IPOS
INTELLECTUAL PROPERTY
OFFICE OF SINGAPORE

Understanding the Copyright Bill 2021

Updating Copyright for the Digital Age

The Copyright Bill, expected to come into effect in November 2021, is intended to replace the existing Copyright Act. The Bill will update and enhance our copyright regime to take into account technological developments which have immensely impacted how copyright works are created, distributed, accessed, and used. It also seeks to future-proof our regime to cater for future technological developments.

The changes to be implemented by the Bill ensure that our copyright regime continues to provide an environment that benefits both creators and users. It introduces new rights and remedies to provide more recognition for creators to further incentivise the creation of works. It also creates new exceptions for users, allowing copyright works to remain reasonably available for the benefit of society.

The Bill is a complete rewrite of the existing Copyright Act in plain English and has a more intuitive structure to make the law clearer and more accessible to the public.

All changes introduced through the Bill will take effect once the Bill comes into effect (expected to be in November 2021), save for provisions on the collective management organisation regulatory framework, which we will continue to consult the public on.

This factsheet summarises how the key changes in the Bill will affect the different segments of our copyright ecosystem.

A. Ensuring copyright continues to reward creation of works.

One of the main aims of copyright is to incentivise the creation and dissemination of new works by giving authors, artists, musicians, performers, photographers, and other creators the exclusive right to control specific uses of their works for a limited period of time.

Copyright protects the following types of material:

- **literary** works (e.g. books, articles in journals or newspapers, lyrics in songs, source codes of computer programs);
- **dramatic** works (e.g. scripts for films or drama (as applied), choreographic scripts for shows or dance routines);
- **musical** works (e.g. melodies);
- **artistic** works (e.g. paintings, sculptures, drawings, engravings, photographs, buildings or models of buildings, works of artistic craftsmanship such as designer furniture that is not mass produced);
- **published editions** of literary, dramatic, musical, or artistic works (e.g. typographic arrangements of a published work)
- **sound recordings** (i.e. an aggregate of sounds recorded on tapes, CDs, etc);
- **television and radio broadcasts** (i.e. broadcasts by way of television or radio);
- **cable programmes** (i.e. programmes (visual images and sound) included in a cable programme service sent by means of a telecommunication system); and
- **performances** (e.g. performances by musicians, singers, and comedians).

1. Granting creators default ownership of certain types of commissioned works (Clauses 133 to 136):

Current position (under the Copyright Act 1987)

- By default, creators own the copyright to works they create.
- This default position is reversed for:
  - certain types of commissioned works (i.e. photographs, portraits, engravings, sound recordings, or films); and
  - literary, dramatic, musical, and artistic works created by employees in the course of their employment.
- In those 2 cases, the commissioner (i.e. the person who enters into an agreement with a creator to create a work) or the employer owns the copyright to the works by default.
- In all cases, the default position is subject to contract. This means that creators, commissioners, and employers have the freedom to agree that the other party (or someone else) will own the copyright to the works instead.

Proposed position (under the new Copyright Bill)

Commissioning scenario:

- By default, creators of commissioned photographs, portraits, engravings, sound recordings, and films will own the copyright to those works. This means that if the commissioning contract is silent on copyright, the creator will own the copyright in the commissioned work.
- This standardises the default position across all the different types of copyright works created under a commission. Commissioned creators will now own the copyright to their works by default, regardless of the type of work involved.

Employment scenario:

- By default, employers will also own the copyright to sound recordings and films created by employees in the course of their employment.
- This standardises the position across all the different types of works created in the course of employment. Employers will now own the copyright to all works created by their employees by default, regardless of the type of work involved. The only exception is for journalist employees, for whom different rules apply and for which there is no change from the current position.

Default positions subject to contract and laws

- The new default position in both scenarios remains subject to contract. This means that the parties can agree **in writing** to reverse the default position.
- Other laws continue to apply. For example, the Personal Data Protection Act may restrict how a photographer may use wedding photographs, even if the photographer owns the copyright to those photographs by default.

