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COPYRIGHT ACT (CHAPTER 63)

COPYRIGHT (FLAGRANTLY INFRINGING ONLINE LOCATION) REGULATIONS 2014

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation and commencement
 2. Definitions
 3. Prescribed period to take down
 4. Notice under section 193DDB(1) or 252CDB(1) of Act
 5. Reasonable efforts
- The Schedule
-

In exercise of the powers conferred by sections 193DE and 252CE of the Copyright Act, the Minister for Law hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Copyright (Flagrantly Infringing Online Location) Regulations 2014 and shall come into operation on 10 December 2014.

Definitions

2. In these Regulations, unless the context otherwise requires —
- “material” has the same meaning as in section 193A(1) of the Act;
 - “notice of application” means a notice under section 193DDB(2) or 252CDB(2) of the Act;
 - “performance” has the same meaning as in section 246(1) of the Act;

“relevant online location owner” means the owner of the online location that is intended to be the subject of an order under section 193DDA(1) or 252CDA(1) of the Act;

“take-down notice” means a notice to the owner of an online location for the purposes of section 193DDB(1)(a) or 252CDB(1)(a) of the Act.

Prescribed period to take down

3.—(1) For the purposes of section 193DDB(1)(a) of the Act, the prescribed period is a period of 14 days after the date of a notice under section 193DDB(1)(a) of the Act.

(2) For the purposes of section 252CDB(1)(a) of the Act, the prescribed period is a period of 14 days after the date of a notice under section 252CDB(1)(a) of the Act.

Notice under section 193DDB(1) or 252CDB(1) of Act

4.—(1) A notice under section 193DDB(1)(a) or 252CDB(1)(a) of the Act must be in accordance with or substantially in accordance with Form A set out in the Schedule.

(2) A notice under section 193DDB(1)(b) or 252CDB(1)(b) of the Act must be in accordance with or substantially in accordance with Form B set out in the Schedule.

Reasonable efforts

5.—(1) For the purposes of section 193DDB(3) or 252CDB(3) of the Act, the High Court is to have regard to and give such weight as the High Court considers appropriate to the matters in paragraph (2) in determining whether a plaintiff has made reasonable efforts —

(a) to determine the identity or address of a relevant online location owner; or

(b) to send any take-down notice and notice of application to the relevant online location owner.

(2) The matters are —

(a) whether the plaintiff has searched for the identity or address of the relevant online location owner from the online location,

publicly available domain registry and social media, and, where the identity or address can be found, has sent the take-down notice and notice of application to the owner using an appropriate method of communication, such as mail, electronic mail, or social media;

- (b) whether the plaintiff has used any contact form found on the online location to convey the take-down notice and notice of application to the relevant online location owner;
- (c) whether the plaintiff has requested the Internet web host of the online location or the registrar or registry of the online location's domain name —
 - (i) to search for the contact details of the relevant online location owner and where the contact details can be obtained, to send the take-down notice and notice of application to the owner using an appropriate method, such as mail, electronic mail, or social media; or
 - (ii) to request the web host or domain name registrar of the online location to forward the take-down notice and notice of application to the relevant online location owner; and
- (d) whether the plaintiff has checked with the site administrator, forum moderator or other possible points of contact on the online location for the contact details of the relevant online location owner.

(3) To avoid doubt, the High Court is not confined to consideration of matters specified in paragraph (2) and may take into account such other matters and evidence as may be relevant.

THE SCHEDULE

FORM A

Regulation 4(1)

COPYRIGHT ACT
(CHAPTER 63)COPYRIGHT (FLAGRANTLY INFRINGING
ONLINE LOCATION) REGULATIONS 2014

TAKE-DOWN NOTICE

To: [Owner of online location]

1. This notice is sent under section 193DDB(1)(a)/252CDB(1)(a)¹ of the Copyright Act (Cap. 63). The particulars of the person sending this notice (the complainant) are as follows:

- (a) Name:
- (b) Address:
- (c) Address for service in Singapore²:
- (d) Telephone number:
- (e) Facsimile number (if any):
- (f) Electronic mail address:

2. The complainant represents the owner/exclusive licensee¹ of the copyright in the materials/the performer of the performances³ listed in paragraph 5. The owner/exclusive licensee/performer¹ is:

- (a) Name:
- (b) Address:

3. The owner/exclusive licensee/performer¹ believes, in good faith that the online location described in paragraph 4 is a flagrantly infringing online location and has been or is being used to flagrantly commit or facilitate infringement of the copyright in the materials/to flagrantly make or facilitate unauthorised use of the performances⁴, including the materials/performances¹ listed in paragraph 5.

¹ Delete as appropriate.

² Omit this sub-paragraph if the complainant is resident in Singapore.

³ Delete “the owner/exclusive licensee¹ of the copyright in the materials” or “the performer of the performances” as appropriate.

⁴ Delete “to flagrantly commit or facilitate infringement of the copyright in the materials” or “to flagrantly make or facilitate unauthorised use of the performances” as appropriate.

