

## IP TOOLS & RESOURCES FOR BUSINESSES

### IP Searches and Filing

You can do IP searches and file your IP applications online at the IPOS website <http://www.ipos.gov.sg> (Services>Online Services)

SurfIP, at [www.surfIP.gov.sg](http://www.surfIP.gov.sg), is a public sector initiative to ensure that basic IP information services are freely available to all. SurfIP can help lay users conduct prior art searches on patents, trade marks and industrial designs registered with IP organisations from the world's major economies.

### IP Management

SCOPE IP, which stands for "Strategies for Creation, Ownership, Protection and Exploitation of Intellectual Property" is a national IP management programme designed to help your company diagnose the adequacy of your existing IP management practices. Strategic options for the maximum exploitation of your company's intellectual assets will be generated as part of the programme as well. E-mail [enterprise@ipos.gov.sg](mailto:enterprise@ipos.gov.sg) for more details.

### Resources for Education

Visit the Intellectual Property Education and Resource Centre (iperc) at IPOS and peruse through the collection of the latest IP journals, books and publications.

The IP Starter - A guide to help you make IP decisions for your business from the type of IP protection required to practical ideas on preventing copycats can be viewed at the IPOS website. (Programmes>For businesses)

The Infopacks - Handbooks that provide an overview on each form of IP. The Copyright Infopack can be downloaded from the IPOS website. (Resources>Infopacks>Copyright Infopack)

IP Consult - IPOS offers a platform for you to get in touch with IP professionals via the IP Consult. The monthly IP Consult sessions are free-of-charge and open to all. To sign up for an IP Consult session, visit the calendar of events at the IPOS website.

### Getting Professional Help

Singapore Network of IP Service Providers (SNIPS), IPOS' web-based directory of IP service providers, is accessible from the IPOS website. (Services>Online Services>Singapore Network of IP Service Providers (SNIPS))

The latest IP workshops, seminars and conferences, can be found on the calendar of events at the IPOS website.

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# COPYRIGHT infosheet

## Copyright & The Internet



### What is Copyright

Copyright is a private property right that protects original works such as novels, computer programmes, music and photos. Generally, copyright owners enjoy various exclusive rights over their copyright works (such as the rights to reproduce, perform and communicate their works). These different exclusive rights form the bundle of rights that we call copyright. They enable a copyright owner to control the commercial exploitation of his work.

### What does Copyright protect

Our Copyright Act protects:

Literary works such as	<ul style="list-style-type: none"><li>• Written works/ Books</li><li>• Articles in journals or newspapers</li><li>• Lyrics in songs</li><li>• Source codes of computer programmes</li></ul>
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Dramatic works such as	<ul style="list-style-type: none"> <li>• Scripts for films &amp; drama (as applied)</li> <li>• Choreographic scripts for shows or dance routines</li> </ul>
Musical works	<ul style="list-style-type: none"> <li>• Music, i.e. melody</li> </ul>
Artistic works such as	<ul style="list-style-type: none"> <li>• Paintings</li> <li>• Drawings</li> <li>• Photographs</li> <li>• Sculptures</li> <li>• Engravings</li> <li>• Buildings or models of buildings</li> <li>• Works of artistic craftsmanship, e.g. designer furniture that is not mass produced</li> </ul>
Published editions of	<ul style="list-style-type: none"> <li>• Literary, dramatic, musical or artistic works, i.e. typographic arrangements of a published work</li> </ul>
Sound recordings	<ul style="list-style-type: none"> <li>• An aggregate of sounds recorded on tapes, CDs etc</li> </ul>
Films	<ul style="list-style-type: none"> <li>• Cinematographic works including video, digital videodisks and television productions</li> </ul>
Television and radio boardcasts	<ul style="list-style-type: none"> <li>• Broadcasts by way of television or radio</li> </ul>
Cable Programmes	<ul style="list-style-type: none"> <li>• Programmes (visual and sound) included in a cable programme service sent by means of a telecommunication system</li> </ul>
Performances	<ul style="list-style-type: none"> <li>• By performers such as musicians, singers and comedians</li> </ul>

## How to get protection

For a work to be protected by copyright, it has to be original and expressed in a tangible form.

Originality simply means that there is a degree of independent effort in the creation of the work. It is not a question of whether the work has creative merit.