1. Granting creators default ownership of certain types of commissioned works (Clauses 133 to 136):

Illustration

- A company engaged a photographer for an event, to take photographs to be used in the company's promotional and marketing material, including its website and corporate collaterals. The company's representative and the photographer negotiated the fee and confirmed other details such as the duration of the event and the number of photographs to be provided to the company via email.[1] The photographer sent over a written quotation which was accepted by the company. There was no mention in the email or the terms and conditions of the quotation as to copyright ownership of the photographs.
- Under the Bill, the photographer will by default own the copyright to the photographs taken at the event. While the company may use the photographs for the purposes for which they were commissioned, the photographer as the copyright owner may use the photographs for his own purposes, such as for his commercial portfolio. He may even licence or sell copies of the photographs to others. However, if any of these photographs contain images of persons such that they will be considered personal data, he must observe the obligations as to the use of such personal data under the Personal Data Protection Act.
- If the company had wanted to own the copyright in the photographs so that it may use them for any other purpose, then it should have negotiated with the photographer and amended the terms and conditions of the quotation to record this agreement in writing. This may involve paying the photographer a higher fee for the copyright. If the photographer agrees that the company will own the copyright to the photographs, the photographer would also have to negotiate for any use he intends to make of the photographs (e.g. to include them in his commercial portfolio).

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[1] So long as the commissioning agreement is entered into *after* the Bill enters into force, the rules illustrated in this scenario will apply, even if the negotiations were ongoing before the Bill comes into force.

2. Identifying creators and performers whenever their works or performances are used in public (Clauses 369 to 407):

Current position (under the Copyright Act 1987)

- Creators and performers currently do not have a right to be identified whenever their works or performances are used.
- They have only a right to prevent false identification (i.e. where their work or performance is falsely claimed to have been created or performed by someone else).

Proposed position (under the new Copyright Bill)

- Anyone who uses literary, dramatic, musical, or artistic works, or performances, in public (e.g. depending on the work or performance, by sharing it online, publishing it, or including it in corporate collaterals) must identify its creator or performer.
- This identification must be clear and reasonably prominent, and in the manner that the creator or performer wishes to be identified (e.g. the creator or performer may require the use of a pseudonym instead of their name).
- However, this right to be identified does not arise in certain circumstances:
  - where the author's or performer's **identity is not known**;
  - where the author or performer:
    - **consents** to not being identified (i.e. they agree, whether in writing or not, that they do not need to be identified); or
    - **waives** their right to be identified (i.e. they have stated in writing that they relinquish their right to be identified);

2. Identifying creators and performers whenever their works or performances are used in public (Clauses 369 to 407):

Current position (under the Copyright Act 1987)	Proposed position (under the new Copyright Bill)
	○ when the work or performance is to be used for **exempted purposes**, such as: ▪ examinations; ▪ artistic works in public places (only for works); ▪ incidental inclusion in films, television broadcast, or cable programmes (only for works); ▪ judicial proceedings; ▪ industrially applied artistic works (only for works); ▪ fair use for the purpose of reporting news; or ▪ other prescribed circumstances; or ○ when using **exempted materials**: ▪ computer programs; ▪ works made in the course of employment and first owned by the employer; or ▪ works where the Government is the first owner and the author has not been identified. ● This right to be identified co-exists with copyright. Apart from identifying the creator, a user must also obtain permission from the copyright owner to use a work or rely on a permitted use in the absence of such permission. Even if a person has bought the copyright in a work from its creator, the new owner must still identify the creator whenever the work is used in public, unless any of the abovementioned exceptions to the right to be identified applies. ● This new right accords creators and performers due respect and recognition, creates more exposure for them, and helps them commercialise future works.

2. Identifying creators and performers whenever their works or performances are used in public (Clauses 369 to 407):

Illustration

- A person visited a blog and found a poem written by the blog owner. She found the poem interesting, so she copied and shared it on her social media account. She needs to properly identify the blog owner as the writer of the poem when doing so, e.g. in the caption of her social media post. If she does not, she will be liable for infringing the blog owner's right to be identified. Further, because the right to be identified is separate from copyright, she will also need to obtain permission from the blog owner to copy and share the poem if she is not able to rely on any permitted use to do so.

