

Dear Sir,

I understand that the IP (Miscellaneous Amendments) Bill 2004 has been drafted to implement of Singapore's obligations under the US-SG FTA.

I would, however, like to invite IPOS to take this opportunity to plug a lacunae in our present copyright/registered designs law, as part of its comprehensive review of IP law in Singapore.

The lacunae in question relates to the legal protection (or rather, the lack thereof) afforded to designs of useful articles in Singapore. Such designs are not afforded protection under our Registered Designs Act 2000 (RDA 2000) as they are functional in nature and cannot be registered under the RDA 2000. Such designs are similarly denied artistic copyright protection due to the presence of section 70 in our Copyright Act.

The present section 70 of the Copyright Act was amended when the RDA 2000 was enacted. Academics have noted that this amendment was unnecessary.

I write to request that IPOS consider restoring section 70 of the Copyright Act to its former position before its amendment, i.e. to give artistic copyright protection to designs of useful articles for a period of 15 years from the time the design was industrially applied in Singapore or anywhere in the world. This would not circumvent the registered designs regime as the period of artistic copyright protection would be the same as under the RDA 2000.

I would be grateful if my feedback could be seriously considered by IPOS.

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