

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, 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 for more details.

Resources for Education

Visit the Intellectual Property Education and Resource Centre (iper) 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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Intellectual Property Office of Singapore

51 Bras Basah Road #04-01 Plaza By The Park Singapore 189554
Tel: (65) 6339 8616 Fax: (65) 6339 0250 <http://www.ipos.gov.sg>

COPYRIGHT infosheet

Copyright @ Home



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.

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What does Copyright Protect

Our Copyright Act protects:

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

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"> • reproduce the work; • publish the work; • perform the work in public; • communicate the work to the public; and • make an adaptation of the work.
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"> • make a copy of the sound recording; • rent out the sound recording • publish the sound recording if it is unpublished; and • make available to the public a sound recording by means or as part of a digital audio transmission.
Films	<p>The producer of a film enjoys the exclusive rights to:</p> <ul style="list-style-type: none"> • make a copy of the film; • cause the film to be seen in public; and • communicate the film to the public.
Television and radio boardcasts	<p>The broadcaster enjoys the exclusive rights to:</p> <ul style="list-style-type: none"> • make a recording of the broadcast; • rebroadcast; • communicate the broadcast to the public; and • cause the broadcast to be seen or heard by a paying audience.

Cable Programmes	<p>The producer of the cable programme enjoys the exclusive rights to:</p> <ul style="list-style-type: none"> • make a recording of the cable programme; • rebroadcast; • communicate the cable programme to the public; and • cause the cable programme to be seen or heard by a paying audience.
Performances	<p>The performer has the right to authorise the following uses:</p> <ul style="list-style-type: none"> • allow the performance to be seen and heard, or seen or heard, live in public; • make a direct or indirect sound recording of his live performance • 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; • distribute or sell or import for distribution or sale such recordings; • publish a recording of a performance (if not previously published); and • communicate the live performance to the public (including broadcast, internet dissemination and inclusion of the performance in a cable programme).

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.

>> "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).

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
- (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 at Home

1. **We are throwing a housewarming party at our new home. Can we copy the map showing the location of our home and print it on our invitation cards?**

You should obtain the copyright owner's consent before doing so, because a map is protected by copyright. Another option is for you to draw your own map to use in the invitation cards.

2. **Can I record a TV or cable programme and**
 - (a) **View it during my leisure time?**
 - (b) **Show it during a party?**

(a) Yes, you can do so for your own private and domestic use. This is an exception recognised under our copyright law.

(b) You may do so if the viewing of the programme at a party or other gathering is regarded as your private and domestic use.

What is private and domestic use often depends on the facts. For example, if you only invite a select group of friends and relatives to a gathering, then it is more likely that the viewing of the recorded programme will be considered as private and domestic. On the other hand, if you invite a large group of friends and then permit those friends to invite their own friends, then it is more likely that the viewing of the recorded programme will be considered to be seen in public. In such a situation, there is copyright infringement.

It is important to bear in mind that a recording might be seen in public even on private property (e.g. party held in function room of a private condominium).

As an alternative, you may instead choose to watch the actual television broadcast or cablecast during the party. This is allowed under our copyright law if the audience is non-paying.

3. Can I invite my friends and relatives to my house to watch a movie if

(a) I have bought the original movie DVD?

(b) I rented the DVD from a rental store?

- (a) Buying an original movie DVD gives you a licence to use it according to law; you still do not own the copyright in it. Generally, you may invite friends and family members to watch the DVD with you, if this does not amount to causing the movie to be seen in public.

What amounts to causing the movie to be seen in public often depends on the facts. For example, if you only invite a select group of friends and relatives to your home to watch the movie, then it is less likely that you will be considered as causing the movie to be seen in public.

On the other hand, if you invite a large group of friends and then permit those friends to invite their own friends to your home to watch the movie, then it is more likely that you will be considered as causing the movie to be seen in public. In such a situation, there is copyright infringement.

A movie might be seen in public even on private property (e.g. gathering held in function room of a private condominium).

- (b) Likewise, renting a movie DVD does not mean you own the copyright to it. You should read the terms and conditions of use that come with the movie DVD and ensure that your use falls within their scope. You may come across terms such as "For private domestic use only", which explicitly allow you to enjoy the movie privately in a domestic setting.

In general, our copyright law recognises that the copyright owner, not the consumer, has the exclusive right to cause the movie to be seen in public. (Please see the answer to part (a) above for a discussion on what may amount to a movie being seen in public.)

4. I am organising a motivational talk at my condominium's clubhouse. The event is open only to the residents and their guests (max. 2 per resident), and is free.

(a) Before the talk, can I play some tracks from original music CDs to set the mood?

(b) During the talk, can I screen excerpts from original DVDs I own?

- (a) Generally, you are free to play original music CDs in a private and domestic setting. However, you cannot do so in a public setting. It does not matter that the event is free of charge or that the event is organised on an ad-hoc basis. It also does not matter that the event takes place on private property.

Only the copyright owners of the sheet music and lyrics of the tracks in the CDs have the exclusive right of public performance. If you want to play music in a public setting, you will need to obtain a licence from the relevant copyright owners.

What is "public" can be relatively wide in scope and depends on factors such as the size and nature of the audience, which the Court will consider and determine.

In the present scenario, you are opening the event to ALL residents of the condominium plus a limited number of guests, the identities of whom are unknown to you. In such a situation, you may be considered to be "performing" the sheet music and lyrics in a public setting and will need a licence from the relevant copyright owners.