- A company commissioned a painting for its commemorative 20th anniversary celebrations. It negotiated a contract with the painter so that the company would own the copyright to the painting. The contract did not contain any waiver of the painter's right to be identified. The painter also did not consent to not being identified. The company later reproduced the painting in its commemorative collaterals (such as brochures and pamphlets) and on its website, but did not identify the painter. Even though the company has not infringed ***copyright*** (since it owns the copyright to the painting), it has infringed the painter's ***right to be identified***. The company should have identified the painter when it used the painting in those ways. Alternatively, it should have negotiated with the painter to waive his right to be identified **or obtained his consent to use the painting without identification.**

3. Deterring people from profiting off products or services that stream audio-visual content from unauthorised sources (Clause 150):

Current position (under the Copyright Act 1987)

- There is currently no provision specifically targeted at imposing liability for copyright infringement on commercial dealers in products or services that stream audio-visual content from unauthorised sources.

Proposed position (under the new Copyright Bill)

- To encourage consumption of copyright works from legitimate sources, copyright owners may sue anyone who knowingly engages in commercial dealings with:
  - **devices** (such as set-top boxes (also known as "white boxes" or "grey boxes") or software applications); or
  - **services**

  that have a limited (or no) **commercially significant purpose or use** besides facilitating access to copyright infringing works.

- Prohibited acts include **commercial dealings** in such devices by selling, offering or exposing for sale by way of trade, distributing for the purpose of trade, exhibiting in public by way of trade, or offering such services in exchange for payment.

Illustration

A vendor sells a range of electronic devices, including the following:

- **Device A**, which provides access to the Internet (including websites that host illicit or "pirated" content, such as movies or music), contains video games, and may be used to store data; and
- **Device B**, which can connect to a smart television, contains pre-loaded applications that provide access to illicit or "pirated" content (such as movies or music) hosted on the Internet, contains a calculator application, functions as a clock, and allows the users to download additional applications.

The vendor may be liable for copyright infringement for selling Device B if it can be proven that the device has no commercially significant purpose other than to facilitate access to infringing works.

If the vendor does not sell Device B, but instead provides it as a "free gift" with the purchase of Device A, the vendor may still be liable for copyright infringement because it continues to deal commercially with Device B.

If the vendor stops carrying Device B entirely, and focuses on selling only Device A, the vendor may still be liable for copyright infringement if, in exchange for payment, it offers a service to install a software application on Device A that enables the user to directly access illicit or "pirated" content on the Internet. Even if the vendor does not personally install the application, it may still be liable for offering a prohibited service by providing information on how such content can be accessed.

4. New equitable remuneration rights when sound recordings are broadcasted or publicly performed (Clause 121(b)):

Current position (under the Copyright Act 1987)

- Sound recording companies currently have a right to control only how sound recordings are made available to the public via digital audio transmissions.
- They do not have any right in relation to when sound recordings are heard in public via other means.

Proposed position (under the new Copyright Bill)

- Sound recording companies have a new right to collect licence fees for the broadcast or public performance of commercially published sound recordings. This fee may be collected by collective management organisations.
- Businesses that play recorded music in a physical venue (e.g. restaurants, hotels, retail shops), will need to obtain a licence for the public performance of the sound recordings. This is in addition to a licence for the public performance of the underlying music (i.e. the musical composition and lyrics) in the sound recording.
- However, this right does not arise in certain circumstances, including:
  - where the public performance is carried out by receiving a broadcast (e.g. by playing music through the radio);
  - where the public performance of the sound recording constitutes fair use; and
  - where the sound recording is performed by students or staff of an educational institution, in the course of that institution's activities, to an audience limited to those directly connected with that institution.

Illustration

- A cafe plays background music from a music streaming platform. Currently, the cafe pays a collective management organisation for the public performance of the underlying music. The new sound recording right requires the cafe to also pay for the public performance of the sound recordings.
- However, if the cafe plays background music through the radio, it currently does not need to pay any fee for the public performance of the music (since it falls within the exception relating to public performance by receiving a radio broadcast of the music). It similarly will not need to pay a fee for the public performance of the sound recordings of the music because the exception applies to not only the underlying music, but also the sound recordings of the music.

