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**COPYRIGHT ACT 2021
(ACT 22 OF 2021)**

COPYRIGHT REGULATIONS 2021

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In exercise of the powers conferred by sections 505 and 541(2) of the Copyright Act 2021, the Minister for Law makes the following Regulations:

PART 1**PRELIMINARY****Citation and commencement**

1. These Regulations are the Copyright Regulations 2021 and come into operation on 21 November 2021.

Definitions

2.—(1) In these Regulations, unless the context otherwise requires —

“administrator”, in relation to an institution, means the individual who is responsible for the day-to-day administration of the institution;

“ISBN” means International Standard Book Number;

“ISSN” means International Standard Serial Number;

“specified form”, in relation to any provision of the Act or of these Regulations, means the form specified on <http://www.ipos.gov.sg> for the purposes of the provision.

(2) Unless it is otherwise provided, a reference to a section in these Regulations is a reference to a section in the Act.

Service of documents in Singapore

3.—(1) Unless expressly provided otherwise, a document that is permitted or required by the Act or by these Regulations to be served on a person in Singapore (whether the expression “serve”, “give” or “send” or any other similar expression is used) may be served as described in this regulation.

(2) A document permitted or required by the Act to be served on an individual may be served —

- (a) by giving it to the individual personally;
- (b) by sending it by prepaid registered post to the address specified by the individual for the service of documents or, if no address is so specified, the individual’s residential address or business address;
- (c) by leaving it at the individual’s residential address with an adult apparently resident there, or at the individual’s business address with an adult apparently employed there;
- (d) by affixing a copy of the document in a conspicuous place at the individual’s residential address or business address;
- (e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or
- (f) by sending it by email to the individual’s last email address.

(3) A document permitted or required by the Act to be served on a partnership (other than a limited liability partnership) may be served —

- (a) by giving it to any partner, secretary or other similar officer of the partnership;
- (b) by leaving it at, or by sending it by prepaid registered post to, the partnership’s business address;
- (c) by sending it by fax to the fax number used at the partnership’s business address; or

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- (d) by sending it by email to the partnership's last email address.
- (4) A document permitted or required by the Act to be served on a body corporate (including a limited liability partnership) or an unincorporated association may be served —
- (a) by giving it to the secretary or other similar officer of the body corporate or unincorporated association, or the limited liability partnership's manager;
 - (b) by leaving it at, or by sending it by prepaid registered post to, the registered office or principal office in Singapore of the body corporate or unincorporated association;
 - (c) by sending it by fax to the fax number used at the registered office or principal office in Singapore of the body corporate or unincorporated association; or
 - (d) by sending it by email to the last email address of the body corporate or unincorporated association.
- (5) Service of a document under paragraph (1) takes effect —
- (a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;
 - (b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person to whom it is sent; and
 - (c) if the document is sent by prepaid registered post, 2 days after the day the document was posted (even if it is returned undelivered).
- (6) However, service of any document under the Act on a person by email may be effected only with the person's prior consent to service in that way.
- (7) However, this regulation does not apply to documents to be served in proceedings in court or a Copyright Tribunal.

(8) In this regulation —

“business address” means —

- (a) in the case of an individual, the individual’s usual or last known place of business in Singapore; or
- (b) in the case of a partnership (other than a limited liability partnership), the partnership’s principal or last known place of business in Singapore;

“document” includes a notice or an order permitted or required by the Act to be served;

“last email address” means —

- (a) the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under the Act; or
- (b) the last email address of the addressee concerned known to the person giving or serving the document;

“residential address” means an individual’s usual or last known place of residence in Singapore.

Advertisements

4. For the purposes of these Regulations, a document is advertised if it is published —

- (a) once in the *Gazette*; or
- (b) once in an English local daily newspaper and, if the document relates to a copyright work or protected performance in Chinese, Malay or Tamil, once in a local daily newspaper of that language.

PART 2
EXTENSION OF ACT TO
RECIPROCATING COUNTRIES

Definitions of this Part

5. In this Part —

“Berne Convention” means the Berne Convention for the Protection of Literary and Artistic Works signed at Berne on 9 September 1886, as revised or amended from time to time;

“country” includes a territory;

“equivalent protection”, in relation to a work, has the meaning given by regulation 7;

“member of the World Trade Organisation” means a country that is a signatory to the WTO Agreement;

“non-reciprocating country” means a country that is not a reciprocating country;

“reciprocating country” has the meaning given by regulation 6;

“simultaneously” means —

(a) in relation to publications that took place before 10 April 1987 — within a period of 14 days; and

(b) in relation to other publications — within a period of 30 days;

“WTO Agreement” means the World Trade Organisation Agreement signed in Marrakesh in 1994, as revised or amended from time to time.

What is a reciprocating country and related concepts

6.—(1) Unless expressly provided otherwise in this Part, a country is a reciprocating country for the purposes of this Part and section 3(1)(a) if it is —

(a) a party to the Berne Convention; or

(b) a member of the World Trade Organisation.

(2) For the purposes of this Part, an act is done in a reciprocating country if it is done in the territory of the reciprocating country.

(3) For the purposes of this Part —

- (a) the territory of the United States of America includes the Commonwealth of Puerto Rico, Guam and the Virgin Islands; and
- (b) the territory of the United Kingdom of Great Britain and Northern Ireland includes the Channel Islands, Anguilla, the Pitcairn Islands, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Falkland Islands Dependencies, Gibraltar, Isle of Man, Montserrat, St. Helena, St. Helena Dependencies (Ascension, Tristan da Cunha), Bermuda and the Turks and Caicos Islands.

What is equivalent protection of a copyright work

7. For the purposes of this Part, the law of a country (other than Singapore) confers equivalent protection on a copyright work if —

- (a) the law confers on a person the exclusive right to do, in that country, one or more acts in relation to the work; and
- (b) those acts are comprised in the copyright in the work under the Act.

Extension of Act to reciprocating countries

8.—(1) The provisions of the Act mentioned in regulations 9 to 16 are extended in relation to reciprocating countries in the manner provided for by those regulations.

(2) Subject to regulations 17 to 27, the application of the other provisions of the Act is extended accordingly.

Extension of section 109 (unpublished authorial works)

9. A reference to a qualified individual in section 109 includes a reference to —

- (a) a citizen or national of a reciprocating country; and
- (b) a person resident in a reciprocating country.

Extension of section 110 (published authorial works)

10.—(1) A reference to a qualified individual in section 110 includes a reference to —

- (a) a citizen or national of a reciprocating country; and
- (b) a person resident in a reciprocating country.

(2) A reference to Singapore in section 110 includes a reference to a reciprocating country.

Extension of section 111 (buildings)

11. A reference to Singapore in section 111 includes a reference to a reciprocating country.

Extension of section 117 (published editions of authorial works)

12.—(1) A reference to a qualified person in section 117 includes a reference to —

- (a) a citizen or national of a reciprocating country;
- (b) a person resident in a reciprocating country; and
- (c) a person (being a body corporate) incorporated under the law of a reciprocating country.

(2) A reference to Singapore in section 117 includes a reference to a reciprocating country.

Extension of section 120 (sound recordings)

13.—(1) A reference to a qualified person in section 120 includes a reference to —

- (a) a citizen or national of a reciprocating country;
- (b) a person resident in a reciprocating country; and
- (c) a person (being a body corporate) incorporated under the law of a reciprocating country.

(2) A reference to Singapore in section 120 includes a reference to a reciprocating country.

(3) For the purposes of this regulation, a country is a reciprocating country only if it is a member of the World Trade Organisation.

Extension of section 123 (films)

14.—(1) A reference to a qualified person in section 123 includes a reference to —

- (a) a citizen or national of a reciprocating country;
- (b) a person resident in a reciprocating country; and
- (c) a person (being a body corporate) incorporated under the law of a reciprocating country.

(2) A reference to Singapore in section 123 includes a reference to a reciprocating country.

Extension of section 126 (broadcasts)

15. A reference in section 126 to a broadcast made from a place in Singapore by the holder of a broadcasting licence includes a reference to a broadcast made from a place in a reciprocating country by a broadcasting organisation that —

- (a) has its headquarters in that country; and
- (b) is entitled under the law of that country to make the broadcast.

Extension of section 173 (qualifying performances)

16.—(1) A reference to a qualified individual in section 173 includes a reference to —

- (a) a citizen or national of a reciprocating country; and
- (b) a person resident in a reciprocating country.

(2) A reference to Singapore in section 173 includes a reference to a reciprocating country.

(3) For the purposes of this regulation, a country is a reciprocating country only if it is a member of the World Trade Organisation.

Duration of copyright in unpublished authorial works under this Part

17.—(1) This regulation applies where copyright subsists in an unpublished authorial work only because of the operation of this Part.

(2) Despite any provision of the Act, copyright in the unpublished authorial work expires upon the expiry of the equivalent protection of the work under the law of the country of origin of the work.

(3) Paragraph (2) does not apply to any copyright subsisting immediately before 21 November 2021 in an unpublished authorial work.

(4) For the purposes of paragraph (2), the country of origin of an unpublished authorial work is —

- (a) in the case of a work made over a period of time — whichever of the following countries that provides the longest term of equivalent protection for the work:
 - (i) the country of which the author was a citizen or national for a substantial part of that period;
 - (ii) the country in which the author was resident for a substantial part of that period; and
- (b) in any other case — whichever of the following countries that provides the longest term of equivalent protection for the work:
 - (i) the country of which the author was a citizen or national when the work was made;
 - (ii) the country in which the author was resident when the work was made.

Duration of copyright in published authorial works under this Part

18.—(1) This regulation applies where copyright subsists in a published authorial work only because of the operation of this Part.

(2) Despite any provision of the Act, copyright in the published authorial work expires upon the expiry of the equivalent protection of the work under the law of the country of origin of the work.

(3) For the purposes of paragraph (2), the country of origin of a published authorial work is —

- (a) if the work was first published in only one country (being a reciprocating country) — that country;
- (b) if the work was first published simultaneously in 2 countries, of which only one is a reciprocating country — the reciprocating country;
- (c) if the work was first published simultaneously in 2 or more reciprocating countries — the reciprocating country whose law provides the shortest term of equivalent protection for the work; and
- (d) if the work was first published only in a non-reciprocating country — whichever of the following countries that provides the longest term of equivalent protection for the work:
 - (i) the country of which the author was a citizen or national when the work was first published;
 - (ii) the country in which the author was resident when the work was first published.

Duration of copyright in published editions of authorial works under this Part

19.—(1) This regulation applies where copyright subsists in a published edition of an authorial work only because of the operation of this Part.

