

**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**COPYRIGHT (GRAMOPHONE RECORDS AND  
GOVERNMENT BROADCASTING) ACT**

**(CHAPTER 64)**

**1970 Ed. Cap. 188  
Act  
47 of 1968**

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# Copyright (Gramophone Records and Government Broadcasting) Act

## ARRANGEMENT OF SECTIONS

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An Act to provide penalties for the infringement of copyright in gramophone records and to exempt Government broadcasting from infringement of copyright in musical works and in gramophone records.

[1st January 1969]

1. This Act may be cited as the Copyright (Gramophone Records and Government Broadcasting) Act. Short title.

2. In this Act, unless the context otherwise requires — Inter-pretation.
- “gramophone record” means the material first embodying the recording of a sequence of sounds capable, by the use of that material, of being automatically reproduced aurally, but does not include a sound track associated with a cinematograph film;
- “musical work” means a musical work in which there is a subsisting copyright;
- “pirated copies”, in relation to any gramophone record, means any copies of that record made or

reproduced without the consent lawfully given by the owner of the copyright in that record.

Penalty for being in possession of pirated copies of gramophone records.

3.—(1) Every person who makes, reproduces, imports for sale, sells, exposes or offers for sale, or has in his possession for sale, any pirated copies of any gramophone record, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and in the case of a second or subsequent conviction to imprisonment for a term not exceeding one year or to a fine not exceeding \$2,000 or to both.

(2) Where a person is charged with an offence under subsection (1), it shall be a defence to prove that —

- (a) he had at the time of the commission of the alleged offence no reason to suspect that he was dealing with pirated copies;
- (b) on demand by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he had obtained the pirated copies; and
- (c) in all respects he acted innocently.

(3) The court before which any proceedings are taken under subsection (1) may, whether the alleged offender is convicted or not, order that any pirated copies of any gramophone record shall be delivered up to the owner of the copyright in that record or otherwise dealt with as the court thinks fit.

Cap. 330.

(4) A police officer may arrest without warrant any person who, in any street or public place, sells, exposes or offers for sale, or has in his possession for sale, any pirated copies of any gramophone record as may be specified in any general written authority addressed to the Trade Development Board established under section 3 of the Trade Development Board Act and signed by the apparent owner of the copyright in that record or his agent, requesting the arrest, at the risk of the owner, of all persons found committing offences under this Act in respect of that record.

(5) A copy of every written authority under subsection (4) shall be open to inspection at all reasonable hours by any person without payment of any fee and any person may take copies or make extracts thereof.

(6) Any person who has in his possession 5 or more pirated copies of any gramophone record shall be deemed to be in possession of those copies for sale.

4.—(1) If a Magistrate is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act is being committed in any premises, he may grant a search warrant authorising any police officer named therein to enter the premises, and, if necessary, to use force for making such entry, and to seize copies of any gramophone record which appear to that officer to be pirated copies.

Right of entry by police.

(2) All copies of any gramophone record seized under this section shall be brought before a court, and, if proved to be pirated copies, shall be delivered up to the owner of the copyright in that record or otherwise dealt with as the court thinks fit.

5.—(1) An affidavit made before a notary public by or on behalf of the owner of the copyright in any gramophone record and stating —

Proof of copyright.

- (a) that at the time specified therein, copyright subsisted in that record;
- (b) that he or the person named therein is the owner of the copyright; and
- (c) that a copy of the record annexed thereto is a true copy thereof,

shall be admitted in evidence in any proceedings under this Act on its production by the prosecution without further proof.

(2) An affidavit made under subsection (1) shall be prima facie evidence of the matters stated therein and, until the contrary is proved, the court before which the affidavit is produced shall presume that the affidavit was made by or on behalf of the owner of the copyright in that record.

6.—(1) Notwithstanding anything in any other written law—

- (a) the copyright in a musical work or in a gramophone record is not infringed by the Government when it causes the musical work or gramophone

When copyright in musical works not infringed by Government.

record to be heard in public by means of a radio or television broadcast; and

- (b) the copyright in a musical work is not infringed by the Government when it makes a record, tape or other device in respect of that musical work solely for the purpose of broadcasting that musical work by means of a radio or television broadcast.

(2) Where a radio or television broadcast is made by the Government and a person by the reception of that broadcast causes a musical work or gramophone record to be heard in public, he does not thereby infringe the copyright in that musical work or gramophone record.