Expression in a tangible form includes expression in a recording or in writing. Basically, the work should be able to be reproduced from this tangible form.

An original work by a Singapore citizen or resident automatically enjoys copyright protection as soon as it is expressed in a tangible form. There is no need to file for registration to get copyright protection.

## Rights of the copyright owner

Here are the bundles of exclusive rights copyright owners may enjoy:

Literary, dramatic, musical, artistic works	<p>Authors enjoy the exclusive rights to</p> <ul style="list-style-type: none"> <li>• reproduce the work;</li> <li>• publish the work;</li> <li>• perform the work in public;</li> <li>• communicate the work to the public; and</li> <li>• make an adaptation of the work .</li> </ul>
Published editions of literary, dramatic, musical or artistic works	<p>The publisher has the exclusive right to make a reproduction of the edition.</p>
Sound recordings	<p>The producer of a sound recording enjoys the exclusive rights to:</p> <ul style="list-style-type: none"> <li>• make a copy of the sound recording;</li> <li>• rent out the sound recording</li> <li>• publish the sound recording if it is unpublished; and</li> <li>• make available to the public a sound recording by means or as part of a digital audio transmission.</li> </ul>
Films	<p>The producer of a film enjoys the exclusive rights to:</p> <ul style="list-style-type: none"> <li>• make a copy of the film;</li> <li>• cause the film to be seen in public; and</li> <li>• communicate the film to the public.</li> </ul>
Television and radio boardcasts	<p>The broadcaster enjoys the exclusive rights to:</p> <ul style="list-style-type: none"> <li>• make a recording of the broadcast;</li> <li>• rebroadcast;</li> <li>• communicate the broadcast to the public; and</li> <li>• cause the broadcast to be seen or heard by a paying audience.</li> </ul>
Cable Programmes	<p>The producer of the cable programme enjoys the exclusive rights to:</p> <ul style="list-style-type: none"> <li>• make a recording of the cable programme;</li> <li>• rebroadcast;</li> <li>• communicate the cable programme to the public; and</li> <li>• cause the cable programme to be seen or heard by a paying audience.</li> </ul>

Performances	<p>The performer has the right to authorise the following uses:</p> <ul style="list-style-type: none"> <li>• allow the performance to be seen and heard, or seen or heard, live in public;</li> <li>• make a direct or indirect sound recording of his live performance</li> <li>• make available a recording of the performance to the public in such a way that the recording may be accessed by any person from a place and at a time chosen by him;</li> <li>• distribute or sell or import for distribution or sale such recordings;</li> <li>• publish a recording of a performance (if not previously published); and</li> <li>• communicate the live performance to the public (including broadcast, internet dissemination and inclusion of the performance in a cable programme).</li> </ul>
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## Extent/Territory of Protection

Our Copyright Act gives copyright protection within the territory of Singapore.

In addition, a copyright work created by a Singapore citizen or resident is protected in many countries overseas. Under various international agreements, the work of a Singapore citizen or resident would be protected in signatory countries (e.g. USA, UK). Conversely, many overseas copyright works from these signatory countries are protected by copyright law in Singapore.

## Fair Dealing

There are some "fair dealing" exceptions to copyright infringement under our copyright law. A certain amount of copying, for example, is permissible as long as it is a situation of "fair dealing" as determined by the Court.

Factors the Court may consider in determining "fair dealing" include:

- (a) the purpose and character of the dealing (e.g. commercial or non-profit educational purposes)
- (b) the nature of the work

>> "Communicate" means to transmit by electronic means a work or other subject matter, whether or not it is sent in response to a request and includes:

- (a) Broadcasting;
- (b) Inclusion in a cable programme; and
- (c) The making available of the work or other subject matter in such a way that the work or subject matter may be accessed by any person from a place and at a time chosen by him (e.g. access over the Internet).

- (c) the amount and substantiality of the part copied in relation to the whole work
- (d) the effect of the dealing upon the potential market for, or value of, the work
- (e) the possibility of obtaining the work within a reasonable time at an ordinary commercial price.

In other cases, fair dealings for the purposes of criticism, review or reporting current events would not constitute copyright infringement. In most of such cases, a sufficient acknowledgment of the work is required.

## Exceptions in Educational Settings

Our Copyright Act also contains exceptions to copyright infringement in certain educational settings. Please refer to our infosheet on "Copyright for Educators" for more information.