B. Ensuring copyright works are available for benefit of society at large

Another main aim of copyright is to maintain a balance between protecting the rights of creators and ensuring that copyright works are reasonably available for the benefit of society at large. When limited to certain purposes and uses, allowing members of the public (which includes other creators) to use copyright works can also facilitate innovation and the creation of even more works.

The Copyright Bill identifies certain "permitted uses". These are exceptions to copyright infringement – in other words, a person who performs a permitted use of a copyright work will not be liable for copyright infringement, provided that he or she complies with all the conditions of the permitted use. In addition, the Bill also adjusts the duration of copyright protection, ensuring that works are not locked up in perpetuity since that benefits neither the creator nor society as a whole.

5. Strengthening the general "fair use" exception (Clauses 190-194):

Current position (under the Copyright Act 1987)

- One exception to copyright infringement is a general open-ended "fair dealing" exception. This means that a person will not be liable for copyright infringement if their use of a copyright work qualifies as a "fair dealing".

- There are 5 factors to consider:
  - 1) The purpose and character of your use.
  - 2) The nature of the work you are using.
  - 3) The amount and substantiality of the portion of the work you are using, in relation to the whole work.
  - 4) The effect that your use will have on the potential market for, or value of, the work.
  - 5) The possibility of obtaining the work within a reasonable time at an ordinary commercial price.

Proposed position (under the new Copyright Bill)

- The "fair dealing" exception is made easier to understand and apply:
  - The exception is now called "**fair use**".
  - The 5th factor will be removed. This means that it is no longer mandatory for the courts to consider, in every situation, whether there is the possibility of obtaining a work within a reasonable time at an ordinary commercial price. However, this factor can be still be taken into account where relevant.
  - The exception will incorporate the other existing specific fair dealing exceptions (and their specific accompanying conditions):
    - reporting news;
    - criticism or review; and
    - research or study.

- If you are a user (including a creator who wants to build on existing works), you can rely on this exception when your intended use does not fall under other specific permitted uses. Ultimately, whether your use qualifies for the exception will depend on the specific facts of your particular circumstance.

6. New exception for educational uses by non-profit schools (Clause 204):

Current position (under the Copyright Act 1987)

- The exceptions for educational uses by non-profit schools mostly cover traditional material and situations.
- There is a lack of clarity (and, by extension, a lack of certainty) as to whether teachers and students are permitted to use digital materials from the internet, e.g. online publications, blogs, videos, and photographs.

Proposed position (under the new Copyright Bill)

- A new educational exception will permit schools and students of non-profit educational institutions (see Clause 83 for the full list of such institutions) to use resources from the Internet for educational purposes only, under certain conditions, including:
    - the material must be free to access from the Internet;
    - the user must cite the Internet source and the date when the material was accessed;
    - the user must give a sufficient acknowledgement of the material (i.e. identify the author and the title/description of the work), to the extent that the necessary information is available from the source;
    - the user can communicate the material only on a network of the educational institution that is accessible only to the students and staff of that institution, or on MOE's Student Learning Space; and
    - the user must not know that the material is a copyright infringing work (e.g. a "pirated" copy of a movie) – if the user is notified that the material is infringing, the user must cease the use of the material and take reasonable steps to prevent any further access.
- Materials are considered free to access if they are generally accessible using the Internet by the public free of charge at the time of access. Materials that will ***not*** qualify for this exception include those that are accessible only:
    - for a limited period that cannot be renewed or extended (e.g. under a one-time trial subscription);
    - under a paid subscription, whether or not the user was the person who paid for that subscription; or
    - by circumventing an access control measure (as defined in clause 423) in circumstances that constitute copyright infringement.

