

COPYRIGHT ACT
(CHAPTER 63, SECTION 140B(8))

COPYRIGHT (BORDER ENFORCEMENT MEASURES)
REGULATIONS

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The Schedule — [*Repealed*]

[16th April 1998]

PART 1
PRELIMINARY

[S 745/2019 wef 21/11/2019]

Citation

1. These Regulations may be cited as the Copyright (Border Enforcement Measures) Regulations.

Definitions

2. In these Regulations —

“authorised officer”, “copyright material” and “Director-General” have the meanings given by section 140A of the Act;

“dealer” means the importer, exporter or consignee of the copies seized under section 140LA of the Act;

[S 745/2019 wef 21/11/2019]

“officer of customs” has the meaning given by section 3(1) of the Customs Act (Cap. 70).

PART 2

SEIZURE OF COPIES ON REQUEST

[S 745/2019 wef 21/11/2019]

Notice under section 140B(1) of Act, etc.

3.—(1) A notice to the Director-General under section 140B(1) of the Act, or that provision as applied by section 254B of the Act, must be supported by the following documents and information:

- (a) a statutory declaration that the particulars in the notice are true;
- (b) where the notice is given by a person as agent for the owner or a licensee of the copyright in the copyright material, or the performer of the performance embodied in the unauthorised recording, evidence of the authority of the person giving the notice.

[S 745/2019 wef 21/11/2019]

(2) The notice must be accompanied by the fee prescribed in the Copyright (Border Enforcement Measures Fees) Regulations 2019 (G.N. No. S 744/2019).

[S 745/2019 wef 21/11/2019]

(3) The owner or licensee of the copyright in the copyright material may appoint another person to act as his agent for the purpose of giving the notice.

(4) Where the notice is given in relation to an unauthorised recording of a performance, the performer of the performance embodied in the unauthorised recording may appoint another person to act as his agent for the purpose of giving the notice.

[S 745/2019 wef 21/11/2019]

Time and manner of giving notice under section 140B(1) of Act, etc.

4. A notice to the Director-General under section 140B(1), or section 140B(1) read with section 254B, of the Act shall be delivered to the Singapore Customs —

- (a) during such time as the office of the Singapore Customs is open for business; and
- (b) at such time as is reasonably possible for an authorised officer to take any action under the Act in relation to the notice.

[S 745/2019 wef 21/11/2019]

Further information and evidence for notice under section 140B(1) of Act, etc.

5.—(1) A person who has given a notice to the Director-General under section 140B(1) of the Act in relation to any copyright material shall, as and when required by the Director-General, give to the Director-General such information and evidence within such time and in such form as the Director-General may require including such information and evidence as the Director-General may require to establish —

- (a) the subsistence of copyright in the copyright material;
- (b) the ownership of that copyright; and

[S 745/2019 wef 21/11/2019]

- (c) that goods to be seized, or which have been seized, are copies of the copyright material to which section 140B of the Act applies.

[S 745/2019 wef 21/11/2019]

- (d) [*Deleted by S 745/2019 wef 21/11/2019*]

[S 745/2019 wef 21/11/2019]

(2) Where a notice is given to the Director-General under section 140B(1) of the Act as applied by section 254B of the Act in relation to any unauthorised recording of a performance, the person who has given the notice shall, as and when required by the Director-

General, give to the Director-General such information and evidence within such time and in such form as the Director-General may require including such information and evidence as the Director-General may require to establish —

- (a) that the performance is protected under Part XII of the Act and the protection period in respect of the performance has not expired;
- (b) the identity of the performer of the performance embodied in the unauthorised recording; and

[S 745/2019 wef 21/11/2019]

- (c) that goods to be seized, or which have been seized, are copies of an unauthorised recording of a performance to which section 140B read with section 254B of the Act applies.

[S 745/2019 wef 21/11/2019]

- (d) *[Deleted by S 745/2019 wef 21/11/2019]*

[S 745/2019 wef 21/11/2019]

[S 745/2019 wef 21/11/2019]

Change in particulars of notice under section 140B(1) of Act, etc.

6. A person who has given a notice to the Director-General under section 140B(1) of the Act, or that provision as applied by section 254B of the Act, must notify the Director-General in writing of any change in the particulars specified in the notice or affecting the notice within 7 days of the change, and provide any document and information in relation to the change that the Director-General may reasonably require.

[S 745/2019 wef 21/11/2019]

Refusal to seize copies pursuant to notice under section 140B(1) of Act, etc.

7. An authorised officer may refuse to seize copies of any copyright material or copies of an unauthorised recording of a performance to which a notice under section 140B(1), or section 140B(1) read with

section 254B, of the Act relates if the person who has given the notice fails to comply with —

(a) any direction of the Director-General; or

[S 745/2019 wef 21/11/2019]

(b) any provision of these Regulations.