## Common Scenarios on the Internet

1. **I like surfing the Internet and visiting personal websites and blogs. I found something interesting on someone else's personal website / blog.**
  - (a) **Can I quote it on my personal website?**
  - (b) **Can I link to the other person's personal website / blog?**
  - (c) **Can I take screen shots of the website / blog and place it on my personal website?**
  - (d) **Can I forward part of the text by email to other people?**

Original website / blog content is protected by copyright. You generally need copyright owners' consent to make copies, which is entailed by the actions in (a) quoting, (c) taking screen shots and (d) forwarding by email. Check whether any policy or terms of use on the website / blog address this. You should contact the website/blog owner if in doubt.

On the other hand, you can make copies without the express consent of copyright owners if it is a situation of "fair dealing" (see Fair Dealing on Pages 3-4) as determined by the Court, or if it is done for the purpose of criticism or review.

For example, if you share an opinion on someone else's blog entry in your personal website, you may be able to upload and refer to relevant parts of that blog entry under the latter exception. In such a case, you will need to identify the title and author of the blog entry. If the copyright owner takes legal action against you, it is for the Court to decide whether on the evidence, you have genuinely uploaded the content for the purpose of criticism or review such that the exception applies.

Checking the policy or terms of use on the website / blog and contacting the website / blog owner if in doubt are useful, practical steps to apply to the issue of linking in (b) as well. Generally speaking, copyright owners could welcome links to their personal website / blog if there are no other commercial or privacy concerns.

As a point of caution, you should be careful not to create links to websites / blogs which may carry content that infringes copyright. In such a case, you yourself might infringe copyright by "authorising infringement", in that others make unauthorised copies of the content using the link on your website / blog.

**2. I am an avid blogger who blogs on many subjects. I have a comments section as well so that readers may post their thoughts.**

- (a) I would like to let other people use the content on my blog. Can I license it?**  
**(b) If a reader comments on my blog, does it mean she has licensed the rights to me?**

(a) You can certainly control how your copyright material is used. There are many ways to exercise this control as a copyright owner, so you should give it some thought and then communicate your policy clearly on your blog. There is no fixed format that a licence must take. The more important thing is to communicate your intention clearly.

For example, do you want your work to be freely distributed without any conditions, to maximise your reach without bothering about dollars and cents? Or do you want to restrict use to only non-commercial distribution and copying? Will you allow others to modify your work? Under what circumstances?

For some ideas, Creative Commons (CC), a non-profit organisation, offers a range of flexible copyright licenses for creative works. You may even consider adopting one of CC's licences if it suits your needs (see <http://creativecommons.org>). As discussed above, however, there is no fixed format for a licence and a CC licence is only one of the ways to go about controlling your copyright work.

(b) It depends on the policy you adopt for your blog. If a reader leaves a comment, there is at least an implied licence that she allows her comment to be viewed on your blog. If you intend to use your readers' comments beyond this, you should state so clearly on your blog. After all, original comments by readers belong to them, not you.

**3. Do I own the copyright to pictures and articles that I upload in citizen journalist websites such as STOMP? Are the website owners required to seek permission from me before reproducing the picture or article elsewhere?**

In general, the person who took the picture, or, in the case of an article, its author, is the copyright owner. Hence, if you took the picture or wrote the article yourself, you own the copyright. If someone else took the picture or wrote the article, the fact that you uploaded the picture or article does not make you the copyright owner. In fact, you would need the copyright owner's permission before uploading the picture or article.

Citizen journalist websites have their own policies regarding copyright issues and this may vary from site to site. You should be familiar with these policies (sometimes referred to as "Copyright Policy" or "Terms and Conditions of Use" on the sites) before using the sites.

Often, citizen journalist websites expressly require you not to be in breach of copyright law when you upload material. Thus, you should be careful to upload only copyright material that you own, or for which clearance has been given, or where an exception applies. Through their stated copyright policy or terms and conditions of use, citizen journalist websites also typically obtain your license to reproduce and distribute the material you uploaded without the need to check with you each time they do so.

**4. Can I upload photos and videos of live events (e.g. soccer matches, concerts) taken from my camera phone or digital camera onto my personal website / blog?**

It depends. For instance, live sports events in themselves are not protected by copyright. Hence, you will not infringe copyright by taking and uploading photos and videos that you took at the sports event itself. On the other hand, broadcasts of sports events are protected by copyright. If you take videos of these broadcasts, and upload them onto your personal website / blog, you will infringe copyright in the broadcasts.

