

COPYRIGHT ACT
(CHAPTER 63, SECTIONS 184 AND 202)
COPYRIGHT (INTERNATIONAL PROTECTION) REGULATIONS

S 110 /87

S 120 /87

S 185 /87

S 262 /88

S 430 /90

S 486 /96

S 120 /97

S 120/97

S 299/97

S 225/98

[10th April 1987]

Citation.

1. These Regulations may be cited as the Copyright (International Protection) Regulations.

Definitions.

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

“at a material time” means —

- (a) in relation to, or in relation to the application of the Act in respect of a work or other subject-matter that is unpublished —
 - (i) at the time when the work or other subject-matter was made; or
 - (ii) if the making of the work or other subject-matter extended over a period— over a substantial part of that period;
- (b) in relation to, or in relation to the application of the Act in respect of a work or other subject-matter that has been published — at the time when the work or other subject-matter was first published; and
- (c) in relation to a sound broadcast or a television broadcast— at the time when that broadcast was made;

S 486 /96 wef 15.11.96.

“simultaneously” means —

- (a) in relation to publications that took place before 10th April 1987 — within a period of 14 days; and
- (b) in any other case — within a period of 30 days;

“country of origin” means —

- (a) in relation to a published work, published cinematograph film or published sound recording the first publication of which took place in one country only, being a country that constitutes, or forms part of, the territory of a

country specified in the Schedule— the country so constituting or forming part of that territory;

- (b) in relation to a published work, published cinematograph film or published sound recording the first publication of which took place simultaneously in a country that constitutes, or forms part of, the territory of a country specified in the Schedule and in a country that does not constitute, or form part of, the territory of that country so specified— the former country;
- (c) in relation to a published work, published cinematograph film or published sound recording the first publication of which took place simultaneously in two or more countries each of which constitutes, or forms part of, the territory of a country specified in the Schedule — the country the law of which confers the shortest term of protection in the nature of copyright in relation to the work, film or recording;
- (d) in relation to an unpublished work or in relation to a published work the first publication of which took place only in a country that constitutes, or forms part of, the territory of a country not specified in the Schedule — whichever of the following countries confers the longest term of protection in the nature of copyright in relation to the work:
 - (i) a country of which the author was a national or citizen at a material time;
 - (ii) a country in which the author was resident at a material time; and
- (e) in relation to an unpublished cinematograph film or unpublished sound recording or in relation to a published cinematograph film or published sound recording the first publication of which took place only in a country that constitutes, or forms part of, the territory of a country not specified in the Schedule, whichever of the following countries confers the longest term of protection in the nature of copyright in relation to the film or recording —
 - (i) of which the maker was a national or citizen at a material time;
 - (ii) in which the maker was resident at a material time;
 - (iii) under the law of which the maker, being a body corporate, was incorporated at a material time; or
 - (iv) in which the film or recording was made;

“performance” means a live performance of a kind referred to in paragraph (a), (b), (c), (d) or (e) of the definition of “performance” in section 246(1) of the Act but does not include a performance of a kind referred to in section 246(2) of the Act;

“relevant broadcaster” means a broadcasting organisation that —

- (a) has its headquarters in the country from which the sound broadcast or the television broadcast, as the case may be, is made; and
- (b) is entitled under the law of that country to make the sound broadcast or the television broadcast, as the case may be.

S 486 /96 wef 15.11.96.

(2) Subject to paragraph (2A), a reference in these Regulations to a subject-matter other than a work shall be read as a reference to a sound recording, a cinematograph film, a published edition of a work or works, a sound broadcast or a television broadcast.

Subst. by S 486 /96 wef 15.11.96.

(2A) The references in paragraphs (a) and (b) of the definition of “ at a material time” in paragraph (1) to a subject-matter other than a work shall not include a sound broadcast or a television broadcast.

S 486 /96 wef 15.11.96.

