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COPYRIGHT ACT (CHAPTER 63)

COPYRIGHT (EXCLUDED WORKS) ORDER 2012

ARRANGEMENT OF PARAGRAPHS

Paragraph

1. Citation and commencement
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In exercise of the powers conferred by section 261D(2) of the Copyright Act, the Minister for Law hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Copyright (Excluded Works) Order 2012 and shall come into operation on 1st January 2013.

Application

2. This Order shall remain in force until 31st December 2016.

Definitions

3.—(1) In this Order, unless the context otherwise requires, “specialised format” means a format that —

(a) is in Braille, audio or digital text; and

(b) is intended solely for use by handicapped readers.

(2) For the purposes of paragraph 4(a), a dongle shall be treated as obsolete if —

- (a) it is no longer being manufactured;
- (b) it is no longer commercially available; or
- (c) its repair is no longer commercially available.

(3) For the purposes of paragraph 4(b), a computer program or video game shall be treated as being in an obsolete format if its contents can only be rendered perceptible by means of a machine or system that —

- (a) is no longer being manufactured; or
- (b) is no longer commercially available.

Works to which section 261C(1)(a) of Act shall not apply

4. Section 261C(1)(a) of the Act shall not apply to the following works:

- (a) any computer program to which access is controlled by means of an obsolete dongle that is damaged or defective;
- (b) any computer program or video game —
 - (i) which is distributed in an obsolete format; and
 - (ii) to which access may be gained only by means of the original medium or hardware in or with which it was designed to be used or operated,

where circumvention of a technological access control measure that has been applied to it is for the purpose of preservation or archival reproduction of published digital works by a library or archive;

- (c) any literary work —
 - (i) which is in an electronic book format; and
 - (ii) in respect of which a technological access control measure has been applied to all existing electronic book editions of the work (including any digital text edition made available by an institution assisting handicapped readers) so as to —
 - (A) prevent the operation of the read-aloud function of the electronic book; or

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- (B) prevent any specialised assistive device or computer software from converting the text into a specialised format;
- (d) any cinematograph film which is contained in the library of —
- (i) a university;
 - (ii) a polytechnic;
 - (iii) an institute of technical education; or
 - (iv) any other tertiary educational institution, that conducts courses in film or media studies, where circumvention of a technological access control measure that has been applied to the cinematograph film is carried out by any film or media studies lecturer, or any staff or employee acting on the instructions of such lecturer, of the university, polytechnic, institute of technical education or other tertiary educational institution (as the case may be) for the purpose of making compilations of portions of the work for educational use in the classroom;
- (e) any cinematograph film where circumvention of a technological access control measure that has been applied to it is carried out in good faith by any person solely for the purpose of using a short portion of the film, for criticism or review or for reporting the news, in the making of a documentary;
- (f) any sound recording or cinematograph film which is —
- (i) distributed in compact disc format; and
 - (ii) protected by a technological access control measure that —
 - (A) controls access to lawfully purchased sound recordings or cinematograph films; and
 - (B) creates or exploits security flaws or vulnerabilities that compromise the security of personal computers,

where circumvention of the technological access control measure that has been applied to the sound recording or cinematograph film is solely for the purpose of testing, investigating or correcting in good faith such security flaws or vulnerabilities; and

- (g) any computer program used in any essential or emergency system where circumvention of the technological access control measure that has been applied to the computer program is solely for the purpose of enabling the replacement or repair of the computer program.

Made this 21st day of December 2012.

BEH SWAN GIN
*Permanent Secretary,
Ministry of Law,
Singapore.*

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