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**COPYRIGHT ACT**  
**(CHAPTER 63, SECTIONS 184 AND 202)**  
**COPYRIGHT (INTERNATIONAL PROTECTION) REGULATIONS**

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[10th April 1987 ]

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**THE SCHEDULE**

**Actual Provisions**

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**COPYRIGHT ACT**  
**(CHAPTER 63, SECTIONS 184 AND 202)**  
**COPYRIGHT (INTERNATIONAL PROTECTION) REGULATIONS**

[10th April 1987 ]

**Citation**

1. These Regulations may be cited as the Copyright (International Protection) Regulations.

**Definitions**

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

"at a material time" means —

(a) in relation to, or in relation to the application of the Act in respect of, a work or other subject-matter that is unpublished —

(i) at the time when the work or other subject-matter was made; or

(ii) if the making of the work or other subject-matter extended over a period — over a substantial part of that period;

(b) in relation to, or in relation to the application of the Act in respect of, a work or other subject-matter that has been published — at the time when the work or other subject-matter was first published; and

(c) in relation to a sound broadcast or a television broadcast — at the time when that broadcast was made;

"Berne Convention" means the Berne Convention for the Protection of Literary and Artistic Works signed at Berne on 9th September 1886, as revised or amended from time to time;

"Convention country" means a country, other than Singapore, which is a party to the Berne Convention or a member of the World Trade Organisation;

"country" includes territory;

"country of origin" means —

(a) in relation to a published work, published cinematograph film or published sound recording the first publication of which took place in one country only, being a country that constitutes, or forms part of, the territory of a Convention country— the country so constituting or forming part of that territory;

(b) in relation to a published work, published cinematograph film or published sound recording the first publication of which took place simultaneously in a country that constitutes, or forms part of, the territory of a Convention country and in a country that does not constitute, or form part of, the territory of that Convention country — the former country;

(c) in relation to a published work, published cinematograph film or published sound recording the first publication of which took place simultaneously in 2 or more countries each of which constitutes, or forms part of, the territory of a Convention country — the country the law of which confers the shortest term of protection in the nature of copyright in relation to the work, film or recording;

(d) in relation to an unpublished work or in relation to a published work the first publication of which took place only in a country that constitutes, or forms part of, the territory of a country which is not a Convention country — whichever of the following countries confers the longest term of protection in the nature of copyright in relation to the work:

(i) a country of which the author was a national or citizen at a material time;

(ii) a country in which the author was resident at a material time; and

(e) in relation to an unpublished cinematograph film or unpublished sound recording or in relation to a published cinematograph film or published sound recording the first publication of which took place only in a country that constitutes, or forms part of, the territory of a country which is not a Convention country, whichever of the following countries confers the longest term of protection in the nature of copyright in relation to the film or recording —

(i) of which the maker was a national or citizen at a material time;

(ii) in which the maker was resident at a material time;

(iii) under the law of which the maker, being a body corporate, was incorporated at a material time; or

(iv) in which the film or recording was made;

"member of the World Trade Organisation" means a country, other than Singapore, which is a signatory to the WTO Agreement;

"performance" means a live performance of a kind referred to in paragraph (a), (b), (c), (d) or (e) of the definition of "performance" in section 246 (1) of the Act but does not include a performance of a kind referred to in section 246 (2) of the Act;

"relevant broadcaster" means a broadcasting organisation that —

(a) has its headquarters in the country from which the sound broadcast or the television broadcast, as the case may be, is made; and

(b) is entitled under the law of that country to make the sound broadcast or the television broadcast, as the case may be.

"simultaneously" means —

(a) in relation to publications that took place before 10th April 1987 — within a period of 14 days; and

(b) in any other case — within a period of 30 days;

"WTO Agreement" means the World Trade Organisation Agreement signed in Marrakesh in 1994 as revised or amended from time to time.

(2) Subject to paragraph (3), a reference in these Regulations to a subject-matter other than a work shall be read as a reference to a sound recording, cinematograph film, published edition of a work or works, sound broadcast or television broadcast.

(3) The references in paragraphs (a) and (b) of the definition of "at a material time" in paragraph (1) to a subject-matter other than a work shall not include a sound broadcast or television broadcast.

(4) For the purposes of these Regulations, unless the context otherwise requires —

(a) the Commonwealth of Puerto Rico, Guam and the Virgin Islands of the United States of America shall be deemed to form part of the territory of the United States of America; and

(b) the Channel Islands, Anguilla, the Pitcairn Islands, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Falkland Islands Dependencies, Gibraltar, Isle of Man, Montserrat, St. Helena, St. Helena Dependencies (Ascension, Tristan da Cunha), Bermuda and the Turks and Caicos Islands shall be deemed to form part of the territory of the United Kingdom of Great Britain and Northern Ireland.