As for live concerts, if you take videos at the concerts themselves, you run the risk of infringing the underlying musical and literary works when you upload them onto your website / blog. The exception is if it is a situation of "fair dealing" (see Fair Dealing on Pages 3-4) as determined by the Court or if it is done for the purpose of criticism or review, which may be relevant in relation to websites / blogs where opinions are often expressed. In the latter case, you need to make a sufficient acknowledgement of the work used. Further, if the copyright owner takes legal action against you, it is for the Court to decide whether on the evidence, you have genuinely uploaded relevant parts of the material for the purpose of criticism or review such that the exception applies.

As a further note of caution, if you take photos or videos off unauthorised recordings of live concerts and upload them, you may also infringe copyright by "authorising infringement", in that others make unauthorised copies of the content through your website / blog.

- 5. Can music, songs, videos and movies from my original CDs / VCDs / DVDs**  
**(a) Be uploaded onto my personal website / blog?**  
**(b) Be sent to my family and friends over Microsoft / Yahoo messenger?**

The above acts involve making copies of the copyright-protected music, songs, videos and movies. Hence, copyright will be infringed unless it is a situation of "fair dealing" (see Fair Dealing on Pages 3-4) as determined by the Court or if it is done for the purpose of criticism or review, which may be relevant in scenario (a) where opinions are often expressed. In the latter case, you need to make a sufficient acknowledgement of the work used. Further, if the copyright owner takes legal action against you, it is for the Court to decide whether on the evidence, you have genuinely uploaded relevant parts of the material for the purpose of criticism or review such that the exception applies.

If the abovementioned exceptions do not apply, you should proceed only with consent from the copyright owners. Otherwise, you run the risk of infringing copyright.

- 6. Can I use images provided by portals such as Google Images and upload them on my website / blog?**

You may do so if the terms and conditions of use so allow (e.g. "You may use this image for personal, non-commercial purposes but please always acknowledge my copyright and include my contact details in your use"). Look for these terms and conditions on the website.

If the terms and conditions do not address your intended use of the images, you may also contact the copyright owners directly for consent. This is needed because copyright in images includes the right to make copies and to communicate them, such as when you upload them onto your website / blog. Doing so without the copyright owner's permission will infringe his exclusive rights.

The exception is if it is a situation of "fair dealing" (see Fair Dealing on Pages 3-4) as determined by the Court or if it is done for the purpose of criticism or review, which may be relevant in relation to websites / blogs where opinions are often expressed. In the latter case, a sufficient acknowledgement of the image by its title / description and author is needed. If the copyright owner takes legal action against you, it is for the Court to decide whether on the evidence, you have genuinely uploaded the images for the purpose of criticism or review such that the exception applies.

- 7. Can I copy articles onto my personal website / blog? I will acknowledge the source.**

Articles from newspapers, books and other forms of publications are protected by copyright. You generally need the copyright owners' consent to make copies on your website / blog. The copyright owner may be the publisher, or the individual author, especially if he / she is a freelancer. You should check with the publisher if in doubt. Merely acknowledging the source will not be enough to avoid infringing copyright in the publications.

The exception is if it is a situation of "fair dealing" (see Fair Dealing on Pages 3-4) as determined by the Court, or if it is done for the purpose of criticism or review. For example, if you share an opinion on a particular magazine feature in your blog, you may upload and refer to relevant parts of that feature under the latter exception. In such a case, you will need to identify the title and author of the magazine feature. If the copyright owner takes legal action against you, it is for the Court to decide whether on the evidence, you have genuinely uploaded the article for the purpose of criticism or review such that the exception applies.

- 8. I am undertaking research on a particular topic. Can I copy material from the Internet?**

Original internet content is protected by copyright, just as other original content in printed form. You generally need copyright owners' consent to copy their internet content. Check whether any policy or terms of use on the website/blog address this.

On the other hand, you can copy the content without the express consent of copyright owners if it is done for purposes of research or study.

However, the amount copied must be a "reasonable portion" of the original work. Under our copyright law, this means you can only copy up to 10% of the number of pages, words or bytes on the one hand, or one chapter on the other hand, whichever is more.