[S 745/2019 wef 21/11/2019]

Period under section 140E(2)(a) of Act, etc., for instituting action for infringement of copyright

8. For the purposes of section 140E(2)(a) of the Act, or that provision as applied by section 254B of the Act, the prescribed period is 10 working days after the day specified in the notice mentioned in section 140E(1) of the Act.

[S 745/2019 wef 21/11/2019]

Period under section 140E(6) of Act, etc., for extension of initial period

9. For the purposes of section 140E(6) of the Act, or that provision as applied by section 254B of the Act, the prescribed period is 10 working days after the end of the initial period mentioned in section 140E(6) of the Act.

[S 745/2019 wef 21/11/2019]

Written undertakings for forfeiture of seized copies by consent under section 140G(1) of Act, etc.

9A. For the purposes of section 140G(1) of the Act, or that provision as applied by section 254B of the Act, the prescribed written undertakings are that the importer or exporter (as the case may be) must —

(a) propose an arrangement for the disposal of the seized copies for the Director-General's approval; and

(b) dispose of the seized copies in accordance with an arrangement approved by the Director-General —

(i) within one month after the date of a notice given by the Director-General; and

(ii) under the supervision of an officer of customs.

[S 745/2019 wef 21/11/2019]

9B. *[Deleted by S 745/2019 wef 21/11/2019]*

Disposal of seized copies forfeited by consent under section 140G(3) of Act, etc.

9C.—(1) This regulation applies to any seized copies that are forfeited to the Government under any of the following:

- (a) section 140G(3) of the Act;
- (b) section 140G(3) of the Act as applied by section 254B of the Act.

[S 745/2019 wef 21/11/2019]

(c) *[Deleted by S 745/2019 wef 21/11/2019]*

(d) *[Deleted by S 745/2019 wef 21/11/2019]*

(2) Upon forfeiture of the seized copies, the copies must be disposed of by the importer or exporter (as the case may be) in accordance with an arrangement approved by the Director-General —

- (a) within one month after the date of a notice given by the Director-General; and
- (b) under the supervision of an officer of customs.

[S 745/2019 wef 21/11/2019]

(3) If the importer or exporter (as the case may be) does not dispose of the copies within the period mentioned in paragraph (2)(a), the Director-General must dispose of those copies in such manner as the Director-General thinks fit.

[S 745/2019 wef 21/11/2019]

PART 3

EX-OFFICIO SEIZURE OF COPIES

[S 745/2019 wef 21/11/2019]

Period under section 140LB(1) of Act, etc.

10. For the purposes of section 140LB(1) of the Act, or that provision as applied by section 254B of the Act, the prescribed period is 48 hours after the date of the written notice mentioned in section 140LA(3) of the Act, or that provision as applied by section 254B of the Act.

[S 745/2019 wef 21/11/2019]

Notice under section 140LB(1) of Act, etc.

11.—(1) A notice to the Director-General under section 140LB(1) of the Act, or that provision as applied by section 254B of the Act, must be supported by the following documents and information:

- (a) a statutory declaration that the particulars in the notice are true;
 - (b) where the notice is given by a person as agent for the owner of the copyright in the copyright material or the performer of the performance embodied in an unauthorised recording, evidence of the authority of the person giving the notice.
- (2) The notice must be accompanied by the fee prescribed in the Copyright (Border Enforcement Measures Fees) Regulations 2019.
- (3) The owner of the copyright in the copyright material may appoint another person to act as his agent for the purpose of giving the notice.
- (4) Where the notice is given in relation to an unauthorised recording of a performance, the performer of the performance embodied in the unauthorised recording may appoint another person to act as his agent for the purpose of giving the notice.

[S 745/2019 wef 21/11/2019]

Time and manner of giving notice under section 140LB(1) of Act, etc.

12. A notice to the Director-General under section 140LB(1) of the Act, or that provision as applied by section 254B of the Act, must be

delivered to the Singapore Customs during such time as the office of the Singapore Customs is open for business.

[S 745/2019 wef 21/11/2019]

Further information and evidence for notice under section 140LB of Act, etc.

13.—(1) A person who has given a notice to the Director-General under section 140LB(1) of the Act in relation to any copyright material must, as and when required by the Director-General, give to the Director-General any information and evidence within any time and in any form that the Director-General may require.

(2) The information and evidence mentioned in paragraph (1) must include such information and evidence as the Director-General may require to establish —

- (a) the subsistence of copyright in the copyright material;
- (b) the ownership of that copyright; and
- (c) that the copies that have been seized are copies of the copyright material to which section 140LA of the Act applies.

(3) A person who has given a notice under section 140LB(1) of the Act as applied by section 254B of the Act to the Director-General in relation to any unauthorised recording of a performance must, as and when required by the Director-General, give to the Director-General any information and evidence within any time and in any form that the Director-General may require.

