

³ Please assign an item no. to each of the items in the Schedule and insert all the applicable item nos. that fall under this category in the brackets.

⁴ Same as footnote 1 above.

⁵ In some cases, there may not be any such ‘licensed’ person as referred to in paras.7 & 8. In that event, both paragraphs, together with columns 4b & 5 of the schedule, should be taken out. Column 4a should then be renamed as column 4.

Affirmed by the)
said XYZ at this)
day of 2007)
before me)
A solicitor

(if overseas --- A Notary (Public))

Schedule XYZ-1

Item No.	<u>Column 1</u> Title of Film	<u>Column 2</u> Copyright Owner	<u>Column 3</u> Exhibit Marking	<u>Column 4a</u> Place outside Hong Kong in which the film was made by the copyright owner	<u>Column 4b</u> Place outside Hong Kong in which the film was made by a person who has the licence of the copyright owner to make copies of the film, but does not have the licence of the copyright owner to make copies of the film in Hong Kong	<u>Column 5</u> Name and address of the person referred to in column 4b
1.	Legend of the Dragon (龍的傳人)	(Name of company)	TUV-1	Hubei, China	-	-
2.	Heroes (英雄)	(Name of company)	TUV-2	Sichuan, China	-	-
3.	Pearl of Orient (東方之珠)	(Name of person)	TUV-3	-	Beijing, China	(Name and address of person)