If you copy more than a "reasonable portion" of the internet content for your research, this may still be allowed if it is a situation of "fair dealing" (see Fair Dealing on Pages 3-4) as determined by the Court. As a practical point, if you need to copy more than a "reasonable portion", it is prudent to contact the copyright owner for clearance at the outset, if the policy or terms of use on the website / blog do not address this.

- 9. I am a fan of the Star Wars movie series and a few cartoon series. Can I make tribute videos using pictures of my favourite stars or cartoon characters from these series and upload them on YouTube?**

Generally, a tribute video would reproduce parts of the films in the series as well as perform part of the underlying script; further uploading it on YouTube involves communication, which is the copyright owners' exclusive

right. If the parts used are substantial in terms of their distinctiveness and importance to the original series, it may be a case of copyright infringement.

On the other hand, tribute videos may be allowed, without the copyright owners' consent, if the Courts find that they qualify as fair dealing (see Fair Dealing on Pages 3-4).

From a practical perspective, the stance of different copyright owners in relation to tribute videos will vary. Some may believe that tribute videos enhance the value of their original works and boost sales. Such copyright owners are more likely not to do anything against you. Then there are others who want to safeguard the integrity of their original works, exercise stronger control and not tolerate unauthorised versions or adaptations in circulation. These may take legal action to enforce their copyright.

**10. I want to parody a character (either fictitious or real) in my blog / website. Can I use some of the images and text from the movie / book in my parody?**

Copying images and text from the movie / book infringes copyright if the parts taken are substantial. Further uploading them onto your blog / website could also infringe because that involves communication, which is the copyright owners' exclusive right.

The exception is if it is a situation of "fair dealing" (see Fair Dealing on Pages 3-4) as determined by the Court, or if it is done for the purpose of criticism. For example, if your parody expresses a criticism of the work from which the character is parodied, you may be able to upload your parody under the latter exception. In such a case, you will need to identify the title and author of the source. If the copyright owner takes legal action against you, it is for the Court to decide whether on the evidence, you have genuinely uploaded the parody for the purpose of criticism such that the exception applies.

**11. Can I post a video-recording of my sister's birthday celebration onto websites such as YouTube?**

In general, the maker of a video owns the copyright to it. When a video-recording is posted onto a website, a copy is made. This involves the reproduction right of the copyright owner. Further, the communication right is involved as the video is made available on the Internet. Thus, if you want to post the video-recording onto websites like YouTube and you are not the maker of the video, you should get the consent of the copyright owner.

Apart from copyright concerns, you may also want to consider Internet safety and personal privacy issues before posting the video-recording for the world at large to view.

**12. My friend took a very nice photograph. Can I upload the photograph onto my personal website / blog?**

When you upload a photograph onto your personal website / blog, you are both making a copy of a copyright work, as well as communicating it to the public. Since these actions are exclusive to the copyright owner, you should obtain his / her agreement before uploading.

Who is the copyright owner? Usually, the person who takes the photograph owns the copyright. For example, if the shot is from your friend's personal travel album, he is the right person to approach for consent. However, if your friend was commissioned to take the photograph by another person who pays him, that other person is the copyright owner, not your friend, unless their contract states otherwise. In the latter case, your friend will have no right to "agree" to you uploading the photograph onto your website / blog.

**13. Does watching content online (e.g. exclusive cable TV shows and live sports events) through various internet live-streaming channels infringe copyright?**

One has to exercise caution in relation to content available on the Internet. Not everything free is legal; and not everything technically possible is legally in the clear. It is easy for almost anybody to make content available on the Internet. Some of these are legitimate copyright owners or their licensees. Others, however, are not. For example, there are those who steal broadcast signals from authorised sources and transmit them online illegally.

This has an impact on you because when you watch content online via streaming technology, a temporary copy of the programme is made on your computer. You may recall that reproduction is one of the copyright owner's exclusive rights. If the programme is communicated without the copyright owner's consent (e.g. in the example of signal theft above), then the temporary copy on your computer infringes copyright. In other words, if the source is infringing, the temporary copy on your computer will also be infringing. If the source is authorised, the temporary copy on your computer is recognized as an exception under our copyright law and is therefore non-infringing.

In view of this, you should be careful and check before watching content available online. It may not always be possible to tell if the source is legitimate. If you do not receive a clear and satisfactory response from the people responsible for putting up the content, it is best to avoid watching it.