(2) Despite any provision of the Act, copyright in the published edition expires upon the expiry of the equivalent protection of the edition under the law of the country of origin of the published edition.

(3) For the purposes of paragraph (2), the country of origin of a published edition of an authorial work is whichever of the following

countries that provides the longest term of equivalent protection for the edition:

- (a) the country (being a reciprocating country) in which the edition was first published;
- (b) the country (being a reciprocating country) of which the publisher was a citizen or national when the edition was first published;
- (c) the country (being a reciprocating country) in which the publisher was resident when the edition was first published;
- (d) the country (being a reciprocating country) under the law of which the publisher (being a body corporate) was incorporated when the edition was first published.

Duration of copyright in sound recordings under this Part

20.—(1) This regulation applies where copyright subsists in a sound recording only because of the operation of this Part.

(2) Despite any provision of the Act, copyright in the sound recording expires upon the expiry of the equivalent protection of the recording under the law of the country of origin of the recording.

(3) Paragraph (2) does not apply to any copyright subsisting immediately before 21 November 2021 in an unpublished sound recording.

(4) For the purposes of paragraph (2), the country of origin of an unpublished sound recording is whichever of the following countries that provides the longest term of equivalent protection for the recording:

- (a) the country of which the maker was a citizen or national when the recording was made;
- (b) the country in which the maker was resident when the recording was made;
- (c) the country under the law of which the maker (being a body corporate) was incorporated when the recording was made;

(d) the country in which the recording was made.

(5) For the purposes of paragraph (2), the country of origin of a published sound recording is —

(a) if the recording was first published in only one country (being a reciprocating country) — that country;

(b) if the recording was first published simultaneously in 2 countries, of which only one is a reciprocating country — the reciprocating country;

(c) if the recording was first published simultaneously in 2 or more reciprocating countries — the reciprocating country whose law provides the shortest term of equivalent protection for the recording; and

(d) if the recording was first published only in a non-reciprocating country — whichever of the following countries that provides the longest term of equivalent protection for the recording:

(i) the country of which the maker was a citizen or national when the recording was first published;

(ii) the country in which the maker was resident when the recording was first published;

(iii) the country under the law of which the maker (being a body corporate) was incorporated when the recording was first published;

(iv) the country in which the recording was made.

Duration of copyright in films under this Part

21.—(1) This regulation applies where copyright subsists in a film only because of the operation of this Part.

(2) Despite any provision of the Act, copyright in the film expires upon the expiry of the equivalent protection of the film under the law of the country of origin of the film.

(3) Paragraph (2) does not apply to any copyright subsisting immediately before 21 November 2021 in an unpublished film.

(4) For the purposes of paragraph (2), the country of origin of an unpublished film is whichever of the following countries that provides the longest term of equivalent protection for the film:

- (a) the country of which the maker was a citizen or national for a substantial part of the period during which the film was made;
- (b) the country in which the maker was resident for a substantial part of the period during which the film was made;
- (c) the country under the law of which the maker (being a body corporate) was incorporated for a substantial part of the period during which the film was made;
- (d) the country in which the film was made.

(5) For the purposes of paragraph (2), the country of origin of a published film is —

- (a) if the film was first published in only one country (being a reciprocating country) — that country;
- (b) if the film was first published simultaneously in 2 countries, of which only one is a reciprocating country — the reciprocating country;
- (c) if the film was first published simultaneously in 2 or more reciprocating countries — the reciprocating country whose law provides the shortest term of equivalent protection for the film; and
- (d) if the film was first published only in a non-reciprocating country — whichever of the following countries that provides the longest term of equivalent protection for the film:
 - (i) the country of which the maker was a citizen or national when the film was first published;
 - (ii) the country in which the maker was resident when the film was first published;

- (iii) the country under the law of which the maker (being a body corporate) was incorporated when the film was first published;
- (iv) the country in which the film was made.

Rights in relation to expenditure incurred, etc., before country becomes reciprocating country

22.—(1) This regulation applies where —

- (a) a country becomes a reciprocating country on a certain date (called in this regulation the effective date);
- (b) before the effective date, a person incurred expenditure or liability in relation to an act proposed to be done on or after the effective date;
- (c) that act —
 - (i) would be lawful if it had been done at the time the expenditure or liability was incurred; but
 - (ii) would, because of the operation of this Part, be unlawful if it is done on or after the effective date; and
- (d) the person has a right or an interest that —
 - (i) arises from or in connection with the expenditure or liability incurred; and
 - (ii) is subsisting and valuable immediately before the effective date.

(2) Unless the rights owner of the work or performance agrees to pay the person compensation that is reasonable in the circumstances, the provisions of this Part do not affect the person's right or interest.

(3) To avoid doubt, the effective date may fall before, on or after 21 November 2021.

Application of Division 2 of Part 12 of Act

23.—(1) This regulation applies where an authorial work was made before 1 July 1912 and one of the following sub-paragraphs applies:

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- (a) the work was first published or first performed in a reciprocating country;
 - (b) the work is unpublished and —
 - (i) the author of the work was a citizen, national or resident of a reciprocating country when the work was made; or
 - (ii) the author of the work was a citizen, national or resident of a reciprocating country for a substantial part of the period during which the work was made;
 - (c) the work is published and the author of the work was a citizen, national or resident of a reciprocating country when the work was first published.
- (2) In applying Division 2 of Part 12 of the Act to the work —
- (a) the 1911 Act is taken to apply to an authorial work to which paragraph (1)(a) applies in the same way as that Act applies to an authorial work first published or first performed in Singapore; and
 - (b) the 1911 Act is taken to apply to an authorial work to which paragraph (1)(b) or (c) applies in the same way as that Act applies to an authorial work of which the author is a citizen or resident of Singapore.

Application of section 515

24.—(1) This regulation applies to an authorial work first published —

- (a) in a reciprocating country; and
- (b) before 10 April 1987.

(2) In applying section 515(2) to the work, the 1911 Act is taken to apply to an authorial work first published in a reciprocating country in the same way as that Act applies to an authorial work first published in Singapore.

Saving of rights arising from extension of 1911 Act to United States of America

25.—(1) This section applies where —

- (a) a work was first published in the United States of America before 10 April 1987; and
- (b) immediately before that date, copyright subsisted in the work by virtue of the extension of the 1911 Act by any of the following written laws:
 - (i) the Order in Council dated 3 February 1915 regulating copyright relations with the United States of America;
 - (ii) the Order in Council dated 9 February 1920 regulating copyright relations with the United States of America;
 - (iii) the Copyright (United States of America) Order 1942.

(2) Copyright subsisting in the work is not affected by the revocation of those written laws.

Saving of rights in relation to expenditure, etc., incurred before 10 April 1987 in relation to certain copyright works

26.—(1) This section applies where —

- (a) at any time before 10 April 1987, a person incurred any expenditure or liability in relation to an act proposed to be done on or after that date in relation to a work;
- (b) that act —
 - (i) would have been lawful if it had been done at the time the expenditure or liability was incurred; but
 - (ii) would, because of the making of the Copyright (International Protection) Regulations 1987 (G.N. No. S 120/87), be unlawful if it is done on or after 10 April 1987; and

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- (c) the person has a right or an interest that —
- (i) arises from or in connection with the expenditure or liability incurred; and
 - (ii) is subsisting and valuable immediately before 10 April 1987.

(2) Unless the copyright owner of the work agrees to pay or has paid the person compensation that is reasonable in the circumstances, the provisions of this Part do not affect the person's right or interest.

Saving of rights in relation to expenditure, etc., incurred before 16 April 1998 in relation to certain protected performances

27.—(1) This section applies where —

- (a) at any time before 16 April 1998, a person incurred any expenditure or liability in relation to an act proposed to be done on or after that date in relation to a performance;
- (b) that act —
 - (i) would have been lawful if it was done at the time the expenditure or liability was incurred; but
 - (ii) would, because of the making of the Copyright (International Protection) (Amendment) Regulations 1998 (G.N. No. S 225/98), be unlawful if it was done on or after 16 April 1998; and

- (c) the person has a right or an interest that —
 - (i) arises from or in connection with the expenditure or liability incurred; and
 - (ii) is subsisting and valuable immediately before 16 April 1998.

(2) Unless the rights owner of the performance agrees to pay or has paid the person compensation that is reasonable in the circumstances, the provisions of this Part do not affect the person's right or interest.

PART 3
INTERPRETATION OF ACT

What is a prescribed international organisation

28. The following international organisations are prescribed for the purposes of section 81:

- (a) the Asian Development Bank;
- (b) the Southeast Asian Ministers of Education Organisation;
- (c) the United Nations, including the following international organisations:
 - (i) the Food and Agriculture Organisation of the United Nations;
 - (ii) the International Maritime Organisation;
 - (iii) the International Bank for Reconstruction and Development;
 - (iv) the International Centre for Settlement of Investment Disputes;
 - (v) the International Civil Aviation Organisation;
 - (vi) the International Court of Justice;
 - (vii) the International Development Association;
 - (viii) the International Finance Corporation;
 - (ix) the International Fund for Agricultural Development;
 - (x) the International Labour Organisation;
 - (xi) the International Monetary Fund;
 - (xii) the International Telecommunication Union;
 - (xiii) the Multilateral Investment Guarantee Agency;
 - (xiv) the United Nations Educational, Scientific and Cultural Organisation;
 - (xv) the United Nations Industrial Development Organisation;

- (xvi) the Universal Postal Union;
- (xvii) the World Health Organisation;
- (xviii) the World Intellectual Property Organisation;
- (xix) the World Meteorological Organisation;
- (xx) the World Tourism Organisation.

What is an institution aiding persons with print disabilities

29. The following institutions are prescribed as institutions aiding persons with print disabilities for the purposes of section 86:

- (a) Lighthouse School (formerly known as Singapore School for the Visually Handicapped);
- (b) SG Enable;
- (c) Singapore Association of the Visually Handicapped;
- (d) SPD (formerly known as Society for the Physically Disabled);
- (e) Very Special Arts (Singapore).

What is an institution aiding persons with intellectual disabilities

30. The following institutions are prescribed as institutions aiding persons with intellectual disabilities for the purposes of section 89:

- (a) AWWA School;
- (b) Cerebral Palsy Alliance Singapore School;
- (c) Chaoyang School;
- (d) Delta Senior School;
- (e) Fernvale Gardens School;
- (f) Katong School;
- (g) Lee Kong Chian Gardens School;
- (h) National Council of Social Service;
- (i) Rainbow Centre — Margaret Drive School;

- (j) Rainbow Centre — Yishun Park School;
- (k) Towner Gardens School;
- (l) Woodlands Gardens School.

