
First published in the Government *Gazette*, Electronic Edition, on 2nd December 1999 at 5:00 pm.

No. S 534

COPYRIGHT ACT (CHAPTER 63)

COPYRIGHT (AMENDMENT) REGULATIONS 1999

In exercise of the powers conferred by section 202 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 (Amendment) Regulations 1999 and shall come into operation on 15th December 1999.

Amendment of regulation 7

2. Regulation 7 of the Copyright Regulations (Rg 4) is amended —

(a) by inserting, immediately after sub-paragraph (c) of paragraph (2), the following sub-paragraph:

“(ca) if the work is contained in a published edition that is stored on any medium by electronic means, the total number of bytes in the edition that have been copied;” and

(b) by inserting, immediately after paragraph (2), the following paragraph:

“(2A) For the purposes of paragraphs (1) (h) and (2) (e), if —

(a) the copies made are in an electronic form on a network operated or controlled by an educational institution;

(b) the copies are made to enable persons undertaking a course of education provided by that or another educational institution to

access the article or work or that part of the article or work, as the case may be; and

- (c) the number of the copies made cannot reasonably be ascertained,

the number of the copies made shall be taken to be equal to the number of students enrolled in that course of education.”.

New regulation 16

3. The Copyright Regulations are amended by inserting, immediately after regulation 15, the following regulation:

“Matters to be set out in statutory declaration

16.—(1) A statutory declaration referred to in section 193C (2) (b) of the Act shall, in addition to the matters referred to in section 193C (2) (b) (i) and (ii) of the Act, state the following information:

- (a) the name of the owner of the copyright in the material in respect of which an act which constitutes an infringement of the copyright is alleged to have been carried out in, or in the course of, making available the copy of the material on the network concerned;
- (b) a detailed description of the material or the relevant part thereof;
- (c) the location of the material on the network; and
- (d) the steps that the maker of the declaration has taken to inform the person who made available the copy of the material on the network to remove the material from the network.

(2) A statutory declaration referred to in section 252B (2) (b) of the Act shall, in addition to the matters referred to in section 252B (2) (b) (i) and (ii) of the Act, state the following information:

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- (a) the name of the performer of the performance in respect of which an unauthorised recording is alleged to have been made available on the network;
 - (b) a detailed description of the performance or the relevant part thereof;
 - (c) a description of the location of the recording on the network; and
 - (d) the steps that the maker of the declaration has taken to inform the person who made available the recording on the network to remove the recording from the network.”.

Amendment of First Schedule

4. Part IV of the First Schedule to the Copyright Regulations is amended by deleting item 87 and substituting the following items:

“(87) Curriculum Planning and Development Division, Ministry of Education	Environment Building, 8th level, 40 Scotts Road, Singapore 228231.
(88) Education Technology Division, Ministry of Education	564B, Bukit Timah Road, Singapore 259767.”.

Amendment of Third Schedule

5. The Third Schedule to the Copyright Regulations is amended by deleting the 3rd and 4th paragraphs and substituting the following paragraphs:

“It is a fair dealing to make a copy, for the purpose of research or private study, of one or more articles on the same subject-matter in a periodical publication or, in the case of any other work, of a reasonable portion of a work. In the case of a published work that is not less than 10 pages and is not an artistic work, 10% of the total number of pages, or one chapter, is a reasonable portion. In the case of an electronic version of a published work that is not divided into pages and is not an artistic work, 10% of the total number of bytes is a reasonable portion.

More extensive copying may constitute fair dealing for the purpose of research or private study. To determine whether it does, it is necessary to have regard to the criteria set out in section 35 (2) of the Copyright Act.”.

Amendment of Sixth Schedule

6. The Sixth Schedule to the Copyright Regulations is amended by inserting, immediately after item 6, the following item:

“7 If the work is contained in a published edition that is stored on any medium by electronic means and is not divided into pages, the total number of bytes in the edition that have been copied.”.

[G.N. Nos. S 528/92; S 166/96; S 18/97; S 226/98]

Made this 30th day of November 1999.

GOH KIM LEONG
*Permanent Secretary,
Ministry of Law,
Singapore.*

[LAW 30/002/001; AG/LEG/SL/63/96/1 Vol. 1]