- (3) For the purposes of these Regulations, unless the context otherwise requires —
- (a) the Commonwealth of Puerto Rico, Guam and the Virgin Islands of the United States of America shall be deemed to form part of the territory of the United States of America; and
 - (b) 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 shall be deemed to form part of the territory of the United Kingdom of Great Britain and Northern Ireland.

S 486 /96 wef 15.11.96.

(4) For the purposes of these Regulations, protection in the nature of copyright shall be deemed to be conferred in relation to a work or other subject-matter under the law of a country other than Singapore if that law confers on the person entitled to the protection the exclusive right to do in that country in relation to the work or other subject-matter any one or more of the acts that are comprised in the copyright in the work or other subject-matter under the Act.

Application of Act to foreign countries.

3. —(1) Subject to these Regulations, the Act shall apply in relation to—
- (a) literary, dramatic, musical and artistic works and editions first published in a country that constitutes, or forms part of the territory of a country specified in the Schedule; and
 - (b) sound recordings and cinematograph films made or first published in a country that constitutes, or forms part of the territory of a country specified in the Schedule,

in like manner as those provisions shall apply in relation to literary, dramatic, musical and artistic works and editions first published, and sound recordings and cinematograph films made or first published, in Singapore.

(1A) Subject to these Regulations, the Act shall apply in relation to sound recordings made or first published in a country that constitutes, or forms part of, the territory of a country specified in Part I of the Schedule, in like manner as those provisions shall apply in relation to sound recordings made or first published in Singapore.

(2) Subject to these Regulations, the Act shall apply in relation to artistic works that—

(a) are buildings situated in a country that constitutes, or forms part of the territory of a country specified in the Schedule; or

(b) are attached to, or form part of buildings situated in that country,

in like manner as those provisions shall apply in relation to artistic works that are buildings situated in Singapore or are attached to, or form part of buildings situated in Singapore.

(3) Subject to these Regulations, the provisions of the Act relating to works and other subject-matter shall apply in relation to persons who, at a material time, are citizens or nationals of a country specified in the Schedule in like manner as those provisions shall apply in relation to persons who, at a material time, are citizens of Singapore.

(4) Subject to these Regulations, the provisions of the Act relating to works and other subject-matter shall apply in relation to persons who, at a material time, are resident in a country that constitutes, or forms part of, the territory of a country specified in the Schedule in like manner as those provisions shall apply in relation to persons who, at a material time, are resident in Singapore.

(5) Subject to these Regulations, the Act shall apply in relation to bodies incorporated under the law of a country that constitutes, or forms part of, the territory of a country specified in the Schedule in like manner as those provisions shall apply in relation to bodies incorporated under the law of Singapore.

(6) Subject to these Regulations, the provisions of the Act shall apply in relation to a sound broadcast or a television broadcast that has been made, at a material time, by a relevant broadcaster from a place in a country that constitutes, or forms part of, the territory of a country specified in the Schedule in like manner as those provisions shall apply in relation to a sound broadcast or a television broadcast made by a broadcasting licensee from a place in Singapore.

S 486 /96 wef 15.11.96.

(7) Part XII of the Act shall apply to the following performances:

(a) a performance by a performer who is a citizen or national of, or resident in, a country that constitutes, or forms part of, the territory of a country specified in Part I of the Schedule; and

- (b) a performance given in a country that constitutes, or forms part of, the territory of a country specified in Part I of the Schedule.

Term of copyright in overseas works.

4. Copyright subsisting in a published work, published cinematograph film or published sound recording by reason only of the operation of these Regulations ceases to subsist upon the expiration of the term of the protection in the nature of copyright that subsists in relation to such a work, film or recording under the law of the country of origin of the work, film or recording.

Copyright not to subsist in overseas editions in certain cases.

5. Where copyright subsists in a published edition of a work or works by reason only of the operation of these Regulations, that copyright subsists only so long as protection in the nature of copyright subsists in relation to the edition under the law of—

- (a) a country of which the publisher of the edition was a national or citizen at a material time; or
- (b) a country —
- (i) in which the edition was first published;
 - (ii) in which the publisher of the edition was resident at a material time; or
 - (iii) under the law of which the publisher of the edition, being a body corporate, was incorporated at a material time,

being a country that constitutes, or forms part of, the territory of a country specified in the Schedule.

