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COPYRIGHT ACT (CHAPTER 63)

COPYRIGHT (EXCLUDED WORKS) ORDER 2020

ARRANGEMENT OF PARAGRAPHS

Paragraph

1. Citation and period in force
 2. Definitions
 3. Works to which section 261C(1)(a) of Act does not apply
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In exercise of the powers conferred by section 261D(2) of the Copyright Act, the Minister for Law makes the following Order:

Citation and period in force

- 1.—(1) This Order is the Copyright (Excluded Works) Order 2020.
- (2) This Order is in force for the period between 1 January 2021 and 31 December 2024 (both dates inclusive).

Definitions

- 2.—(1) In this Order —

“compliant MOOC course producer” means a MOOC course producer that has in place necessary preventive measures;

“cybersecurity professional” means a person who —

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

“exempt educational institution” means —

- (a) a school or similar institution at which one or more of the following is 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;

“MOOC course producer” means a non-profit organisation that produces massive open online courses to be conducted through online platforms (whether or not it also conducts the courses);

“necessary preventive measures”, in relation to a MOOC course producer, means —

- (a) if the MOOC course producer also conducts the course that it produces, all of the following measures:
 - (i) limiting transmissions of each cinematograph 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 cinematograph film used in the course for a longer period than the duration of the course, or disseminating the cinematograph film to others at any time

without authorisation from the MOOC course producer; or

- (b) if the MOOC course producer does not conduct the course that it produces, measures to verify that the person who conducts the course has in place the measures in paragraph (a).

(2) For the purposes of paragraph 3(a), a dongle is treated as obsolete if —

- (a) it is no longer being manufactured;
- (b) it is no longer commercially available; or
- (c) its repair is no longer commercially available.

(3) For the purposes of paragraph 3(b) —

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

Works to which section 261C(1)(a) of Act does not apply

3. Section 261C(1)(a) of the Act does not apply to the following works:

- (a) any computer program to which access is controlled by means of an obsolete dongle that is damaged or defective;