PART 4

PERMITTED USES

Division 1 — Education and educational institutions

Section 198 — prescribed record of permitted use

31.—(1) This regulation prescribes the record required to be made under section 198(2)(e).

(2) In all cases, the record must —

- (a) be in writing;
- (b) state the date on which the record is made; and
- (c) be signed by the person making the record.

(3) In the case of an authorial work (being an article in a periodical publication), the record must state all the following particulars:

- (a) if the periodical publication states its ISSN — the ISSN;
- (b) if sub-paragraph (a) does not apply — the name of the periodical publication;
- (c) the title (if any) of the article;
- (d) if the article has no title, a description of the article that will enable the article to be identified;
- (e) the name of the author of the article (if the article has an identified author);
- (f) the volume, or the volume and number (as the case may be), of the periodical publication;
- (g) the page numbers (if any) of the pages in that volume, or in that number of that volume, that have been copied or communicated;

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- (h) to the extent that the pages copied or communicated do not bear a page number — a description of those pages that will enable them to be identified;
- (i) the date on which the copy or communication was made;
- (j) the number of copies made or the number of persons to whom the communication was made, as the case may be.
- (4) In the case of an authorial work (not being an article in a periodical publication), the record must state all the following particulars:
- (a) if the edition of the work that was copied or communicated states its ISBN — the ISBN;
- (b) if sub-paragraph (a) does not apply —
- (i) the title (if any) of the work;
- (ii) if the work has no title, a description of the work that will enable the work to be identified;
- (iii) the name of the publisher of the edition of the work that was copied or communicated; and
- (iv) the name of the author of the work (if the work has an identified author);
- (c) the page numbers (if any) of the pages in the edition of the work that were copied or communicated;
- (d) to the extent that the pages copied or communicated do not bear a page number — a description of those pages that will enable them to be identified;
- (e) if the work is contained in a published edition in an electronic form — the total number of bytes in the edition that have been copied or communicated;
- (f) the date on which the copy or communication was made;
- (g) the number of copies made or the number of persons to whom the communication was made, as the case may be.
- (5) In the case of a recording of a protected performance, the record must state all the following particulars:

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- (a) the title (if any) of the performance;
 - (b) if the performance has no title, a description of the performance that will enable the performance to be identified;
 - (c) the name of the performer (unless the name is not generally known or known to the person making the record, and could not reasonably be ascertained by that person);
 - (d) the duration of the entire recording;
 - (e) a description of the part of the recording that is copied or communicated (for example, the first 2 minutes of the recording), which description must enable that part to be identified;
 - (f) the date on which the copy or communication was made;
 - (g) the number of copies made or the number of persons to whom the communication was made, as the case may be.
- (6) For the purposes of paragraphs (3)(j), (4)(g) and (5)(g), where —
- (a) a copy is made in electronic form on, or a communication is made on, a network operated or controlled by an educational institution;
 - (b) the copy or communication is made to enable persons undertaking a course of education provided by that or another educational institution to access the authorial work or recording of the protected performance; and
 - (c) the number of copies made, or the number of persons to whom the communication was made, cannot reasonably be ascertained,

the number of copies made, or the number of persons to whom the communication is made, is taken to be equal to the number of students enrolled in that course of education.

(7) For the purposes of this regulation and section 198(2)(e), where a record of a communication is made —

- (a) the record is deemed to also be a record of the making of a temporary copy as part of the technical process of making or receiving the communication; and
- (b) a separate record is not required for the making of the temporary copy.

Sections 198 and 199 — retention of records; record-keeping offence

32.—(1) This regulation prescribes offences —

- (a) in relation to the keeping of records under section 198(2)(e); and
- (b) for the purposes of the definition of “record-keeping offence” in section 199(6).

(2) A record made by or on behalf of the body administering an educational institution under section 198(2)(e) must be retained by that body for 4 years after the date of the permitted use in respect of which the record was made.

(3) Subject to paragraph (4), if paragraph (2) is not complied with, the following persons shall each be guilty of an offence:

- (a) the body administering the educational institution;
- (b) the administrator of the institution.

(4) It is a defence for a person to prove that the person took all reasonable steps to ensure that paragraph (2) is complied with.

(5) A person convicted of an offence under paragraph (3) shall be liable on conviction to a fine not exceeding \$1,000.

(6) An offence under paragraph (3) is a prescribed offence for the purposes of the definition of “record-keeping offence” in section 199(6).

(7) In this regulation, “administrator” has the meaning given by section 199(6).

Section 198 — arrangement of retained records

33.—(1) This regulation applies to every record (being a record relating to an authorial work) retained under regulation 32.

(2) The records to which this regulation applies must be arranged in a way that enables records relating to authorial works by the same author to be inspected without having to inspect other records.

(3) The following persons are responsible for ensuring that paragraph (2) is complied with:

- (a) the body administering the educational institution;
- (b) the administrator of the institution.

Section 198 — inspection of retained records

34.—(1) A rights owner may, by written notice to the administrator or an authorised officer of an educational institution, request to do one or more of the following:

- (a) inspect all records retained by the institution under regulation 32;
- (b) inspect those records to the extent that they relate to authorial works by a specified author;
- (c) inspect those records to the extent that they relate to protected performances or a specified class of works.

(2) A notice under paragraph (1) must specify the date on which the rights owner wishes to make the inspection.

(3) The date specified must —

- (a) be an ordinary working day for the educational institution; and
- (b) fall 7 or more days after the date on which the notice is given.

(4) A rights owner who gives notice under paragraph (1) may —

- (a) inspect the specified records on the specified date; and
- (b) for that purpose, enter the premises of the educational institution on that date and during the business hours of the

institution (but no earlier than 10 a.m. and no later than 3 p.m.).

(5) The educational institution must provide all reasonable facilities and assistance for a rights owner to exercise the rights under this regulation.

(6) In this regulation, a reference to a rights owner includes a reference to an agent of a rights owner.

Section 198 — prescribed time for requesting equitable remuneration

35. A request for the purposes of section 198(4)(a) must be made within 4 years after the relevant copy or communication is made.

Section 204 — prescribed platform

36. The Singapore Student Learning Space (being a platform operated by the Ministry of Education) is prescribed as a platform for the purposes of section 204(2)(f)(ii).

Division 2 — Persons with print disabilities

Sections 211, 212 and 213 — prescribed record of permitted use

37.—(1) This regulation prescribes the record required to be made under sections 211(2)(i), 212(2)(f) and 213(2)(f).

(2) In all cases, the record must —

- (a) be in writing;
- (b) state the date on which the record is made; and
- (c) be signed by the person making the record.

(3) In the case of a literary work, a dramatic work or an artistic work, the record must state all the following particulars:

- (a) if the edition of the work from which the accessible format copy was made states its ISBN — the ISBN;
- (b) if sub-paragraph (a) does not apply —
 - (i) the title (if any) of the work;

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- (ii) if the work has no title, a description of the work that will enable the work to be identified;
 - (iii) the name of the publisher of the edition of the work from which the accessible format copy was made; and
 - (iv) the name of the author of the work (if the work has an identified author);
- (c) the date on which the accessible format copy was made, distributed, made available or received;
 - (d) the number of accessible format copies made, distributed, made available or received.
- (4) In the case of any other work, the record must state all the following particulars:
- (a) the title (if any) of the work;
 - (b) if the work has no title, a description of the work that will enable the work to be identified;
 - (c) in the case of a sound recording or sound broadcast of an edition of a book that states its ISBN — the ISBN;
 - (d) the date on which the accessible format copy was made, distributed, made available or received;
 - (e) the number of accessible format copies made, distributed, made available or received.
- (5) In the case of a recording of a protected performance, the record must state all the following particulars:
- (a) the title (if any) of the performance;
 - (b) if the performance has no title, a description of the performance that will enable the performance to be identified;
 - (c) the name of the performer (unless the name is not generally known or known to the person making the record, and could not reasonably be ascertained by that person);
 - (d) the duration of the entire recording;

- (e) a description of the part of the recording that was included in the accessible format copy (for example, the first 2 minutes of the recording), which description must enable that part to be identified;
- (f) the date on which the accessible format copy was made, distributed, made available or received;
- (g) the number of accessible format copies made, distributed, made available or received.

Sections 211, 212 and 213 — retention of records

38.—(1) A record made under section 211(2)(i), 212(2)(f) or 213(2)(f) by or on behalf of the body administering an institution aiding persons with print disabilities or an educational institution must be retained —

- (a) by the body administering the institution aiding persons with print disabilities or the educational institution, as the case may be; and
 - (b) for 4 years after the date of the permitted use in respect of which the record was made.
- (2) Subject to paragraph (3), if paragraph (1) is not complied with, the following persons shall each be guilty of an offence:
- (a) the body administering the institution aiding persons with print disabilities or the educational institution, as the case may be;
 - (b) the administrator of the institution.
- (3) It is a defence for a person to prove that the person took all reasonable steps to ensure that paragraph (1) is complied with.
- (4) A person convicted of an offence under paragraph (2) shall be liable on conviction to a fine not exceeding \$1,000.

Sections 211, 212 and 213 — arrangement of retained records

39.—(1) This regulation applies to every record (being a record relating to an authorial work) retained under regulation 38.

(2) The records to which this regulation applies must be arranged in a way that enables records relating to authorial works by the same author to be inspected without having to inspect other records.

(3) The following persons are responsible for ensuring that paragraph (2) is complied with:

- (a) the body administering the institution aiding persons with print disabilities or the educational institution, as the case may be;
- (b) the administrator of the institution.

Sections 211, 212 and 213 — inspection of retained records

40.—(1) The rights owner of any relevant material (as defined in section 206) may, by written notice to the administrator or an authorised officer of an institution aiding persons with print disabilities or an educational institution, request to do one or more of the following:

- (a) inspect all records retained by the institution under regulation 38;
- (b) inspect those records to the extent that they relate to authorial works by a specified author;
- (c) inspect those records to the extent that they relate to protected performances or a specified class of works.

(2) A notice under paragraph (1) must specify the date on which the rights owner wishes to make the inspection.

(3) The date specified must —

- (a) be an ordinary working day for the institution; and
- (b) fall 7 or more days after the date on which the notice is given.

(4) A rights owner who gives notice under paragraph (1) may —

- (a) inspect the specified records on the specified date; and
- (b) for that purpose, enter the premises of the institution on that date and during the business hours of the institution (but no earlier than 10 a.m. and no later than 3 p.m.).

(5) The institution must provide all reasonable facilities and assistance for a rights owner to exercise the rights under this regulation.