Application of certain provisions of Act to works, etc., of certain countries.

6. Where a work was first published before 10th April 1987 in any country specified in the Schedule, section 210 of the Act shall apply to the work as if, for the purpose of determining, for the purpose of that section, whether copyright subsisted in a work under the Copyright Act 1911* immediately before 10th April 1987, the work was first published in Singapore. 1

U.K. 1911 C. 46.

S 486 /96 wef. 15.11.96

Works made before 1st July 1912.

7. Where, in relation to a work that was made before 1st July 1912—

- (a) the work was first published or performed in; or
- (b) the author of the work was, at a material time, a national, citizen or resident of,

1* Repealed by section 203 of the Copyright Act 1987 (Act 2 /87).

a country specified in the Schedule, Division 5 of Part XI of the Act shall apply to the work as if —

- (c) the work was first published or performed in Singapore; or
- (d) the author of the work was, at a material time, a citizen of Singapore or a resident of Singapore.

Protection of existing rights.

8. —(1) Where a person has, at any time before 10th April 1987, taken action whereby he has incurred expenditure or liability in connection with the doing of any act in relation to a work or other subject-matter in a manner that at that time was lawful, or for the purpose of or with a view to the doing of any act in relation to a work or other subject-matter at a time when the doing of that act would, but for the making of these Regulations, have been lawful, nothing in these Regulations shall diminish or prejudice any right or interest arising from or in connection with that action that is subsisting and valuable immediately before 10th April 1987 unless the person who by virtue of the operation of these Regulations has the exclusive right to do that act agrees to pay to the first-mentioned person such compensation as is reasonable in the circumstances.

(2) Where —

- (a) an amendment of these Regulations inserts the name of a country in, or adds the name of a country at the end of, the Schedule; and
- (b) a person has, at any time before the date on which the amendment comes into operation, taken action whereby he has incurred expenditure or liability in connection with the doing of any act in relation to a work or other subject-matter in a manner that at that time was lawful, or for the purpose of or with a view to the doing of any act in relation to a work or any subject-matter at a time when the doing of that act would, but for the amendment, have been lawful,

nothing in these Regulations shall diminish or prejudice any right or interest arising from or in connection with that action that is subsisting and valuable immediately before the date on which the amendment comes into operation unless the person who, by virtue of the operation of these Regulations upon the country being specified in the Schedule, has the exclusive right to do that act agrees to pay to the first-mentioned person such compensation as is reasonable in the circumstances.

Protection of existing rights in relation to performances

8A. —(1) Where a person has, at any time 16th April 1998, taken action whereby he has incurred expenditure or liability —

- (a) in connection with the doing of any act in relation to a performance in a manner that at that time was lawful; or
- (b) for the purpose of or with a view to the doing of any act in relation to a performance at a time when the doing of that act would, but for the making of

the Copyright (International Protection) (Amendment) Regulations 1998 (G.N. No.S225/98), have been lawful,

nothing in these Regulations shall diminish or prejudice any right or interest arising from or in connection with that action that is subsisting and valuable immediately before that date unless the performer of the performance agrees to pay to the person such compensation as is reasonable in the circumstances.

(2) Where —

- (a) an amendment of these Regulations inserts the name of a country in the Schedule; and
- (b) a person has, at any time before the date on which the amendment comes into operation, taken action whereby he has incurred expenditure or liability in connection with the doing of an act in relation to a performance in a manner that at the time was lawful, or for the purpose of or with a view to the doing of any act in relation to a performance at a time when the doing of that act would, but for the amendment, have been lawful,

nothing in these Regulations shall diminish or prejudice any right or interest arising in connection with that action that is subsisting and valuable immediately before the date on which the amendment comes into operation unless the performer of the performance agrees to pay to the person such compensation as is reasonable in the circumstances.