(4) The information and evidence mentioned in paragraph (3) must include any information and evidence that the Director-General may require to establish —

- (a) that the performance is protected under Part XII of the Act and the protection period in respect of the performance has not expired;
- (b) the identity of the performer of the performance embodied in the unauthorised recording; and

- (c) that the copies that have been seized are copies of an unauthorised recording of a performance to which section 140LA of the Act as applied by section 254B of the Act applies.

[S 745/2019 wef 21/11/2019]

Change in particulars of notice under section 140LB(1) of Act, etc.

14. A person who has given a notice to the Director-General under section 140LB(1) of the Act, or that provision as applied by section 254B of the Act, must notify the Director-General in writing of any change in the particulars specified in the notice or affecting the notice within 7 days of the change, and provide any document and information in relation to the change that the Director-General may reasonably require.

[S 745/2019 wef 21/11/2019]

Release of seized copies to dealer under section 140LB of Act, etc.

15. The Director-General may release to the dealer concerned the seized copies, in relation to which a notice has been given under section 140LB(1) of the Act, or that provision as applied by section 254B of the Act, if the person who gave the notice fails to comply with —

- (a) any direction of the Director-General; or
- (b) any provision of these Regulations.

[S 745/2019 wef 21/11/2019]

Period under section 140LC(1)(a) of Act, etc., for instituting action for infringement of copyright

16. For the purposes of section 140LC(1)(a) of the Act, or that provision as applied by section 254B of the Act, the prescribed period is 10 working days after the day specified in the notice mentioned in section 140LC(1) of the Act.

[S 745/2019 wef 21/11/2019]

Period for extension of initial period under section 140E(6) of Act as applied by section 140LC(2) of Act, etc.

17. The prescribed period for the purposes of —
- (a) section 140E(6) of the Act as applied by section 140LC(2) of the Act; and
 - (b) the provisions mentioned in paragraph (a) as applied by section 254B of the Act,

is 10 working days after the end of the initial period mentioned in section 140E(6) of the Act.

[S 745/2019 wef 21/11/2019]

Written undertakings for forfeiture of seized copies by consent under section 140LF(1) of Act, etc.

18. For the purposes of section 140LF(1) of the Act, or that provision as applied by section 254B of the Act, the prescribed written undertakings are that the dealer must —

- (a) propose an arrangement for the disposal of the seized copies for the Director-General's approval; and
- (b) dispose of the seized copies in accordance with an arrangement approved by the Director-General —
 - (i) within one month after the date of a notice given by the Director-General; and
 - (ii) under the supervision of an officer of customs.

[S 745/2019 wef 21/11/2019]

Disposal of seized copies forfeited by consent under section 140LF(3) of Act, etc.

19.—(1) Upon forfeiture of the seized copies to the Government under section 140LF(3) of the Act, or that provision as applied by section 254B of the Act, the copies must be disposed of by the dealer in accordance with an arrangement approved by the Director-General —

- (a) within one month after the date of a notice given by the Director-General; and

(b) under the supervision of an officer of customs.

(2) If the dealer does not dispose of the seized copies within the period mentioned in paragraph (1)(a), the Director-General must dispose of those copies in any manner that the Director-General deems fit.

[S 745/2019 wef 21/11/2019]

THE SCHEDULE

[Deleted by S 745/2019 wef 21/11/2019]

LEGISLATIVE HISTORY
COPYRIGHT (BORDER ENFORCEMENT MEASURES)
REGULATIONS
(CHAPTER 63, RG 5)

This Legislative History is provided for the convenience of users of the Copyright (Border Enforcement Measures) Regulations. It is not part of these Regulations.

1. G. N. No. S 118/1987 — Copyright (Import Restrictions) Regulations 1987

Date of commencement : 10 April 1987

2. 1990 Revised Edition — Copyright (Import Restrictions) Regulations

Date of operation : 25 March 1992

3. G. N. No. S 224/1998 — Copyright (Border Enforcement Measures) Regulations 1998

Date of commencement : 16 April 1998

4. 2002 Revised Edition — Copyright (Border Enforcement Measures) Regulations

Date of operation : 30 September 2002

5. G. N. No. S 222/2005 — Copyright (Border Enforcement Measures) (Amendment) Regulations 2005

Date of commencement : 18 April 2005

6. 2009 Revised Edition — Copyright (Border Enforcement Measures) Regulations

Date of operation : 31 March 2009

7. G.N. No. S 556/2018 — Copyright (Border Enforcement Measures) (Amendment) Regulations 2018

Date of commencement : 10 October 2018

8. G.N. No. S 745/2019 — Copyright (Border Enforcement Measures) (Amendment) Regulations 2019

Date of commencement : 21 November 2019