(6) In this regulation, a reference to a rights owner includes a reference to an agent of a rights owner.

Division 3 — Persons with intellectual disabilities

Section 217 — prescribed record of permitted use

41.—(1) This regulation prescribes the record required to be made under section 217(2)(f).

(2) In all cases, the record must —

- (a) be in writing;
- (b) state the date on which the record is made; and
- (c) be signed by the person making the record.

(3) In the case of an authorial work (being an article in a periodical publication), the record must state all the following particulars:

- (a) if the periodical publication states its ISSN — the ISSN;
- (b) if sub-paragraph (a) does not apply — the name of the periodical publication;
- (c) the title (if any) of the article;
- (d) if the article has no title, a description of the article that will enable the article to be identified;
- (e) the name of the author of the article (if the article has an identified author);
- (f) the volume, or the volume and number (as the case may be), of the periodical publication;
- (g) the page numbers (if any) of the pages in that volume, or in that number of that volume, that have been copied;
- (h) to the extent that the pages copied do not bear a page number — a description of those pages that will enable them to be identified;

- (i) the date on which the copy was made;
- (j) the form in which the copy was made.

(4) In the case of an authorial work (not being an article in a periodical publication), the record must state all the following particulars:

- (a) if the edition of the work that was copied states its ISBN — the ISBN;
- (b) if sub-paragraph (a) does not apply —
 - (i) the title (if any) of the work;
 - (ii) if the work has no title, a description of the work that will enable the work to be identified;
 - (iii) the name of the publisher of the edition of the work that was copied; and
 - (iv) the name of the author of the work (if the work has an identified author);
- (c) the page numbers (if any) of the pages in the edition of the work that were copied;
- (d) to the extent that the pages copied do not bear a page number — a description of those pages that will enable them to be identified;
- (e) the date on which the copy was made;
- (f) the form in which the copy was made.

Section 217 — prescribed time for requesting equitable remuneration

42. A request for the purposes of section 217(3) must be made within 4 years after the date on which the relevant copy is made.

Section 217 — retention of records

43.—(1) A record made under section 217(2)(f) by or on behalf of the body administering an institution aiding persons with intellectual disabilities must be retained by that body for 4 years after the date on which the relevant copy is made under that section.

(2) Subject to paragraph (3), if paragraph (1) is not complied with, the following persons shall each be guilty of an offence:

- (a) the body administering the institution aiding persons with intellectual disabilities;
- (b) the administrator of the institution.

(3) It is a defence for a person to prove that the person took all reasonable steps to ensure that paragraph (1) is complied with.

(4) A person convicted of an offence under paragraph (2) shall be liable on conviction to a fine not exceeding \$1,000.

Section 217 — arrangement of retained records

44.—(1) All records retained under regulation 43 must be arranged in a way that enables records relating to authorial works by the same author to be inspected without having to inspect other records.

(2) The following persons are responsible for ensuring that paragraph (1) is complied with:

- (a) the body administering the institution aiding persons with intellectual disabilities;
- (b) the administrator of the institution.

Section 217 — inspection of retained records

45.—(1) The copyright owner of an authorial work may, by written notice to the administrator or an authorised officer of an institution aiding persons with intellectual disabilities, request to —

- (a) inspect all records retained by the institution under regulation 43; or
- (b) inspect those records only to the extent that they relate to authorial works by a specified author.

(2) A notice under paragraph (1) must specify the date on which the copyright owner wishes to make the inspection.

(3) The date specified must —

- (a) be an ordinary working day for the institution; and

- (b) fall 7 or more days after the date on which the notice is given.
- (4) A copyright owner who gives notice under paragraph (1) may —
- (a) inspect the specified records on the specified date; and
- (b) for that purpose, enter the premises of the institution on that date and during the business hours of the institution (but no earlier than 10 a.m. and no later than 3 p.m.).
- (5) The institution must provide all reasonable facilities and assistance for a copyright owner to exercise the rights under this regulation.
- (6) In this regulation, a reference to a copyright owner includes a reference to an agent of a copyright owner.

*Division 4 — Public collections:
galleries, libraries, archives and museums*

Section 222 — retention of declarations

- 46.**—(1) A declaration by an authorised officer of a public collection under section 222(2)(e)(ii) —
- (a) must be retained by the custodian of the public collection for 4 years after the date of the permitted use in respect of which the declaration was made;
- (b) must be arranged in the manner prescribed by regulation 55; and
- (c) may be inspected in accordance with regulation 56.
- (2) Subject to paragraph (3), if paragraph (1)(a) is not complied with, the following persons shall each be guilty of an offence:
- (a) the custodian of the public collection;
- (b) the administrator of the public collection.
- (3) It is a defence for a person to prove that the person took all reasonable steps to ensure that paragraph (1)(a) is complied with.

(4) A person convicted of an offence under paragraph (2) shall be liable on conviction to a fine not exceeding \$1,000.

Section 226 — prescribed notice to person requiring electronic copy

47. A notice to *Y* under section 226(2)(g)(i) must —

- (a) be in writing; and
- (b) in addition to the matters mentioned in section 226(2)(g)(i)(A) and (B), state both of the following matters:
 - (i) that *Y* is only entitled to use the electronic copy communicated to *Y* for the purposes of *Y*'s own research or study;
 - (ii) that *Y* must not use the electronic copy communicated to *Y* in any manner which might constitute a rights infringement in relation to the material mentioned in section 226(1)(a).

Section 226 — offence if notice not given

48.—(1) Subject to paragraph (2), an authorised officer of a public collection commits an offence if he or she fails to give the notice required under section 226(2)(g)(i) when communicating an electronic copy under that section.

(2) It is a defence for the authorised officer to prove that he or she took all reasonable steps to give the notice required under section 226(2)(g)(i).

(3) A person convicted of an offence under paragraph (1) shall be liable on conviction to a fine not exceeding \$1,000.

Section 226 — retention of declarations, etc.

49.—(1) A declaration by an authorised officer of a public collection under section 226(2)(f)(ii) —

- (a) must be retained by the custodian of the public collection for 4 years after the date of the permitted use in respect of which the declaration was made;

(b) must be arranged in the manner prescribed by regulation 55; and

(c) may be inspected in accordance with regulation 56.

(2) Subject to paragraph (3), if paragraph (1)(a) is not complied with, the following persons shall each be guilty of an offence:

(a) the custodian of the public collection;

(b) the administrator of the public collection.

(3) It is a defence for a person to prove that the person took all reasonable steps to ensure that paragraph (1)(a) is complied with.

(4) A person convicted of an offence under paragraph (2) shall be liable on conviction to a fine not exceeding \$1,000.

Section 227 — retention of declarations, etc.

50.—(1) A declaration by an authorised officer of a public collection under section 227(2)(e)(ii) —

(a) must be retained by the custodian of the public collection for 4 years after the date of the permitted use in respect of which the declaration was made;

(b) must be arranged in the manner prescribed by regulation 55; and

(c) may be inspected in accordance with regulation 56.

(2) Subject to paragraph (3), if paragraph (1)(a) is not complied with, the following persons shall each be guilty of an offence:

(a) the custodian of the public collection;

(b) the administrator of the public collection.

(3) It is a defence for a person to prove that the person took all reasonable steps to ensure that paragraph (1)(a) is complied with.

(4) A person convicted of an offence under paragraph (2) shall be liable on conviction to a fine not exceeding \$1,000.

Section 230 — prescribed notice of intention to publish new work

51. A notice for the purposes of section 230(1)(b) —

- (a) must be advertised;
- (b) must be given no earlier than 3 months before, and no later than 2 months before, the date of the intended publication;
- (c) must state —
 - (i) in relation to the person (*X*) intending to publish the new work —
 - (A) *X*'s name;
 - (B) *X*'s residential or business address in Singapore; and
 - (C) *X*'s intention to publish the new work;
 - (ii) in relation to the old work —
 - (A) the title (if any) of the old work;
 - (B) if the title of the old work is not sufficient to enable that work to be identified — a description that is sufficient for that purpose;
 - (C) the time when, or the period during which, the old work was made (or an estimate of that time or period);
 - (D) the name of the author (if the work has an identified author);
 - (E) the name and address in Singapore of the public collection at which the original version or a copy of the old work is kept;
 - (F) if *X* knows the name of the person from whom the public collection acquired the work — that person's name; and
 - (G) if *X* does not know the name of that person — that fact; and

- (iii) that the person claiming to be the owner of the copyright in the old work may give notice of that person's claim to *X*; and
- (d) must state, at the foot of the notice, the name of the person giving the notice.

Section 232 — retention of declarations, etc.

52.—(1) A declaration by an authorised officer of a public collection under section 232(2)(e)(ii) —

- (a) must be retained by the custodian of the public collection for 4 years after the date of the permitted use in respect of which the declaration was made;
- (b) must be arranged in the manner prescribed by regulation 55; and
- (c) may be inspected in accordance with regulation 56.

(2) Subject to paragraph (3), if paragraph (1)(a) is not complied with, the following persons shall each be guilty of an offence:

- (a) the custodian of the public collection;
- (b) the administrator of the public collection.

(3) It is a defence for a person to prove that the person took all reasonable steps to ensure that paragraph (1)(a) is complied with.

(4) A person convicted of an offence under paragraph (2) shall be liable on conviction to a fine not exceeding \$1,000.

Section 234 — retention of declarations, etc.

53.—(1) A declaration by an authorised officer of library *Y* under section 234(2)(c) —

- (a) must be retained by the custodian of library *Y* for 4 years after the date of the permitted use in respect of which the declaration was made;
- (b) must be arranged in the manner prescribed by regulation 55; and
- (c) may be inspected in accordance with regulation 56.

(2) Subject to paragraph (3), if paragraph (1)(a) is not complied with, the following persons shall each be guilty of an offence:

- (a) the custodian of library *Y*;
- (b) the administrator of library *Y*.

(3) It is a defence for a person to prove that the person took all reasonable steps to ensure that paragraph (1)(a) is complied with.

(4) A person convicted of an offence under paragraph (2) shall be liable on conviction to a fine not exceeding \$1,000.

Section 235 — prescribed notice to be placed on or near copying machine

54.—(1) A notice for the purposes of section 235(1)(b) —

- (a) must be 297 millimetres long and 210 millimetres wide; and
- (b) must contain the following message:

“WARNING

A rights owner under the Copyright Act 2021 is entitled to take legal action against a person who commits a rights infringement against the rights owner. Unless it is a permitted use under the Copyright Act 2021, unauthorised copying of a copyright work or protected performance may be a rights infringement.

Where making a copy is a fair use under the Copyright Act 2021, making that copy is a permitted use.