(5) For the purposes of these Regulations, protection in the nature of copyright shall be deemed to be conferred in relation to a work or other subject-matter under the law of a country other than Singapore if that law confers on the person entitled to the protection the exclusive right to do in that country in relation to the work or other subject-matter any one or more of the acts that are comprised in the copyright in the work or other subject-matter under the Act.

### **Application of Act to foreign countries**

**3.—**(1) Subject to these Regulations, the Act shall apply in relation to—

(a) literary, dramatic, musical and artistic works and editions first published in a country that constitutes, or forms part of the territory of a Convention country; and

(b) cinematograph films made or first published in a country that constitutes, or forms part of the territory of a Convention country,

in like manner as those provisions shall apply in relation to literary, dramatic, musical and artistic works and editions first published, and cinematograph films made or first published, in Singapore.

(2) Subject to these Regulations, the Act shall apply in relation to sound recordings made or first published in a country that constitutes, or forms part of, the territory of a member of the World Trade Organisation, in like manner as those provisions shall apply in relation to sound recordings made or first published in Singapore.

(3) Subject to these Regulations, the Act shall apply in relation to artistic works that—

(a) are buildings situated in a country that constitutes, or forms part of the territory of a Convention country; or

(b) are attached to, or form part of buildings situated in that country,

in like manner as those provisions shall apply in relation to artistic works that are buildings situated in Singapore or are attached to, or form part of buildings situated in Singapore.

(4) Subject to these Regulations, the provisions of the Act relating to works and other subject-matter shall apply in relation to persons who, at a material time, are citizens or nationals of a Convention country in like manner as those provisions shall apply in relation to persons who, at a material time, are citizens of Singapore.

(5) Subject to these Regulations, the provisions of the Act relating to works and other subject-matter shall apply in relation to persons who, at a material time, are resident in a country that constitutes, or forms part of, the territory of a Convention country in like manner as those provisions shall apply in relation to persons who, at a material time, are resident in Singapore.

(6) Subject to these Regulations, the Act shall apply in relation to bodies incorporated under the law of a country that constitutes, or forms part of, the territory of a Convention country in like manner as those provisions shall apply in relation to bodies incorporated under the law of Singapore.

(7) Subject to these Regulations, the provisions of the Act shall apply in relation to a sound broadcast or television broadcast that has been made, at a material time, by a relevant broadcaster from a place in a country that constitutes, or forms part of, the territory of a Convention country in like manner as those provisions shall apply in relation to a sound broadcast or television broadcast made by a broadcasting licensee from a place in Singapore.

(8) Part XII of the Act shall apply to the following performances:

(a) a performance by a performer who is a citizen or national of, or resident in, a country that constitutes, or forms part of, the territory of a member of the World Trade Organisation; and

(b) a performance given in a country that constitutes, or forms part of, the territory of a member of the World Trade Organisation.

#### **Term of copyright in overseas works**

**4.** Copyright subsisting in a published work, published cinematograph film or published sound recording by reason only of the operation of these Regulations ceases to subsist upon the expiration of the term of the protection in the nature of copyright that subsists in relation to such a work, film or recording under the law of the country of origin of the work, film or recording.

**Copyright not to subsist in overseas editions in certain cases**

**5.** Where copyright subsists in a published edition of a work or works by reason only of the operation of these Regulations, that copyright subsists only so long as protection in the nature of copyright subsists in relation to the edition under the law of—

- (a) a country of which the publisher of the edition was a national or citizen at a material time; or
- (b) a country —
  - (i) in which the edition was first published;
  - (ii) in which the publisher of the edition was resident at a material time; or
  - (iii) under the law of which the publisher of the edition, being a body corporate, was incorporated at a material time,

being a country that constitutes, or forms part of, the territory of a Convention country.

**Application of certain provisions of Act to works, etc., of certain countries**

**6.** Where a work was first published before 10th April 1987 in any Convention country, section 210 of the Act shall apply to the work as if, for the purpose of determining, for the purpose of that section, whether copyright subsisted in a work under the repealed Copyright Act 1911\* immediately before 10th April 1987, the work was first published in Singapore.

\* Repealed by section 203 of the Copyright Act 1987 (Act 2/87).

