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**COPYRIGHT ACT
(CHAPTER 63)**

**COPYRIGHT (BORDER ENFORCEMENT MEASURES)
(AMENDMENT) REGULATIONS 2019**

In exercise of the powers conferred by section 202 of the Copyright Act, the Minister for Law makes the following Regulations:

Citation and commencement

1. These Regulations are the Copyright (Border Enforcement Measures) (Amendment) Regulations 2019 and come into operation on 21 November 2019.

Amendment of regulation 2

2. Regulation 2 of the Copyright (Border Enforcement Measures) Regulations (Rg 5) (called in these Regulations the principal Regulations) is amended by inserting, immediately after the definitions of “authorised officer”, “copyright material” and “Director-General”, the following definition:

“ “dealer” means the importer, exporter or consignee of the copies seized under section 140LA of the Act;”.

Amendment of regulation 3

3. Regulation 3 of the principal Regulations is amended —

(a) by deleting paragraphs (1) and (2) and substituting the following paragraphs:

“(1) A notice to the Director-General under section 140B(1) of the Act, or that provision as applied by section 254B of the Act, must be supported by the following documents and information:

(a) a statutory declaration that the particulars in the notice are true;

(b) where the notice is given by a person as agent for the owner or a licensee of the copyright in the copyright material, or the performer of the performance embodied in the unauthorised recording, evidence of the authority of the person giving the notice.

(2) The notice must be accompanied by the fee prescribed in the Copyright (Border Enforcement Measures Fees) Regulations 2019 (G.N. No. S 744/2019).”; and

(b) by deleting the regulation heading and substituting the following regulation heading:

“Notice under section 140B(1) of Act, etc.”.

Amendment of regulation 4

4. Regulation 4 of the principal Regulations is amended by deleting the regulation heading and substituting the following regulation heading:

“Time and manner of giving notice under section 140B(1) of Act, etc.”.

Amendment of regulation 5

5. Regulation 5 of the principal Regulations is amended —

(a) by inserting, immediately after the words “A person who has given a notice to the Director-General” in paragraph (1), the words “under section 140B(1) of the Act”;

(b) by inserting the word “and” at the end of paragraphs (1)(b) and (2)(b);

(c) by deleting the word “; and” at the end of paragraphs (1)(c) and (2)(c) and substituting in each case a full-stop;

(d) by deleting sub-paragraph (d) of paragraphs (1) and (2);

(e) by inserting, immediately after the words “Where a notice is given to the Director-General” in paragraph (2), the words “under section 140B(1) of the Act as applied by section 254B of the Act”; and

(f) by deleting the regulation heading and substituting the following regulation heading:

“Further information and evidence for notice under section 140B(1) of Act, etc.”.

Deletion and substitution of regulation 6

6. Regulation 6 of the principal Regulations is deleted and the following regulation substituted therefor:

“Change in particulars of notice under section 140B(1) of Act, etc.

6. A person who has given a notice to the Director-General under section 140B(1) of the Act, or that provision as applied by section 254B of the Act, must 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 provide any document and information in relation to the change that the Director-General may reasonably require.”.

Amendment of regulation 7

7. Regulation 7 of the principal Regulations is amended —

(a) by deleting paragraph (a) and substituting the following paragraph:

“(a) any direction of the Director-General; or”; and

(b) by deleting the regulation heading and substituting the following regulation heading:

“Refusal to seize copies pursuant to notice under section 140B(1) of Act, etc.”.

Deletion and substitution of regulations 8 and 9

8. Regulations 8 and 9 of the principal Regulations are deleted and the following regulations substituted therefor:

“Period under section 140E(2)(a) of Act, etc., for instituting action for infringement of copyright

8. For the purposes of section 140E(2)(a) of the Act, or that provision as applied by section 254B of the Act, the prescribed period is 10 working days after the day specified in the notice mentioned in section 140E(1) of the Act.

Period under section 140E(6) of Act, etc., for extension of initial period

9. For the purposes of section 140E(6) of the Act, or that provision as applied by section 254B of the Act, the prescribed period is 10 working days after the end of the initial period mentioned in section 140E(6) of the Act.”.

Amendment of regulation 9A

9. Regulation 9A of the principal Regulations is amended —
- (a) by inserting, immediately after the word “importer”, the words “or exporter (as the case may be)”; and
 - (b) by deleting the regulation heading and substituting the following regulation heading:
“Written undertakings for forfeiture of seized copies by consent under section 140G(1) of Act, etc.”.

Deletion of regulation 9B

10. Regulation 9B of the principal Regulations is deleted.

Amendment of regulation 9C

11. Regulation 9C of the principal Regulations is amended —
- (a) by deleting the words “seized or detained copies” in paragraphs (1) and (2) and substituting in each case the words “seized copies”;
 - (b) by deleting the semi-colon at the end of paragraph (1)(b) and substituting a full-stop;
 - (c) by deleting sub-paragraphs (c) and (d) of paragraph (1);
 - (d) by deleting the words “importer, exporter or consignee (as the case may be)” in paragraphs (2) and (3) and substituting in each case the words “importer or exporter (as the case may be)”; and
 - (e) by deleting the regulation heading and substituting the following regulation heading:
“Disposal of seized copies forfeited by consent under section 140G(3) of Act, etc.”.

Deletion and substitution of regulation 10 and new regulations 11 to 19

12. Regulation 10 of the principal Regulations is deleted and the following regulations substituted therefor:

“Period under section 140LB(1) of Act, etc.

10. For the purposes of section 140LB(1) of the Act, or that provision as applied by section 254B of the Act, the prescribed period is 48 hours after the date of the written notice mentioned in section 140LA(3) of the Act, or that provision as applied by section 254B of the Act.