Making a copy of one or more articles in a periodical publication is a fair use under section 194 of the Copyright Act 2021 if the copy is made for the purpose of research or study and the articles relate to the same subject matter.

Making a copy of no more than a reasonable portion of a literary, dramatic or musical work for the purpose of research or study is also a fair use under section 194 of the Copyright Act 2021. If a published edition of a literary, dramatic or musical work is 10 or more pages, 10% of the total number of pages or one chapter is a reasonable portion. If a published edition of a literary, dramatic or musical work is an electronic edition that is not divided into pages, each of the following is a reasonable portion:

- (a) 10% of the total number of bytes in that edition;

- (b) 10% of the total number of words in that edition or, where it is not practicable to use the total number of words as a measure, 10% of the contents of that edition;
- (c) one chapter of the work.

More extensive copying may also constitute a fair use. To determine whether it does, it is necessary to have regard to the matters set out in section 191 of the Copyright Act 2021.”.

(2) For a period of 2 years after 21 November 2021, the form of notice prescribed by the Third Schedule to the revoked Copyright Regulations (Cap. 63, Rg 4) in force immediately before that date may be used instead of the message prescribed by paragraph (1)(b).

Arrangement of retained declarations

55.—(1) The declarations retained under the provisions of this Division must be arranged in order of the time at which each declaration is made.

(2) The following persons are responsible for ensuring that paragraph (1) is complied with:

- (a) the custodian of the public collection;
- (b) the administrator of the public collection.

Inspection of retained declarations

56.—(1) The rights owner of a copyright work (being an authorial work, a sound recording or a film) or a protected performance may, by written notice to the administrator or an authorised officer of a public collection, request to do one or more of the following:

- (a) inspect all declarations retained by the custodian of the public collection under the provisions of this Division;
- (b) inspect those declarations only to the extent that they were made during a specified period;
- (c) inspect those declarations only to the extent that they were made under a specified provision of the Act;

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- (d) in relation to a request to inspect declarations made under section 227(2)(e)(ii) or 232(2)(e)(ii), inspect the public collection.
- (2) A notice under paragraph (1) must specify the date on which the rights owner wishes to make the inspection.
- (3) The date specified must —
- (a) be an ordinary working day for the custodian of the public collection; and
 - (b) fall 7 or more days after the date on which the notice is given.
- (4) A rights owner who gives notice under paragraph (1) may —
- (a) inspect the specified declarations (and, where applicable, the public collection) on the specified date; and
 - (b) for that purpose, enter the premises of the public collection on that date and during the business hours of the custodian of the public collection (but no earlier than 10 a.m. and no later than 3 p.m.).
- (5) The custodian of the public collection must provide all reasonable facilities and assistance for a rights owner to exercise the rights under this regulation.
- (6) In this regulation, a reference to a rights owner includes a reference to an agent of a rights owner.

Division 5 — Computational data analysis

Section 244 — prescribed purposes for which infringing copies may be used

57. For the purposes of section 244(2)(e)(iii)(A), research or study relating to rights infringement is a prescribed purpose.

*Division 6 — Broadcasting, cable programmes
and simulcasting*

Section 251 — time for destroying copy, etc.

58. For the purposes of section 251(2)(f), the prescribed time is the period —

- (a) starting on the day on which the relevant literary, dramatic or musical work was first broadcast using a copy made under section 251; and
- (b) ending —
 - (i) subject to sub-paragraphs (ii) and (iii) — 6 months after that day;
 - (ii) subject to sub-paragraph (iii), if *X* is a non-profit organisation and the copy was made solely for its own broadcast — 2 years after that day; or
 - (iii) any further period after that day as agreed between *X* and the copyright owner.

Section 252 — time for destroying copy, etc.

59. For the purposes of section 252(2)(e), the prescribed time is the period —

- (a) starting on the day on which the relevant artistic work was first included in a television broadcast or cable programme using a copy made under section 252; and
- (b) ending —
 - (i) subject to sub-paragraphs (ii) and (iii) — 6 months after that day;
 - (ii) subject to sub-paragraph (iii), if *X* is a non-profit organisation and the copy was made solely for its own broadcast or cable programme — 2 years after that day; or
 - (iii) any further period after that day as agreed between *X* and the copyright owner.

Section 253 — time for destroying copy, etc.

60. For the purposes of section 253(2)(d), the prescribed time is the period —

- (a) starting on the day on which the relevant sound recording or recording of a protected performance was first broadcast using a copy made under section 253; and
- (b) ending —
 - (i) subject to sub-paragraphs (ii) and (iii), 6 months after that day;
 - (ii) subject to sub-paragraph (iii), if *X* is a non-profit organisation and the copy was made solely for its own broadcast — 2 years after that day; or
 - (iii) any further period after that day as agreed between *X* and the rights owner.

Section 255 — time for destroying copy

61. For the purposes of section 255(2)(e), the prescribed time is the period —

- (a) starting on the day on which the relevant literary, dramatic or musical work was first simulcast in digital form using a copy made under section 255; and
- (b) ending —
 - (i) subject to sub-paragraphs (ii) and (iii) — 6 months after that day;
 - (ii) subject to sub-paragraph (iii), if the person making the copy under section 255 is a non-profit organisation — 2 years after that day; or
 - (iii) any further period after that day as agreed between the person making the copy under section 255 and the copyright owner.

Section 256 — time for destroying copy

62. For the purposes of section 256(2)(d), the prescribed time is the period —

- (a) starting on the day on which the relevant material was first simulcast in digital form using a copy made under section 256; and
- (b) ending —
 - (i) subject to sub-paragraphs (ii) and (iii) — 6 months after that day;
 - (ii) subject to sub-paragraph (iii), if the person making the copy under section 256 is a non-profit organisation — 2 years after that day; or
 - (iii) any further period after that day as agreed between the person making the copy under section 256 and the rights owner.

Division 7 — Making musical records

Definitions of this Division

63. In this Division, unless the context otherwise requires —

“copyright owner”, in relation to an included work, means the owner of the copyright in the included work;

“included work” means —

- (a) in relation to section 260 — the musical work mentioned in section 260(1); and
- (b) in relation to section 261 — the literary or dramatic work mentioned in section 261(1)(b);

“prescribed royalty” means the royalty prescribed by the Copyright (Royalties for Musical Records) Regulations 2021 (G.N. No. S 880/2021);

“record of the included work” means —

- (a) in relation to section 260 — a record of the musical work mentioned in section 260(1); and

(b) in relation to section 261 — a record of the literary or dramatic work mentioned in section 261(1)(b);

“Singapore agent”, in relation to a copyright owner, means a person who —

- (a) resides or carries on business in Singapore; and
- (b) is authorised by the copyright owner to act on behalf of the copyright owner for the purpose to which the context relates.

Sections 260 and 261 — prescribed notice for making musical record

64.—(1) For the purposes of sections 260(1)(d) and 261(2)(f), *X* must give notice of the making of a record of the included work to the copyright owner of the included work in accordance with this regulation.

(2) The notice must be given —

- (a) before the record is made; or
- (b) 15 or more days before the record is delivered to a buyer or supplied for the purpose of retail sale,

whichever is earlier.

(3) Where the copyright owner resides or carries on business in Singapore or has a Singapore agent —

- (a) the notice must be served on the copyright owner or the Singapore agent; but
- (b) the notice may be advertised if *X* is unable to serve the notice despite making reasonable efforts.

(4) Where the copyright owner is not residing or carrying on business in Singapore and has no Singapore agent, the notice must be advertised.

(5) Subject to paragraph (6), the notice must contain all the following information:

- (a) *X*'s name and residential or business address in Singapore;

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- (b) a statement that *X* intends to make a record of the included work in Singapore;
 - (c) the address of the place in Singapore at which *X* intends to make the record;
 - (d) the title (if any) of the included work;
 - (e) if the included work has no title, a description of the included work that will enable the included work to be identified;
 - (f) the name of the author of the included work (if the included work has an identified author) or the name of the publisher of the included work (but only if the publisher's name is known to *X*);
 - (g) any particulars necessary to identify the previous records mentioned in section 260(1)(b) or 261(2)(c), as the case may be, (but only if those particulars are known to *X*);
 - (h) if the record is of the performance of a musical work in which words are sung, or are spoken, incidentally to or in association with the music — a statement of that fact;
 - (i) whether the record is a disc, tape, paper or other device;
 - (j) the trade description that is intended to be placed on the label of the record;
 - (k) the proposed trade prefix and catalogue number of the record;
 - (l) the earliest date on which it is proposed to offer or expose the record for sale to the public in Singapore;
 - (m) the price at which it is proposed to sell the record to the public in Singapore.
- (6) If the notice is advertised —
- (a) it need not contain the information mentioned in paragraph (5)(h), (i), (j), (k), (l) and (m); but
 - (b) it must state an address in Singapore at which that information may be obtained.

(7) The copyright owner or an agent of the copyright owner may apply in person at, or in writing to, the address mentioned in paragraph (6)(b) for the information mentioned in paragraph (6)(a), and *X* must give that information.

Sections 260 and 261 — prescribed time and manner for paying royalty generally

65.—(1) For the purposes of sections 260(1)(f) and 261(2)(g), *X* must pay the prescribed royalty to the copyright owner of the included work —

- (a) in the manner and within the time agreed between *X* and the copyright owner; and
- (b) in default of agreement, in the manner and within the time decided by a Copyright Tribunal (which may have regard to the provisions of the revoked Copyright (Records Royalty System) Regulations (Cap. 63, Rg 3) in force immediately before 21 November 2021).

(2) This regulation does not apply where, despite making reasonable efforts, *X* is unable to find out the copyright owner's name or address for service.

Sections 260 and 261 — payment by deposit into bank account where copyright owner cannot be found

66.—(1) This regulation applies for the purposes of sections 260(1)(f) and 261(2)(g) where, despite making reasonable efforts, *X* is unable to find out the name, or the address for service, of the copyright owner of the included work.

(2) Subject to regulation 67, *X* is deemed to have paid the prescribed royalty to the copyright owner for the records (being records of the included work) sold or supplied by *X* during an accounting period if —

- (a) within 28 days after the expiry of the accounting period, *X* deposits the amount of royalty payable into a bank account; and

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- (b) *X* maintains that amount in the bank account for 6 years after the deposit is made.
- (3) A bank account used for the purposes of paragraph (2) must only contain moneys deposited under that paragraph.
- (4) For the purposes of this regulation and regulation 67 —
- (a) the first accounting period is the period of 3 months starting on the earlier of the following dates:
- (i) the date on which *X* first sells or first supplies a record of the included work;
- (ii) any other date fixed by *X*; and
- (b) every successive period of 3 months is an accounting period.

