

Copyright (Import Restrictions) Regulations

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THE SCHEDULE

Legislative History

COPYRIGHT ACT (CHAPTER 63, SECTIONS 142 AND 202)

COPYRIGHT (IMPORT RESTRICTIONS) REGULATIONS

Rg 5

[10th April 1987]

Citation

1. These Regulations may be cited as the Copyright (Import Restrictions) Regulations.

Definitions

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

“Board” means the Trade Development Board established under section 3 of the Trade Development Board Act [Cap. 330];

“work” means a published literary, dramatic or musical work.

Schedule

3.—(1) A notice to the Board under section 142(1) of the Act by the owner of the copyright in a work, cinematograph film or sound recording shall be in accordance with Form 1 or 1A and Form 2 set out in the Schedule.

(2) A separate notice in accordance with Form 1 or 1A set out in the Schedule shall be given in respect of any one work or any one cinematograph film or sound recording, respectively.

(3) A separate notice in accordance with Form 2 set out in the Schedule shall be given in respect of each importation of one or more copies of —

- (a) any one work which is the subject of a notice in accordance with Form 1;
or
- (b) any one cinematograph film or sound recording which is the subject of a notice in accordance with Form 1A,

which has not been withdrawn.

(4) Each notice in accordance with Form 1, 1A or 2 shall be accompanied by a statutory declaration in accordance with Form 3 set out in the Schedule sworn by the person giving the notice verifying the particulars in the notice.

(5) The owner of the copyright in a work, cinematograph film or sound recording may appoint another person to act as his agent for the purpose of the giving of a notice by the owner under section 142(1) of the Act.

Time and manner of giving notice

4. A notice to the Board under section 142(1) of the Act shall be delivered to the Board personally —

- (a) during such time as the office of the Board is open for business; and
- (b) at such time as is reasonably possible for the Board to take any action under section 142 of the Act in relation to that notice.

Fee

5. A fee of \$200 shall be paid to the Board in respect of each separate notice given to the Board at the time such notice is given.

Further information and evidence

6. A person who has given a notice to the Board under section 142(1) of the Act in relation to a work, cinematograph film or sound recording shall, at the time of giving the notice or at the time when the work, cinematograph film or sound recording is imported, or at both such times, give to the Board such information and evidence within such time and in such form as the Board may require for the exercise of its powers under section 142 of the Act, including such information and evidence for the purpose of enabling the Board to satisfy itself as to the subsistence of copyright in the work, cinematograph film or sound recording, as to the ownership of that copyright and, where the notice was given by a person as agent for the owner of the copyright, as to the authority of the person to give the notice.

Change in particulars

7. A person who has given any notice to the Board under section 142(1) of the Act in relation to a work, cinematograph film or sound recording shall notify the Board in writing of any change in the particulars specified in the notice or affecting the notice within 14 days of the change and further notice shall be given as the Board may require.

Security

8. The Board and its agents may from time to time require a person who has given a notice in accordance with Form 1 in relation to a work or Form 1A in relation to a cinematograph film or sound recording set out in the Schedule, to give the Board and its agents security or further security within such time and in such manner, whether by way of deposit of money or of an instrument of guarantee, or otherwise, as the Board specifies, in respect of any liability or expense that may be incurred by the Board and its agents as a result of the seizure of any copy of the work, cinematograph film or sound recording to which the notice relates.

Indemnity

9.—(1) Where the Board has not required any security referred to in regulation 8 to be given, the person who has given a notice to the Board under section 142(1) of the Act in relation to any work or any cinematograph film or sound recording and if such person is an agent of the owner of the copyright in the work, cinematograph film or sound recording, the owner shall be jointly and severally liable to indemnify the Board and its agents against any liability or expense that may be incurred by the Board and its agents as a result of the seizure of any copy of the work, cinematograph film or sound recording to which the notice relates.