THE SCHEDULE — *continued*

4. The particulars of the online location (the specified online location) referred to in paragraph 3 are as follows:

- (a) Universal Resource Locator (URL)⁵:
- (b) Internet Protocol (IP) address/addresses¹:
- (c) Date and time accessed from Singapore:

5. The titles and descriptions of the materials/performances¹ referred to in paragraph 3 are as follows⁶:

[State the titles and descriptions of the materials for which copyright infringements have been committed or the performances for which unauthorised performances have been made.]

6. The following is a non-exhaustive list of the materials, links or references that is in the specified online location which enables infringement of the copyright in the materials to be committed or facilitated/unauthorised use of the performances to be made or facilitated⁷:

[For each title and description of the material or performance described in paragraph 5, give examples of the materials, links or references that have been or are being used to flagrantly commit or facilitate infringement of copyright in the materials/to make or facilitate an unauthorised use of the performances.]

7. The information in this notice is accurate as of the date of this notice.

8. Within 14 days after the date of this notice, the owner/exclusive licensee/performer¹ requires you to cease the use of the specified online location to commit or facilitate infringement of copyright in the materials/unauthorised use of the performances.¹ If you fail to do so, the owner/exclusive licensee/performer¹ may apply for an order with the courts under section 193DDA/252CDA¹ of the Copyright Act (Cap. 63) to disable access to the specified online location.

Signature of complainant:

Name of complainant:

Date of notice:

⁵ The specified URL should belong to the home page of the online location and include both the protocol used (e.g. HTTP) and the domain name of the specified online location (e.g. <http://www.example.com/>).

⁶ Provide sufficient particulars to identify the materials or performances in respect of which copyright infringements or unauthorised performances are alleged to have occurred or are occurring.

⁷ Delete “infringement of the copyright in the materials to be committed or facilitated” or “unauthorised use of the performances to be made or facilitated” as appropriate.

THE SCHEDULE — *continued*

FORM B

Regulation 4(2)

COPYRIGHT ACT
(CHAPTER 63)COPYRIGHT (FLAGRANTLY INFRINGING
ONLINE LOCATION) REGULATIONS 2014NOTICE OF INTENTION TO APPLY FOR ORDER
TO DISABLE ACCESS TO ONLINE LOCATION

To: [Name of network service provider]

1. This notice is sent under section 193DDB(1)(b)/252CDB(1)(b)¹ of the Copyright Act (Cap. 63). The particulars of the person sending this notice (the complainant) are as follows:

- (a) Name:
- (b) Address:
- (c) Address for service in Singapore²:
- (d) Telephone number:
- (e) Facsimile number (if any):
- (f) Electronic mail address:

2. The complainant represents the owner/exclusive licensee¹ of the copyright in the materials/performer of the performances³ listed in paragraph 5. The owner/exclusive licensee/performer¹ is:

- (a) Name:
- (b) Address:

3. The owner/exclusive licensee/performer¹ believes, in good faith, that the online location described in paragraph 4 is a flagrantly infringing online location and has been or is being used to flagrantly commit or facilitate infringement of the copyright in the materials/to flagrantly make or facilitate unauthorised use of the performances⁴, including the materials/performances¹ listed in paragraph 5.

¹ Delete as appropriate.

² Omit this sub-paragraph if the complainant is resident in Singapore.

³ Delete “owner/exclusive licensee¹ of the copyright in the materials” or “performer of the performances” as appropriate.

⁴ Delete “to flagrantly commit or facilitate infringement of the copyright in the materials” or “to flagrantly make or facilitate unauthorised use of the performances” as appropriate.

THE SCHEDULE — *continued*

4. The particulars of the online location (the specified online location) referred to in paragraph 3 are as follows:

- (a) Universal Resource Locator (URL)⁵:
- (b) Internet Protocol (IP) address/addresses¹:
- (c) Date and time accessed from Singapore:

5. The titles and descriptions of the materials/performances¹ referred to in paragraph 3 are as follows⁶:

[State the titles and descriptions of the materials for which copyright infringements have been committed or the performances for which unauthorised performances have been made.]

6. The following is a non-exhaustive list of the materials, links or references that is in the specified online location which enables infringement of the copyright in the materials to be committed or facilitated/unauthorised use of the performances to be made or facilitated⁷:

[For each title and description of the materials or performances described in paragraph 5, give examples of the materials, links or references that have been or are being used to flagrantly commit or facilitate infringement of copyright in the materials/to make or facilitate an unauthorised use of the performances.]

7. The information in this notice is accurate as of the date of this notice.

8. Within 14 days after the date this notice, the owner/exclusive licensee/performer¹ may apply for an order with the courts under section 193DDA/252CDA¹ of the Copyright Act (Cap. 63) to disable access to the specified online location.

Signature of complainant:

Name of complainant:

Date of notice:

⁵ The specified URL should belong to the home page of the online location and include both the protocol used (e.g. HTTP) and the domain name of the specified online location (e.g. <http://www.example.com/>).

⁶ Provide sufficient particulars to identify the materials or performance in respect of which copyright infringement or unauthorised performance is alleged.

⁷ Delete “infringement of the copyright in the materials to be committed or facilitated” or “unauthorised use of the performances to be made or facilitated” as appropriate.

Made on 9 December 2014.

NG HOW YUE
*Permanent Secretary,
Ministry of Law,
Singapore.*

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