Sections 260 and 261 — payment where copyright owner is found after deposit is made under regulation 66

67.—(1) This regulation applies where, within 6 years after making a deposit under regulation 66, *X* finds out the name and address for service of the copyright owner of the included work.

(2) *X* must continue to maintain the deposit in the special bank account, but regulation 66 does not otherwise apply.

(3) *X* must, within one month after finding out the copyright owner's name and address for service, serve the following documents on the copyright owner (by post if the copyright owner is outside Singapore):

- (a) a sales report on the included work for each accounting period in respect of which the deposit was made;
- (b) a written statement made by or on behalf of *X* and certifying the correctness of the sales report;
- (c) a written request for instructions as to the manner in which, and the time within which, the prescribed royalty for those records is to be paid.

(4) *X* must, within one month after receiving a written request from the copyright owner, serve on the copyright owner (by post if the copyright owner is outside Singapore) —

- (a) subject to paragraph (b), a written statement by an auditor (being an auditor appointed by *X* alone or in agreement with the copyright owner) certifying the correctness of the sales report served under paragraph (3)(a); or
- (b) if the auditor is unable to certify the correctness of the sales report served under paragraph (3)(a) —
 - (i) a fresh sales report on the included work for the accounting period in respect of which the deposit was made; and
 - (ii) a written statement by the auditor certifying the correctness of the fresh sales report.

(5) For the purposes of sections 260(1)(f) and 261(2)(g), *X* must pay the prescribed royalty to the copyright owner —

- (a) in the manner and within the time agreed between *X* and the copyright owner; and
- (b) in default of agreement, in the manner and within the time decided by a Copyright Tribunal (which may have regard to the provisions of the revoked Copyright (Records Royalty System) Regulations in force immediately before 21 November 2021).

(6) For the purposes of this regulation, a sales report on an included work for an accounting period must state —

- (a) the total number of records of the included work sold or supplied by *X* during the accounting period (excluding records for which the prescribed royalty has been paid);
- (b) in relation to each of those records —
 - (i) the total number of musical works included in the record;
 - (ii) the selling price to the public of the record; and

- (iii) the amount considered by *X* to be the amount of the royalty payable to the copyright owner of the included work for the record;
- (c) in relation to each musical work included in each of those records —
- (i) the title (if any) of the musical work, and a description of the musical work that will enable it to be identified;
 - (ii) whether the musical work is a copyright work and, if so, the name of the copyright owner (but only if the copyright owner can be found); and
 - (iii) whether, in the performance of the musical work, words consisting or forming part of a literary or dramatic work in which copyright subsists are sung, or are spoken, incidentally to or in association with the music; and
- (d) in relation to each literary or dramatic work mentioned in sub-paragraph (c)(iii) —
- (i) the title (if any) of the literary or dramatic work, and a description of the musical work that will enable it to be identified; and
 - (ii) whether the literary or dramatic work is a copyright work and, if so, the name of the copyright owner (but only if the copyright owner can be found).

Sections 260 and 261 — prescribed inquiries, etc.

68.—(1) This regulation prescribes —

- (a) the inquiries that may be made under sections 260(2)(a) and 261(3)(a); and
- (b) the time for receiving an answer under sections 260(2)(b) and 261(3)(b).

(2) The inquiries must be made in the form of a written notice and the notice must comply with all the following requirements:

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- (a) where the copyright owner of the included work resides or carries on business in Singapore or has a Singapore agent —
- (i) the notice must be served on the copyright owner or the Singapore agent; but
 - (ii) the notice may be advertised if the person making the inquiries is unable to serve the notice despite making reasonable efforts;
- (b) where the copyright owner of the included work is not residing or carrying on business in Singapore and has no Singapore agent, the notice must be advertised;
- (c) the notice must state all the following information:
- (i) the name and the residential or business address in Singapore of the person making the inquiries;
 - (ii) the title (if any) of the included work;
 - (iii) if the title of the included work is not sufficient to enable the work to be identified, a description of the included work that is sufficient to enable the included work to be identified;
 - (iv) the name of the author of the included work (but only if the included work has an identified author);
 - (v) if the inquiries relate to a particular record — sufficient information to enable the record to be identified;
- (d) the notice must inquire as to the matters in section 260(1)(b) and (c) or 261(2)(c) and (d), as the case may be.
- (3) The prescribed time for receiving an answer to the inquiries is 10 days after the inquiries are served or advertised in accordance with paragraph (2)(a) or (b).

*Division 8 — Artistic works with
corresponding designs and industrially
applied artistic works*

Section 274 — what constitutes the industrial application of a design

69.—(1) This regulation prescribes what constitutes the industrial application of a design for the purposes of section 274.

(2) A design is applied industrially to articles if —

- (a) the design is applied to one or more articles (not being hand-made articles) that are manufactured in lengths or in pieces;
- (b) the design is applied to 51 or more articles, and no 2 or more of those articles are part of the same set of articles; or
- (c) all of the following apply:
 - (i) the design is applied to articles and non-physical products;
 - (ii) the number of those articles, and the number of those non-physical products that can be projected simultaneously, add up to 51 or more;
 - (iii) no 2 or more of those articles and non-physical products are part of any of the following:
 - (A) the same set of articles;
 - (B) the same set of non-physical products;
 - (C) the same set of articles and non-physical products.

(3) A design is applied industrially to non-physical products if —

- (a) all of the following apply:
 - (i) the design is applied to non-physical products;
 - (ii) 51 or more of those non-physical products can be projected simultaneously;

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- (iii) no 2 or more of those non-physical products are part of the same set of non-physical products; or
 - (b) all of the following apply:
 - (i) the design is applied to articles and non-physical products;
 - (ii) the number of those articles, and the number of those non-physical products that can be projected simultaneously, add up to 51 or more;
 - (iii) no 2 or more of those articles and non-physical products are part of any of the following:
 - (A) the same set of articles;
 - (B) the same set of non-physical products;
 - (C) the same set of articles and non-physical products.
 - (4) For the purposes of this regulation —
 - (a) the date on which the design is applied to an article or a non-physical product is irrelevant;
 - (b) a design is applied to an article if —
 - (i) the design is applied to the article by a process (whether a process of printing, embossing or otherwise); or
 - (ii) the design is copied on or in the article in the course of making the article;
 - (c) 2 or more non-physical products can be projected simultaneously if they can be projected simultaneously on a surface or into a medium (including air) by the activation of a device (including a product or component that is used in or with the device); and
 - (d) “set of articles”, “set of articles and non-physical products” and “set of non-physical products” have the meanings given by section 2(1) of the Registered Designs Act.

Section 275 — what constitutes the industrial application of an artistic work

70.—(1) This regulation prescribes what constitutes the industrial application of an artistic work for the purposes of section 275.

(2) An artistic work is applied industrially if —

- (a) 51 or more 3-dimensional copies of the work are made (whether before, on or after 21 November 2021) for the purposes of sale or hire;
- (b) a copy of the work is included (whether before, on or after 21 November 2021) in any 3-dimensional article that is manufactured in lengths and for the purposes of sale or hire; or
- (c) a plate that is or includes a copy of the work is used (whether before, on or after 21 November 2021) to produce —
 - (i) 51 or more copies of a 3-dimensional object for the purposes of sale or hire; or
 - (ii) any 3-dimensional article that is manufactured in lengths and for the purposes of sale or hire.

(3) For the purposes of paragraph (2)(a) and (c)(i), 2 or more 3-dimensional copies are taken to be a single copy if they are —

- (a) of the same general character; and
- (b) intended to be used together.

Division 9 — Acts for service of Government

Section 285 — prescribed manner of informing rights owner of public act

71.—(1) This regulation prescribes, for the purposes of section 285(2)(a), the means by which a rights owner of a copyright work or protected performance is to be informed of a public act.

(2) The rights owner is to be informed by way of a person (X) giving notice on behalf of the Government.

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- (3) The notice must be given —
- (a) if *X* knows the rights owner's name and address for service in Singapore — by service of the notice on the copyright owner;
 - (b) if sub-paragraph (a) does not apply and *X* knows the rights owner's name and residential or business address outside Singapore — by service of the notice by post on the rights owner; and
 - (c) in any other case — by advertising the notice.
- (4) A reference to the rights owner in paragraph (3) includes a reference to a person authorised by the rights owner to deal with the relevant copyright work or protected performance.
- (5) A notice under this regulation must —
- (a) be given in the name of the Government;
 - (b) if the public act is done in relation to an article in a periodical publication (being a periodical publication which states its ISSN) — state the ISSN;
 - (c) if the public act is done in relation to an edition of an authorial work (being an edition that states its ISBN) — state the ISBN;
 - (d) if sub-paragraphs (b) and (c) do not apply —
 - (i) state the title (if any) of the relevant work or performance; or
 - (ii) if the relevant work or performance has no title — a description of the relevant work or performance that will enable the relevant work or performance to be identified;
 - (e) specify the public act to which the notice relates;
 - (f) state whether the public act has been done by the Government or by a person authorised by the Government;
 - (g) where the public act has been done by a person authorised by the Government — state the name of that person; and

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- (h) state that the purpose of the notice is to inform the rights owner under section 285(2)(a) of the doing of the public act.

Division 10 — Notation of copies

Section 301 — prescribed message for sound recording made under Division 4 of Part 5 of Act

72.—(1) For the purposes of section 301(1)(a)(i), the prescribed message in respect of a sound recording made under Division 4 of Part 5 of the Act is as follows:

“This sound recording is a copy of (*name of work or performance*) made in reliance on Division 4 of Part 5 of the Copyright Act 2021 on (*date on which copy was made*) by (*name of person who made the copy*) on behalf of (*name of institution on whose behalf of which the copy was made*). (*Name of work or performance*) may be protected under the Copyright Act 2021, and if so, it would be a rights infringement to make further copies of this copy otherwise than with the permission of the rights owner or under a permitted use in the Copyright Act 2021.”.

(2) However, for the purposes of section 211(1)(b) and (c), a sound recording is taken to be notated in accordance with section 301 if the sound recording was notated before 21 November 2021 in accordance with regulation 14 of the revoked Copyright Regulations in force immediately before that date.

PART 5
REMEDIES FOR AND
BORDER ENFORCEMENT MEASURES
AGAINST RIGHTS INFRINGEMENTS

Division 1 — Remedies against network service providers

Definitions of this Division

73. In this Division —

“designated representative”, in relation to a NSP, means the designated representative of the NSP whose name is published under regulation 76(2);

“electronic copy”, “NCP”, “NSP”, “primary network”, and “rights owner” have the meanings given by section 313.