(2) The person who has given a notice to the Board under section 142(1) of the Act in relation to any work or any cinematograph film or sound recording and if such person is an agent of the owner of the copyright in the work, cinematograph film or sound recording, the owner shall be jointly and severally liable to indemnify the Board and its agents against any liability or expense that may be incurred by the Board and its agents as a result of the seizure of any copy of the work, cinematograph film or sound recording to which the notice relates to the extent to which any security or further security referred to in regulation 8 given by the person to the Board and its agents in respect of that liability or expense is insufficient.

Refusal to seize and forfeit

10. The Board and its agents may refuse to seize copies imported into Singapore of a work or a cinematograph film or sound recording to which a notice under section 142(1) of the Act relates if the person who has given the notice has failed —

- (a) to comply with any requirement by the Board under these Regulations;
- (b) to comply with any of the provisions in these Regulations; or
- (c) to indemnify the Board and its agents against any liability or expense as provided by regulation 9(1) or (2).

THE SCHEDULE

Regulations 3 and 8

FORM 1

NOTICE RELATING TO PUBLISHED

LITERARY, DRAMATIC OR MUSICAL
WORKS FOR PURPOSES OF SECTION 142

To the Trade Development Board:

I, _____ of
_____ hereby give you
notice that copyright in the original work
mentioned in the Schedule to this Notice now
subsists under the Copyright Act, and that (1) the
owner of the copyright in the work and
that (2) object(s) to the importation into
Singapore for (3) of copies of the said work
made outside Singapore, being copies to which
section 142 of the Copyright Act applies.

I hereby give to the Trade Development Board, and
its agents for the purposes of section 142(7) of the
Copyright Act, security by way of _____ in
respect of any liability or expense that may be
incurred by the Board and its agents as a result of
seizure under section 142 of the Copyright Act of
any copy of a work to which this Notice relates.

Date: _____ Signature:

(4)

1. Title of work
2. Description of work
3. Full name of author or authors (5)
.....
4. If the author, or any one or more of the authors
of the work is dead, name of deceased author or
authors and date or dates of deaths (6)
.....
5. Date and place of first publication of work
..... (7)
6. Status of author at the date of first publication
..... (8)

Notes to Form 1

- (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) Specify the period during which importation is objected to.
- (4) 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 in the company.
- (5) If the author is anonymous or pseudonymous, words should be stated to this effect and state the period the copyright exists.
- (6) To delete if the author is anonymous or pseudonymous.
- (7) It is sufficient to state the country and date of first publication.
 - (b) Where advantage has been taken of the provisions of the Copyright Act as to simultaneous publication, the date and place stated should be those which entitle the work to copyright in Singapore.
- (8) If copyright is claimed under section 27(2)(d) or (e) of the Copyright Act, there should be stated the grounds on which it is claimed that the author was a qualified person either when the work was first published or, if he died before the date of first publication immediately before he died. “Qualified person” is defined in section 27(4) of the Copyright Act.

FORM 1A

NOTICE RELATING TO CINEMATOGRAPH FILMS AND SOUND RECORDINGS FOR PURPOSES OF

SECTION 142

Regulations 3 and 8

To the Trade Development Board:

I, _____ of _____ hereby give you notice that copyright in the cinematograph film¹/sound recording hereby mentioned in the schedule to this Notice now subsists under the Copyright Act, and that (1) the owner of the copyright in the cinematograph film²/sound recording and that (2) object(s) to the importation into Singapore for (3) of copies of the said film³/recording made outside Singapore, being copies to which section 142 of that Act applies.

¹ Delete where inapplicable.

² Delete where inapplicable.

³ Delete where inapplicable.

I hereby give to the Trade Development Board, and its agents for the purposes of section 142(7) of the Copyright Act, security by way of _____ in respect of any liability or expense that may be incurred by the Board and its agents as a result of seizure under section 142 of that Act of any copy of a cinematograph film⁴/sound recording to which this Notice relates.

⁴ Delete where inapplicable.