Revocation.

9. —(1) The Orders in Council dated 3rd February 1915 and 9th February 1920 regulating copyright relations with the United States of America and the Copyright (United States of America) Order 1942 are revoked.

UK S.R. & O 1915/130 1920/257 UK S.I. 1942/1579.

(2) Nothing in paragraph (1) shall affect any copyright subsisting in any work or subject-matter first published in the United States of America before 10th April 1987 if, immediately before that date, copyright under the Copyright Act 1911* subsisted in such work or subject-matter by virtue of either the Orders in Council or the Order referred to in paragraph (1). 2

Transitional.

10. Where a person has, at any time before 1st December 1990, taken action whereby he has incurred expenditure or liability in connection with the doing of any act in relation to a work or other subject-matter in a manner that at that time was lawful, or for the purpose of or with a view to the doing of any act in relation to a work or other subject-matter at a time when the doing of the act would, but for the making of these Regulations, have been lawful, nothing in these Regulations shall diminish or prejudice any right or interest arising from or in connection with that action that is

2Repealed by section 203 of the Copyright Act 1987 (Act 2 /87). U.K. 1911 C. 46.

subsisting and valuable immediately before that date unless the person who, by virtue of the operation of these Regulations has the exclusive right to do that act, agrees to pay to the first-mentioned person such compensation as is reasonable in the circumstances.

THE SCHEDULE

Regulations 2, 3, 5, 7 and 8.

PART I

Members of the World Trade Organisation

Angola

Antigua and Barbuda

Argentina

Australia

Austria

Bahrain

Bangladesh

Barbados

Belgium

Belize

Benin

Bolivia

Botswana

Brazil

Brunei Darussalam

Bulgaria

Burkina Faso

Burundi

Cameroon

Canada

Central African Republic

Chad

Chile

Colombia

Congo

Costa Rica

Cote d' Ivoire
Cuba
Cyprus
Czech Republic
Denmark
Djibouti
Dominica
Dominican Republic
Ecuador
Egypt
El Salvador
European Community
Fiji
Finland
France
Gabon
Gambia
Germany
Ghana
Greece
Grenada
Guatemala
Guinea
Guinea Bissau
Guyana
Haiti
Honduras
Hong Kong
Hungary
Iceland
India
Indonesia
Ireland
Israel
Italy
Jamaica

Japan
Kenya
Kuwait
Lesotho
Liechtenstein
Luxembourg
Macau
Madagascar
Malawi
Malaysia
Maldives
Mali
Malta
Mauritania
Mauritius
Mexico
Mongolia
Morocco
Mozambique
Myanmar
Namibia
Netherlands — for the Kingdom in Europe and for the Netherlands Antilles
New Zealand
Nicaragua
Nigeria
Norway
Pakistan
Papua New Guinea
Paraguay
Peru
Philippines
Poland
Portugal
Qatar
Republic of Korea
Romania

Rwanda
Saint Kitts and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Senegal
Sierra Leone
Slovak Republic
Slovenia
Solomon Islands
South Africa
Spain
Sri Lanka
Suriname
Swaziland
Sweden
Switzerland
Thailand
Togo
Trinidad and Tobago
Tunisia
Turkey
Uganda
United Arab Emirates
United Kingdom
United Republic of Tanzania
United States of America
Uruguay
Venezuela
Zaire
Zambia
Zimbabwe.

S 486 /96 wef 15.11.96.

PART II

States Party to the Berne Convention for the Protection of Literary and Artistic Works which are not members of the World Trade Organisation

State

Albania
Algeria
Bahamas
Belarus
Bosnia and Herzegovina
Cape Verde
China
Croatia
Equatorial Guinea
Estonia
Georgia
Holy See
Larvia
Lebanon
Liberia
Libya
Lithuania
Monaco
Republic of Moldova
Russian Federation
The former Yugoslav Republic of Macedonia
Ukraine
Yugoslavia

[G.N. Nos. S486/96; S120/97; S299/97]
