

Copyright (Border Enforcement Measures) Regulations

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THE SCHEDULE Notice under Section 140B (1) of the Copyright ACT (ChAPter 63)

Legislative History

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

COPYRIGHT (BORDER ENFORCEMENT MEASURES) REGULATIONS

Rg 5

G.N. No. S 224/2002

[16th April 1998]

Citation

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

Definition

2. For the purposes of these Regulations, “authorised officer”, “copyright material” and “Director-General” have the same meaning respectively as in section 140A of the Act.

Notice under section 140B (1) of Act

3.—(1) A notice to the Director-General under section 140B(1) of the Act shall be in the form set out in the Schedule.

(2) The notice shall be accompanied by a statutory declaration that the particulars in the notice are true.

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

Time and manner of giving notice

4. A notice to the Director-General under section 140B(1) of the Act shall be delivered to the Customs and Excise Department —

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

Further information and evidence

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

- (a) the subsistence of copyright in the copyright material;

- (b) the ownership of that copyright;
- (c) that goods to be seized, or which have been seized, are copies of the copyright material to which section 140B of the Act applies; and
- (d) where the notice was given by a person as agent for the owner of the copyright, the authority of the person giving the notice.

Change in particulars

6. A person who has given a notice to the Director-General shall notify the Director-General in writing of any change in the particulars specified in the notice or affecting the notice within 7 days of the change and further notice shall be given as the Director-General may require.

Refusal to seize

7. An authorised officer may refuse to seize copies of any copyright material to which a notice under section 140B(1) of the Act relates if the person who has given the notice fails to comply with —

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

Period for instituting action for infringement of copyright

8. For the purposes of section 140E(3) of the Act, the prescribed period is 10 working days.

Period for extension of retention period

9. For the purposes of section 140E(6) of the Act, the prescribed period is 10 working days after the end of the retention period mentioned in that subsection.

THE SCHEDULE

Regulation 3

NOTICE UNDER SECTION 140B (1) OF THE COPYRIGHT ACT (CHAPTER 63)

Please read these notes before completing the notice

1. This notice may only be given by the owner of the copyright in a literary, dramatic, musical or artistic work, a sound recording, a cinematograph film, a published edition of a work or a television or

sound broadcast.

2. Unless otherwise indicated, the notice must contain full particulars of the matters specified therein and in Appendices 1 and 2. Please follow the instructions in the Explanatory Notes below in filling up the notice.

3. Where more than one copyright material is involved, the information in Appendix 1 must be given for each copyright material.

4. You are required to provide the Director-General of Customs and Excise with a security (whether by way of deposit of money, of an instrument of guarantee or otherwise) to indemnify the Government for any liability and expenses which it may incur as a result of seizing the copies of the copyright material, in accordance with section 140C of the Copyright Act. Please note that you will be responsible for any liability or expenses of the Government which exceeds the amount of the security.

5. Please note that the notice lapses within 60 days commencing on the day of the giving of the notice, or the end of the period for which copyright in the copyright material is to subsist, whichever is the earlier.

To the Director-General of Customs and Excise :

I, _____ of _____, hereby give you notice that copyright in copyright material(s) mentioned in Appendix 1 to this Notice now subsists under the Copyright Act, and that (1) the owner of the copyright in the copyright material(s) and that (2) object(s) to the import into Singapore of copies of the copyright material(s) as described in Appendix 2 to this Notice which are about to be imported into Singapore by (3). The said copies of the copyright material(s) are about to be imported into Singapore by (4) which will arrive at (5) on or about (6) from (7).

The said copies are copies of the copyright material(s) to which section 140B applies because (8).

I hereby request that the said copies be dealt with in accordance with Division 6 of Part V of the Copyright Act (Cap. 63).

Date :

Signature : (9)

Explanatory Notes

(1) If the Notice is given by the owner of the copyright, insert "I am"; if given by an agent, insert the name of the owner and the word "is".

(2) If the Notice is given by the owner of the copyright, insert "I"; if given by an agent, insert the name of the owner.

(3) Insert the full name and address of the importer.

(4) Insert the name of the ship, aircraft flight number or vehicle registration number.

(5) Insert the name of the place (eg. the port or airport) by which the copies are to be imported into Singapore.

(6) Insert the estimated date of arrival.

(7) Insert the country of origin.

(8) State the grounds on which it is claimed that the copies are copies to which section 140B of the Copyright Act applies i.e. they are copies made wholly or partly outside Singapore the making of which was carried out without the consent of the owner of the copyright within the meaning of section 25(3) of

the Act, and they are not goods in transit within the meaning of section 140A of the Act.

(9) If an agent, insert “Agent of owner”; if the Notice is given by a company, insert the name of the company and the status of the signatory of the company.

APPENDIX 1

Type of copyright material : (literary work/dramatic work/musical work/artistic work/sound recording/cinematograph film/published edition of a work/television broadcast/sound broadcast)

Description of copyright material :

Full name of owner of copyright in the copyright material :

Date of expiry of copyright :

APPENDIX 2

(Describe the goods (including its quantity and value), number of packages, marks used, bill of lading/airway bill/consignment reference number and any other particulars necessary for their identification.)

LEGISLATIVE HISTORY

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

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

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

Date of commencement : 10 April 1987

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

Date of operation : 25 March 1992

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

Date of commencement : 16 April 1998

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

Date of operation

: 30 September 2002