*Subdivision (1) — Restriction of remedies
against rights infringements in
course of providing network services*

General conditions relating to restriction of remedies

74.—(1) For the purposes of sections 316(2)(e), 317(2)(c), 318(2)(d) and 319(2)(d), a NCP or NSP (as the case may be) must comply with the conditions prescribed in this regulation.

(2) The NCP or NSP must adopt and reasonably implement a policy that provides for the termination, in appropriate circumstances, of the accounts of users of the NCP’s or NSP’s primary network or services who repeatedly commit rights infringements.

(3) The NCP or NSP must accommodate and not interfere with any standard technical measures accepted in Singapore that —

- (a) are used to identify or protect electronic copies;
- (b) are developed through an open, voluntary process by a broad consensus of rights owners, and NCPs or NSPs;
- (c) are available to any person on reasonable and non-discriminatory terms; and

- (d) do not impose substantial costs on NCPs or NSPs or substantial burdens on their primary networks.

Further conditions relating to infringement by system caching

75.—(1) For the purposes of section 317(2)(c), a NSP must comply with the conditions prescribed in this regulation (in addition to the conditions in regulation 74).

(2) If —

- (a) the original copy has been made available online by a person other than the NSP; and
- (b) the person requires other persons to meet certain conditions to have access to the original copy (such as paying a fee or providing a password),

the NSP must permit access to the cached copy on its primary network in significant part —

- (c) only to users of the primary network or another network who have met those conditions; and
- (d) only in accordance with those conditions.

(3) The NSP must comply with rules specified by the person who made the original copy available online, but only if those rules —

- (a) concern the refreshing, reloading or other updating of the cached copy;
- (b) are consistent with any generally accepted industry standard data communications protocol for the network through which that person makes the original copy available; and
- (c) are not used by that person to unreasonably impair the intermediate storage of the cached copy.

(4) The NSP must not interfere with the operation of any technology used at the originating network mentioned in section 317(1)(b) to obtain information about the use of any material made available on that network, but only if that technology —

- (a) does not significantly interfere with the performance of the NSP's primary network or the intermediate storage of the cached material; and
- (b) is consistent with any relevant industry standards in Singapore.

(5) In this regulation, "original copy", in relation to a cached copy, means the electronic copy mentioned in section 317(1)(b).

Information on designated representative for receiving take-down notices

76.—(1) This regulation applies in relation to the designation of a representative by a NSP to receive take-down notices under section 318(2)(c) or 319(2)(c).

(2) The NSP must publish all the following information about the designated representative:

- (a) the name of the designated representative;
- (b) the designated representative's appointment in the NSP;
- (c) the address in Singapore, fax number (if any) and email address of the designated representative for the service of documents for the purposes of this Division;
- (d) a telephone number at which the designated representative may be contacted.

(3) The NSP must publish the information by —

- (a) placing the information on its Internet website, which must be accessible to the public; and
- (b) providing the information to IPOS in the form and manner specified by IPOS.

(4) IPOS must maintain a directory of designated representatives on an Internet website that is accessible to the public.

Evidence of compliance with certain conditions

77.—(1) This regulation prescribes the evidence that a NCP or NSP may produce for the purposes of section 321.

(2) A NCP or NSP (as the case may be) may, in relation to a condition mentioned in section 316(2)(a), (b), (c) or (d) or 317(2)(a) or (c), produce evidence of —

- (a) its documented policies or documented standard operating procedures; and
- (b) statements contained in those policies or procedures that suggest that it has complied with the condition.

(3) A NCP or NSP (as the case may be) may, in relation to a condition mentioned in regulation 74, produce evidence of —

- (a) its documented terms and conditions for the usage of its primary network or services; and
- (b) statements contained in those terms and conditions that suggest that it has complied with the condition.

Requirements relating to take-down notices

78.—(1) This section prescribes, under section 323, requirements in relation to a take-down notice under section 317(2)(b), 318(2)(b)(iii) or 319(2)(b)(iii).

(2) A take-down notice must be served on the NSP, and for this purpose —

- (a) the address, fax number (if any) and email address published under regulation 76(2) may be used for service on the NSP in accordance with regulation 3; and
- (b) the NSP is deemed to have given prior consent for service by email at the email address published under regulation 76(2).

(3) A take-down notice must be —

- (a) in or substantially in the specified form; and
- (b) signed by the complainant.

(4) A take-down notice must state all the following matters:

- (a) the name and address of —
 - (i) the complainant; and

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- (ii) the rights owner of the relevant work or performance (if the rights owner is not the complainant);
 - (b) if the complainant is not resident in Singapore — the complainant’s address for service in Singapore;
 - (c) a telephone number, a fax number (if any) and an email address at which the complainant can be contacted;
 - (d) sufficient particulars to enable the NSP to —
 - (i) identify the relevant work or performance;
 - (ii) identify and locate the alleged infringing copy (being an electronic copy) of the relevant work or performance, including the online location of that copy; and
 - (iii) if the take-down notice is given under section 319(2)(b)(iii) (locating information) — identify and locate the means by which the NSP is alleged to have referred or linked a user of any network to the online location of the alleged infringing copy;
 - (e) where the alleged infringing copy is on the NSP’s primary network — a statement that the complainant requires the NSP to remove or disable access to the alleged infringing copy;
 - (f) where the alleged infringing copy is on a network other than the NSP’s primary network — a statement that the complainant requires the NSP to disable access to that alleged infringing copy;
 - (g) a statement that the complainant, in good faith, believes that the alleged infringing copy is in fact an infringing copy of the relevant work or performance;
 - (h) if the take-down notice is given under section 317(2)(b) (system caching) — a statement —
 - (i) that the alleged infringing copy is a cached copy of an electronic copy of the relevant work or

performance that was made available on a network;
and

(ii) that —

(A) the latter copy has been removed from that network or access to the latter copy on that network has been disabled; or

(B) a court has ordered that the latter copy be removed from that network or that access to the latter copy on that network be disabled;

(i) a statement that the information in the notice is accurate;

(j) a statement that the complainant —

(i) is the rights owner of the relevant work or performance; or

(ii) is authorised to act on behalf of the rights owner of the relevant work or performance;

(k) a statement that the complainant submits to the jurisdiction of the courts of Singapore for the purposes of any proceedings relating to any liability under section 324(2)(b).

(5) In this regulation, “complainant” means a person giving a take-down notice.

Time for serving restoration notice

79.—(1) This regulation prescribes the time within which a restoration notice must be served for the purposes of section 322(3)(c) and (4)(c)(i).

(2) A restoration notice must be served on the NSP concerned within 6 weeks after the day on which the NSP notifies *Y* under section 322(3)(b)(i) or (4)(b).

Requirements relating to restoration notices

80.—(1) This section prescribes, under section 323, requirements in relation to a restoration notice under section 322(3)(c) and (4)(c)(i).

(2) A restoration notice must be served on a NSP, and for this purpose —

- (a) the address, fax number (if any) and email address published under regulation 76(2) may be used for service on the NSP in accordance with regulation 3; and
- (b) the NSP is deemed to have given prior consent for service by email at the email address published under regulation 76(2).

(3) A restoration notice must be —

- (a) in or substantially in the specified form; and
- (b) signed by the respondent.

(4) A restoration notice must state all the following matters:

- (a) the name and address of the respondent;
- (b) if the respondent is not resident in Singapore — the respondent's address for service in Singapore;
- (c) a telephone number, a fax number (if any) and an email address at which the respondent can be contacted;
- (d) sufficient particulars to enable the NSP to identify the electronic copy that has been removed or to which access has been disabled;
- (e) the online location of that electronic copy before it was removed or access to it was disabled;
- (f) a statement that the respondent, in good faith, believes —
 - (i) that the electronic copy mentioned in sub-paragraph (d) was removed, or access to that electronic copy was disabled, as a result of mistake or misidentification; or
 - (ii) that the electronic copy mentioned in sub-paragraph (d) is not an infringing copy of any work or performance;
- (g) a statement that the respondent submits to the jurisdiction of the courts in Singapore for the purposes of any

proceedings relating to the electronic copy mentioned in sub-paragraph (d);

- (h) a statement that the information in the notice is accurate;
- (i) a statement that the respondent submits to the jurisdiction of the courts in Singapore for the purposes of any proceedings relating to any liability under section 324(2)(b).

(5) In this regulation, “respondent” means the person giving a restoration notice.

*Subdivision (2) — Disabling access to
flagrantly infringing online locations*

Procedure for application for access disabling order

81.—(1) This regulation prescribes matters in relation to section 326.

(2) For the purposes of section 326(2)(a)(ii), the prescribed time is a period of 14 days after the date of the take-down notice.

(3) A take-down notice and a notice of application must be in or substantially in the specified forms.

(4) The following matters must be considered, and appropriate weight must be given to them, in deciding whether a rights owner has made reasonable efforts to give notice for the purposes of section 326(5)(b):

- (a) whether the rights owner searched for the identity or address of the owner of the online location from the online location, publicly available domain registry and social media;
- (b) if the identity or address was or could have been found — whether the rights owner sent the take-down notice and notice of application to the owner of the online location using an appropriate method of communication (such as mail, email or social media);

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- (c) whether the rights owner used any contact form found on the online location to convey the take-down notice and notice of application to the owner of the online location;
- (d) whether the rights owner asked 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 owner of the online location and, where the contact details were or could have been obtained, to send the take-down notice and notice of application to the owner using an appropriate method of communication (such as mail, email or social media); or
 - (ii) to ask the web host or domain name registrar of the online location to forward the take-down notice and notice of application to the owner of the online location;
- (e) whether the rights owner checked with the site administrator, forum moderator or other possible points of contact on the online location for the contact details of the owner of the online location;
- (f) any other relevant matter.
- (5) In this regulation —
- “notice of application” means a notice given under section 326(2)(b);
- “take-down notice” means a notice given under section 326(2)(a).

*Division 2 — Border enforcement measures
against infringing goods*

Request to seize — prescribed requirements, etc.

82.—(1) This section prescribes matters in relation to a request to seize goods under section 332.

- (2) A request may be made by the agent of a person.

(3) For the purposes of section 332(2)(a), a request must be served on the Director-General by delivering it to the Singapore Customs —

- (a) during the business hours of the office of the Singapore Customs; and
- (b) at a time which gives a customs officer reasonable time to act on the request.

