Copyright (Amendment) Bill

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Bill No: 4/1998

Read the first time: 14th January 1998

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Copyright (Amendment) Bill

Bill No. 4/1998

Read the first time on 14th January 1998.

An Act to amend the Copyright Act (Chapter 63 of the 1988 Revised Edition) to enable Singapore to give effect to the Agreement on Trade-Related Aspects of Intellectual Property Rights (1994), and to make other amendments to the Act.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Copyright (Amendment) Act 1998 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 7

2. Section 7 of the Copyright Act is amended —

(*a*) by deleting paragraph (*a*) of the definition of "archives" in subsection (1) and substituting the following paragraph:

"(*a*) archival material in the custody of the National Archives of Singapore established under section 17 of the National Heritage Board Act (Cap. 196A);";

(*b*) by inserting, immediately after the definition of "construction" in subsection (1), the following definition:

" "conveyance" has the same meaning as in the Regulation of Imports and Exports Act (Cap. 272A);";

(*c*) by inserting, immediately after the definition of "institution assisting handicapped readers" in subsection (1), the following definition:

" "institution assisting intellectually handicapped readers" means —

(*a*) any educational institution; or

(*b*) any non-profit organisation,

that has as its principal function, or one of its principal functions, the provision of assistance to intellectually handicapped persons and that is declared by regulations made under this Act to be, for the purposes of this Act, an institution assisting intellectually handicapped readers;";

(*d*) by inserting, immediately after the definition of "minimum royalty" in subsection (1), the following definition:

" "non-profit organisation" means an organisation or association or persons, whether corporate or unincorporate, that is not operated or conducted for profit;";

(*e*) by inserting, immediately after subsection (1), the following subsection:

"(1A) Without limiting the meaning of the expression "educational purposes" in this Act, a copy of the whole or a part of a work or other subject-matter shall be taken to have been made, used or retained, as the case may be, for the purposes of an educational institution if —

(*a*) it is made or retained for use, or is used, in connection with a particular course of instruction provided by the institution; or

(*b*) it is made or retained for inclusion, or is included, in the collection of a library of the institution.";

(*f*) by deleting the words "or an institution assisting handicapped readers" in subsection (3)(*a*), (*d*) and (*e*) and substituting in each case the words ", an institution assisting handicapped readers or an institution assisting intellectually handicapped readers";

(*g*) by deleting the word "and" at the end of subsection (3)(*d*)(i);

(*h*) by deleting the comma at the end of sub-paragraph (ii) of paragraph (*d*) of subsection (3) and substituting a semi-colon, and by inserting immediately thereafter the following sub-paragraph:

"(iii) the relevant records in respect of copies of articles and other works made by or on behalf of the body administering the institution in reliance on section 54A,"; and

(*i*) by inserting, immediately after paragraph (*g*) of subsection (3), the following paragraph:

"(*ga*) a reference to an intellectually handicapped reader's copy of a work, or of a part of a work, shall be read as a reference to a copy of a work, or of a part of a work, as the case may be, made by, or on behalf of, the body administering an institution assisting intellectually handicapped persons, being a copy that is made for the sole purpose of use in the provision, whether by the institution or otherwise, of assistance to any intellectually handicapped person;".

New section 25A

3. The Copyright Act is amended by inserting, immediately after section 25, the following section:

"**Commercial rental arrangement**

25A.—(1) In this Act, "commercial rental arrangement", in relation to a sound recording or a computer program, signifies an arrangement that has the following features:

(*a*) regardless of the way in which the arrangement is expressed, it is in substance an arrangement under which a copy of the sound recording or computer program is made available by a person on terms that it will or may be returned to the person;

(*b*) the arrangement is made in the course of the conduct of a business; and

(*c*) the arrangement provides for the copy to be made available —