Date: _____ Signature: _____

(4)

1. Title of cinematograph film⁵/sound recording

⁵ Delete where inapplicable.

2. Description of film⁶/recording
.....

⁶ Delete where inapplicable.

3. Initials or marks (if any) placed on copies of film⁷/recording

⁷ Delete where inapplicable.

4. Full name of maker or makers of the film⁸/recording

⁸ Delete where inapplicable.

5. Date and place of first publication of film⁹/recording (5)

⁹ Delete where inapplicable.

6. Status of maker or makers of the film¹⁰/recording (6)

¹⁰ Delete where inapplicable.

7. Date and place of making of the film¹¹/recording (7)

¹¹ Delete where inapplicable.

Notes to Form 1A

- (1) If the Notice is given by the owner of the copyright, insert “I am”; if given by an agent, insert the names 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) Specify the period during which importation is objected to. (4) 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 in the company. (5) It is sufficient to state the country and date of first publication.
- (b) Where advantage has been taken of the provisions of the Copyright Act as to simultaneous publication, the date and place stated should be those which entitle the work to copyright in Singapore.
- (c) If the cinematograph film or sound recording is unpublished, words should be stated to this effect and state the period the copyright exists.
- (6) If copyright is claimed under section 87(1) or 88(1) of the Copyright Act, there should be stated the grounds on which it is claimed that the maker was a qualified person when the recording was made or for the whole or substantial part of the period during which the film was made. “Qualified person” is defined in section 81 of that Act. (7) It is sufficient to state the country and date of manufacture.

FORM 2

NOTICE RELATING TO PARTICULAR IMPORTATION FOR PURPOSES OF SECTION 142

Regulation 3

To the Trade Development Board:

I, _____ of _____, hereby give notice that I am the owner (1) of the copyright in the work¹²/cinematograph film¹³/sound recording mentioned in the schedule to a Notice Relating to Published Literary, Dramatic or Musical Works for the purposes of section 142 of the Copyright Act¹⁴/Notice Relating to Cinematograph Films and Sound Recordings for the purposes of section 142 of the Copyright Act dated and that (2) object(s) to the importation into Singapore of copies of the said work¹⁵/film¹⁶/recording as described in the Schedule to this Notice which are about to be imported into Singapore by (3) at; (4) on or about (5) in the (6) from (7)

¹² Delete where inapplicable.

¹³ Delete where inapplicable.

¹⁴ Delete where inapplicable.

¹⁵ Delete where inapplicable.

¹⁶ Delete where inapplicable.

The said copies are liable to be seized and forfeited under section 142 of the Copyright Act because (8)

I hereby request that the said copies be dealt with in accordance with section 142 of the Copyright Act.

Date: _____ Signature: _____ (9)

(Describe the goods, number of packages, marks used, and any other particulars necessary for their identification).

Notes to Form 2

(1) Or agent of the owner.

(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) Full name and address of importer or his agent. (4) Specify the port, airport or railway, etc., by which the copies are to be imported into Singapore. (5) Specify the estimated date of arrival which must be within the period specified in the Form 1 or 1A notice referred to in this Notice. (6) Specify the name of the vessel, flight number, etc. (7) Specify the last country of export. (8) State if the copies of the original work or cinematograph film or sound recording are made outside Singapore and how the copies are liable to seizure and forfeiture under section 142 of the Copyright 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 in the company.

FORM 3

STATUTORY DECLARATION

Regulation 3(4)

I, _____ of _____, do solemnly and sincerely declare that the contents of the Notice annexed are true, and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declaration Act 1835.

Declared by the abovenamed _____ at _____ his
_____ day of _____ 19 _____

Before me:

A Commissioner for Oaths.

LEGISLATIVE HISTORY

COPYRIGHT (IMPORT RESTRICTIONS) REGULATIONS
(CHAPTER 63, RG 5)

This Legislative History is provided for the convenience of users of the Copyright (Import Restrictions) 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