This is unlike a situation where you invite a restricted number of your friends and family to the clubhouse for the event. In this situation, it is more likely that you would be able to establish that you are playing the music CDs in a private and domestic setting.

If you are playing the music CDs in a public setting, you should approach COMPASS (Composers and Authors Society of Singapore) for licensing permission. More details can be found on its website at <http://www.compass.org.sg>.

Alternatively, you can choose to simply connect the PA system to a local radio station playing music appropriate for your event instead of playing CDs. Doing so is allowed under our copyright law.

- (b) Generally, you are free to play movies comprised in original DVDs, or excerpts of such movies, in a private and domestic setting. However, you cannot screen the DVDs, or a substantial part of the movies comprised in a DVD, in a public setting. It does not matter that the event is free of charge or that the event is organized on an ad-hoc basis. It also does not matter that the event takes place on private property.

Only the copyright owner of the movie has the right to screen the movie or a substantial part of it in a public setting. If you want to screen the movie or a substantial part of the movie in a public setting, you will need to obtain a licence from the relevant copyright owner.

What is "public" can be relatively wide in scope and depends on factors such as the size and nature of the audience, which the Court will consider and determine.

In the present scenario, you are opening the event to ALL residents of the condominium plus a limited number of guests, the identities of whom are unknown to you. In such a situation, you may be considered to be screening the movie in public and will need a licence from the relevant copyright owner.

This is unlike a situation where you invite a restricted number of your friends and family to the clubhouse for the event. In this situation, it is more likely that you would be able to establish that you are playing the DVD in a private and domestic setting.

If you are uncertain whether a screening is public, it is advisable to check that the copyright owner is agreeable.

The above issue is a concern even though you only plan to screen movie excerpts, if the excerpts form a substantial part of the respective movies. What is "substantial"? This is a question of fact to be determined case by case. For example, if the excerpts screened comprise important or readily identifiable scenes in the movie (irrespective of duration), then it is more likely that you would have screened a substantial part of the movie. The test, therefore, is qualitative, rather than purely quantitative.

However, our copyright law does allow you to screen the excerpts for the specific purpose of criticism or review (e.g. reviewing whether a particular technique demonstrated in a video DVD is effective), as long as a sufficient acknowledgment is made.

5. Can I lend my original CDs / VCDs / DVDs to my friends?

Under our copyright law, you can generally do so but take note of the terms and conditions of use that accompany the CDs / VCDs / DVDs. You may be subject to certain contractual terms outside of copyright law which can affect how you may use the CDs / VCDs / DVDs e.g. "Buying this CD gives you, the Buyer, the licence to enjoy it personally. No public performance, rental or lending is permitted."

Further, remember that even if your friends may borrow CDs / VCDs / DVDs from you to listen or view, they do not have free rein to make unauthorised copies of them!

6. I think my computer is going to crash, and I have misplaced all the CD-ROMs of the programmes that are installed in the computer. Can I make back-ups of the programmes in case my computer crashes?

You can do so if the terms and conditions accompanying the original (misplaced) CD-ROMs allow. If in doubt, you should check with the copyright owner. The official website for the software may have important contact information, FAQs etc. in this regard. Sometimes, the software retailer could be your first point of contact and enquiry.

In a similar scenario where the original CD-ROMs are still available, our copyright law does allow the owner of the software to make a back-up copy of the original CD-ROMs. This is only allowed if the back-up copy is made for the sole purpose of being used if the original copy is lost, destroyed or unusable. This exception applies even if the copyright owner states otherwise in the terms and conditions of use.

7. Can music, songs, videos and movies from my original CDs / VCDs / DVDs (a) Be copied into other storage media? (b) Be converted into other formats like MP3? (c) Be uploaded onto my personal website / blog?

All 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 Page 4) as determined by the Court or if it is done for the purpose of criticism or review, which may be relevant in scenario (c) 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 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. This consent may be found in the

terms and conditions accompanying your CDs / VCDs / DVDs. For example, some record companies expressly state the number of copies you can make of the music on other devices (e.g. personal computers, MP3 players). If the terms and conditions do not address your intended use of the music, songs, videos and movies, you may also contact the copyright owners directly for consent.

8. Can I copy newspaper / magazine / journal articles onto my personal website/blog? I will acknowledge the source.

Newspaper / magazine / journal articles are protected by copyright. You generally need the copyright owners' consent to make copies on your website / blog. The copyright owner may be the newspaper / magazine / journal 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 newspaper/magazine/journal articles.

The exception is if it is a situation of "fair dealing" (see Fair Dealing on Page 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 that feature under the latter exception. In such a case, you will need to identify the title and author of the magazine feature.

9. Can I use images provided by portals such as Google Images and
(a) Create a slideshow to distribute to my friends?
(b) Print them to decorate my room?
(c) Upload them on my website/blog?

You can use these images in the above ways 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, such as when you electronically copy and paste, print or upload them. Doing so without the copyright owner's permission will infringe his copyright.

The exception is if it is a situation of "fair dealing" (see Fair Dealing on Page 4) as determined by the Court or if it is done for the purpose of criticism or review, which may be relevant in scenario (c) where opinions are often expressed. In the latter case, a sufficient acknowledgment of the image by its title/description and author is needed.

10. 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.

11. 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 recognised 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.