(4) For the purposes of section 332(2)(f) —

- (a) a request must be accompanied by a statutory declaration that the particulars stated in the request are true;
- (b) a requestor who is acting as an agent must give evidence of the authority given to the requestor; and
- (c) if the Director-General so requires, a requestor must provide information or evidence to establish —
 - (i) that the relevant work or performance is a copyright work or protected performance;
 - (ii) the identity of the rights owner; and
 - (iii) that the goods to be seized are infringing goods within the meaning of section 330,and the information or evidence must be given in the required form and within the required time.

(5) For the purposes of section 332(2)(g), a request must be accompanied by the relevant fee prescribed by the Copyright (Border Enforcement Measures Fees) Regulations 2021 (G.N. No. S 881/2021).

(6) If there is any change that affects the particulars stated in the request, the requestor must, within 7 days after the change —

- (a) inform the Director-General in writing; and
- (b) provide any document or information in relation to the change that the Director-General may reasonably require.

Notice to bring action after seizure — prescribed time for bringing action

83. For the purposes of section 335(2)(d)(i), an infringement action must be brought in relation to seized goods within 10 working days after the date specified in the notice given under section 335(1).

Request to continue detention — prescribed requirements, etc.

84.—(1) This section prescribes matters in relation to a request to continue detention under section 338.

(2) A request may be made by the agent of a person.

(3) For the purposes of section 338(2)(a), a request must be made within 48 hours after the date of the notice of seizure in section 337.

(4) For the purposes of section 338(2)(b), a request must be served on the Director-General by delivering it to the Singapore Customs during the business hours of the office of the Singapore Customs.

(5) For the purposes of section 338(2)(e) —

- (a) a request must be accompanied by a statutory declaration that the particulars stated in the request are true;
- (b) a requestor who is acting as an agent must give evidence of the authority given to the requestor; and
- (c) if the Director-General so requires, a requestor must provide information or evidence to establish —
 - (i) that the relevant work or performance is a copyright work or protected performance;
 - (ii) the identity of the rights owner; and
 - (iii) that the seized goods are infringing goods within the meaning of section 330,

and the information or evidence must be given in the required form and within the required time.

(6) For the purposes of section 338(2)(f), a request must be accompanied by the relevant fee prescribed by the Copyright (Border Enforcement Measures Fees) Regulations 2021.

(7) If there is any change that affects the particulars stated in the request, the requestor must, within 7 days after the change —

- (a) inform the Director-General in writing; and
- (b) provide any document or information in relation to the change that the Director-General may reasonably require.

Notice to bring action after seizure — prescribed time for bringing action

85. For the purposes of section 340(2)(a), an infringement action must be brought in relation to seized goods within 10 working days after the date specified in the notice given under section 340(1).

Extension of time for requestor to bring action

86. For the purposes of section 342(3), an extension of time must be for 10 working days starting on the expiry of the time specified in the notice to bring action (as defined by section 341).

Forfeiture by consent

87.—(1) This regulation prescribes matters in relation to forfeiture under section 355.

(2) For the purposes of section 355(2)(b), a dealer must undertake in writing to —

- (a) propose an arrangement for the disposal of the seized goods for the Director-General’s approval; and
- (b) dispose of the seized goods 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 a customs officer.

(3) For the purposes of section 355(3)(a), the copies must be disposed of —

- (a) by the dealer;

- (b) in accordance with an arrangement approved by the Director-General;
- (c) within one month after the date of a notice given by the Director-General; and
- (d) under the supervision of a customs officer.

(4) If the dealer does not dispose of the copies within the period specified in paragraph (3)(c), the Director-General must dispose of the copies and may do so in any manner.

Non-compliance with this Division

88. For the purposes of section 357(1), the Director-General or a customs officer may release any seized goods, or refuse to seize goods, if the person who made the request to seize or the request to continue detention in respect of those goods fails to comply with any provision in this Division.

Fees

89. The Copyright (Border Enforcement Measures Fees) Regulations 2021 apply.

PART 6

ADDITIONAL RIGHTS RELATING TO COPYRIGHT WORKS AND PROTECTED PERFORMANCES

Division 1 — Protection of technological measures

Definition of this Division

90. In this Division, “access control measure” has the meaning given by section 423.

Purpose

91. This Division prescribes, under section 435, circumstances in which a person may circumvent an access control measure.

Expiry

92. This Division expires on 31 December 2024.

Exception — circumventing obsolete dongle that is damaged or defective

93.—(1) A person may circumvent an access control measure that has been applied to a computer program if access to the program is controlled by means of an obsolete dongle that is damaged or defective.

- (2) For the purposes of paragraph (1), a dongle is obsolete if —
- (a) it is no longer being manufactured;
 - (b) it is no longer commercially available; or
 - (c) there are no commercially available means to repair it.

Exception — accessing computer program in obsolete format

94.—(1) A person may circumvent an access control measure that has been applied to a computer program if —

- (a) the computer program is in an obsolete format and can only be accessed using the original medium or hardware in or with which it was designed to be used or operated;
 - (b) the computer program can only be accessed by using an authentication process supplied by the access control measure;
 - (c) the access control measure is obsolete; and
 - (d) the circumvention is for the purpose of accessing the computer program for ordinary use.
- (2) For the purposes of paragraph (1) —
- (a) “computer program” includes a video game;
 - (b) a computer program is in an obsolete format if its contents can only be rendered perceptible by means of a machine or system that —
 - (i) is no longer being manufactured; or
 - (ii) is no longer commercially available; and

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- (c) an access control measure is obsolete if —
- (i) a statement indicating that support for the access control measure has ended is issued by the copyright owner of the computer program or the copyright owner's authorised representative; or
 - (ii) support for the access control measure is no longer available, or has been discontinued for at least 6 months and has not since been restored.

Exception — circumventing access control measure that prevents text from being converted into accessible format, etc.

95. A person may circumvent an access control measure that has been applied to a literary or dramatic work if —

- (a) the work is in an electronic format; and
- (b) the access control measure has been applied to all reasonably available electronic copies of the work (including any digital text edition made available by an institution aiding persons with print disabilities) so as to —
 - (i) prevent the operation of any function that reads aloud the text of the work; or
 - (ii) prevent any specialised assistive device or computer software from converting the text of the work into an accessible format.

Exception — film or media studies conducted by certain educational institutions

96.—(1) A person may circumvent an access control measure that has been applied to a film if —

- (a) the film is part of the collection of the library of an exempt educational institution that conducts courses in film or media studies;
- (b) the person is —
 - (i) a film or media studies lecturer of that institution; or

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- (ii) an employee or a staff member of that institution who is acting on the instructions of such a lecturer; and
 - (c) the circumvention is for the purpose of making compilations of portions of the film for educational use in a classroom.
- (2) In this regulation, “exempt educational institution” means —
- (a) a school or similar institution at which one or more of the following are provided:
 - (i) full-time primary education;
 - (ii) full-time secondary education;
 - (iii) full-time pre-university education;
 - (b) a university;
 - (c) a polytechnic;
 - (d) the Institute of Technical Education, Singapore established under section 3 of the Institute of Technical Education Act (Cap. 141A); or
 - (e) any other tertiary educational institution.

Exception — film or media studies conducted by massive open online course provider

97. A person may circumvent an access control measure that has been applied to a film if all the following conditions are met:

- (a) the film is part of the collection of a non-profit organisation that produces massive open online courses to be conducted through online platforms (whether or not it also conducts the courses);
- (b) the person is an employee or a staff member of the organisation;
- (c) the circumvention is for the purpose of making compilations of portions of the film for educational use in a massive open online course on film or media studies produced by the organisation;

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- (d) if the organisation both produces and conducts courses — the organisation has in place all the following measures:
- (i) limiting transmissions of each film used in the course to the extent technologically feasible to students;
 - (ii) instituting copyright compliance policies;
 - (iii) providing information to faculty, students, employees and staff members that describes the laws of Singapore relating to copyright;
 - (iv) applying technological measures to prevent students from retaining each film used in the course for a longer period than the duration of the course, or disseminating the film to others at any time without authorisation from the organisation;
- (e) if the organisation produces but does not conduct courses — the organisation has in place measures to verify that the person who conducts the course has in place the measures in paragraph (d).

Exception — criticism, review or reporting news in the course of making documentary

98. A person may circumvent an access control measure that has been applied to a film if the circumvention is carried out —

- (a) in good faith; and
- (b) 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.

Exception — cybersecurity research by cybersecurity professional

99.—(1) A person may circumvent an access control measure that has been applied to a work in digital form, a sound recording or a film if the circumvention —

- (a) does not contravene any other written law; and

(b) is carried out —

- (i) in good faith by a cybersecurity professional or a person acting on the instruction of a cybersecurity professional; and
- (ii) for the purpose of research on cybersecurity.

(2) In this regulation, “cybersecurity professional” means a person who —

- (a) is engaged in a legitimate course of study in the field of cybersecurity; or
- (b) is employed, trained or experienced in that field.

Exception — repairing or replacing essential or emergency system

100. A person may circumvent an access control measure that has been applied to a computer program if —

- (a) the computer program is used in an essential or emergency system; and
- (b) the circumvention is solely for the purpose of enabling the replacement or repair of the computer program.

Revocation

101. The following subsidiary legislation is revoked:

- (a) the Copyright (International Organisations) Regulations (Rg 1);
- (b) the Copyright (International Protection) Regulations (Rg 2);
- (c) the Copyright (Records Royalty System) Regulations;
- (d) the Copyright Regulations;
- (e) the Copyright (Border Enforcement Measures) Regulations (Rg 5);
- (f) the Copyright (Network Service Provider) Regulations (Rg 7);

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- (g) the Copyright (Flagrantly Infringing Online Location) Regulations 2014 (G.N. No. S 802/2014);
 - (h) the Copyright (Excluded Works) Order 2020 (G.N. No. S 1080/2020).

Records and declarations made before 21 November 2021 under revoked Copyright Regulations

102. Regulations 9, 10 and 11 of the revoked Copyright Regulations continue to apply in relation to any declaration or record made before 21 November 2021 as if the Copyright Regulations were not revoked.

Notices given and goods seized, etc., before 21 November 2021 under border enforcement measures in 1987 Act

103.—(1) Where —

- (a) a notice is validly given under section 140B(1) of the 1987 Act and in force immediately before 21 November 2021; but
- (b) no goods have been seized pursuant to the notice before that date,

the notice is deemed to be a request to seize under section 332.

(2) The provisions of Division 6 of Part V of the 1987 Act and the Copyright (Border Enforcement Measures) Regulations in force immediately before 21 November 2021 apply in relation to any goods seized under those provisions before that date as if that Act was not repealed and those Regulations were not revoked.

Made on 15 November 2021.

LAI WEI LIN
*Permanent Secretary,
Ministry of Law,
Singapore.*

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