**Works made before 1st July 1912**

**7.** Where, in relation to a work that was made before 1st July 1912—

- (a) the work was first published or performed in; or
- (b) the author of the work was, at a material time, a national, citizen or resident of,

a Convention country, Division 5 of Part XI of the Act shall apply to the work as if —

- (i) the work was first published or performed in Singapore; or
- (ii) the author of the work was, at a material time, a citizen of Singapore or a resident of Singapore.

**Protection of existing rights**

**8.—(1)** Where a person has, at any time before 10th April 1987, taken action whereby he has incurred expenditure or liability —

- (a) in connection with the doing of any act in relation to a work or other subject-matter in a manner that at that time was lawful; or
- (b) for the purpose of or with a view to the doing of any act in relation to a work or other subject-matter at a time when the doing of that act would, but for the making of these Regulations, have been lawful,

nothing in these Regulations shall diminish or prejudice any right or interest arising from or in connection with that action that is subsisting and valuable immediately before 10th April 1987 unless the person who by virtue of the operation of these Regulations has the exclusive right to do that act agrees to pay to the first-mentioned person such compensation as is reasonable in the circumstances.

(2) Where —

(a) a change in the membership of the World Trade Organisation or the parties to the Berne Convention has occurred, which results in a country, which was previously not a Convention country, becoming a Convention country;

(b) a person has, at any time before the date on which the change takes effect, taken action whereby he has incurred expenditure or liability in connection with the doing of any act in relation to a work or other subject-matter in a manner that at that time was lawful, or for the purpose of or with a view to the doing of any act in relation to a work or any subject-matter at a time when the doing of that act would, but for the change, have been lawful,

nothing in these Regulations shall diminish or prejudice any right or interest arising from or in connection with that action that is subsisting and valuable immediately before the date on which the change takes effect unless the person who, by virtue of the operation of these Regulations upon the country becoming a Convention country, has the exclusive right to do that act agrees to pay to the first-mentioned person such compensation as is reasonable in the circumstances.

### **Protection of existing rights in relation to performances**

**8A.**—(1) Where a person has, at any time before 16th April 1998, taken action whereby he has incurred expenditure or liability —

(a) in connection with the doing of any act in relation to a performance in a manner that at that time was lawful; or

(b) for the purpose of or with a view to the doing of any act in relation to a performance at a time when the doing of that act would, but for the making of the Copyright (International Protection) (Amendment) Regulations 1998 (G.N. No. S225/98), have been lawful,

nothing in these Regulations shall diminish or prejudice any right or interest arising from or in connection with that action that is subsisting and valuable immediately before that date unless the performer of the performance agrees to pay to the person such compensation as is reasonable in the circumstances.

(2) Where —

(a) a change in the membership of the World Trade Organisation has occurred, which results in a country, which was previously not a member of the World Trade Organisation, becoming a member of the World Trade Organisation;

(b) a person has, at any time before the date on which the change takes effect, taken action whereby he has incurred expenditure or liability in connection with the doing of an act in relation to a performance in a manner that at the time was lawful, or for the purpose of or with a view to the doing of any act in relation to a performance at a time when the doing of that act would, but for the change, have been lawful,

nothing in these Regulations shall diminish or prejudice any right or interest arising in connection with that action that is subsisting and valuable immediately before the date on which the change takes effect unless the performer of the performance agrees to pay to the person such compensation as is reasonable in the circumstances.

### **Savings and transitional provisions**

**9.**—(1) The revocation of the Orders in Council dated 3rd February 1915 and 9th February 1920 regulating copyright relations with the United States of America and the Copyright (United States of America) Order 1942 shall not affect any copyright subsisting in any work or subject-matter first published in the United States of America before 10th April 1987 if, immediately before that date, copyright under the repealed Copyright Act 1911\* subsisted in such work or subject-matter by virtue of either the Orders in Council or the Order.

\* Repealed by section 203 of the Copyright Act 1987 (Act 2/87).

(2) Where a person has, at any time before 1st December 1990, taken action whereby he has incurred expenditure or liability —

(a) in connection with the doing of any act in relation to a work or other subject-matter in a manner that at that time was lawful; or

(b) for the purpose of or with a view to the doing of any act in relation to a work or other subject-matter at a time when the doing of the act would, but for the making of these Regulations, have been lawful,

nothing in these Regulations shall diminish or prejudice any right or interest arising from or in connection with that action that is subsisting and valuable immediately before that date unless the person who, by virtue of the operation of these Regulations has the exclusive right to do that act, agrees to pay to the first-mentioned person such compensation as is reasonable in the circumstances.

## **THE SCHEDULE**

*Deleted by S 489/2003, wef 01/12/2003.*

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