6. New exception for educational uses by non-profit schools (Clause 204):

Illustration

- A class of secondary school students has been tasked to write an article as part of an assignment.
- One student found a freely accessible image through a Google search. She can use that image in her article without first obtaining permission from its copyright owner. When doing so, she must cite the source of the image, the date she accessed the image, and give sufficient acknowledgement (i.e. identify the image by its title or other description, as well as the person who created the image, if such information is available from the source).
- In contrast, another student found an extract from an article on a subscription-based journal website which is available only behind a paywall. He cannot rely on this exception to use that extract for his assignment.

7. New exception for uses of works for computational data analysis (Clauses 243 to 244):

Current position (under the Copyright Act 1987)

- There is no express exception for computational data analysis, which includes activities such as text and data mining.
- Such activities, which typically involve incidentally extracting or copying data from large quantities of material which may be protected by copyright, may constitute copyright infringement if they do not qualify as fair dealing.

Proposed position (under the new Copyright Bill)

- A new exception permits the copying of copyright works specifically for the purpose of computational data analysis, e.g. sentiment analysis, text and data mining, and training machine learning.
- To protect the commercial interests of copyright owners, this exception is subject to certain conditions and safeguards, which the user must comply with:
  - the user cannot share copies of the works with others, except for verifying the results of the computational data analysis or for collaborative research or study relating to the purpose of such analysis;
  - the user must not use copies of the works made under this exception for any other purpose;
  - the user must have lawful access to the works to be copied; and
  - the work from which copies are made must not itself be an infringing copy (unless the use of infringing copies is necessary for a prescribed analysis) or, if it is an infringing copy:
    - the user must not know this; and
    - if that copy was obtained from a flagrantly infringing online location, the user must not know (or reasonably have known) that.

7. New exception for uses of works for computational data analysis (Clauses 243 to 244):

Illustration

A company is developing an artificial intelligence programme that can translate books from one language to another. To do so, the company carries out processes which involve making copies of various books in order to "teach" the programme how to recognise patterns. The company may rely on this exception to make the copies without first obtaining permission from the copyright owners of the books, provided that the company complies with the other conditions under this exception, such as not using the copies for any other purpose apart from computational data analysis. Moreover, the company must have lawful access to the materials that it copies. This means that it must first purchase the books it wants to use or subscribe to services that provide it with access to those books. The company should not circumvent paywalls to access the books.

8. Facilitating the work of galleries, libraries, archives, and museums (Clauses 221 to 236):

Current position (under the Copyright Act 1987)

- The exceptions for cultural institutions do not provide for certain activities required for their proper functioning, e.g. facilitating the exhibition of their collections.
- Moreover, because of inconsistencies in the way these exceptions apply to different types of institutions (even though they all similarly perform preservation and exhibition work), there is a lack of understanding about which and how exceptions apply to different types of institutions, which translates to their under-utilisation.

Proposed position (under the new Copyright Bill)

- Refinements to the current exceptions, and the introduction of new exceptions, relating to public cultural heritage institutions will support galleries, libraries, archives, and museums in carrying out certain activities related to their "public collections", which are defined as:
  - the National Archives;
  - the prescribed public collections of the National Heritage Board;
  - the permanent collection of a library; and
  - archives.
- The exceptions will permit these institutions to carry out activities relating to their work, such as:
  - copying for administrative purposes (e.g. preservation, internal record-keeping, and cataloguing); and
  - activities relating to the exhibition of their collections (e.g. exhibiting a replica when the original is being restored, or taking photographs of a painting for publicity materials such as posters).
- Institutions relying on this range of exceptions must comply with the requirements and conditions of the applicable exceptions.

8. Facilitating the work of galleries, libraries, archives, and museums (Clauses 221 to 236):

Illustration

- A library wants to provide the public with the opportunity to view certain old books which it has in its permanent collection. It decides to organise a public exhibition of those books. To drive traffic to this exhibition, the library wants to make copies of extracts of those books in their publicity materials, such as brochures and pamphlets.
- The library can do so by relying on a new exception that permits it to make and supply copies of those extracts to the public for the purpose of publicising its exhibition. This includes uploading the extracts online as part of its publicity efforts. These copies must be made at a quality and to an extent that is substantially lower than the original material (i.e. they must not be a reasonable substitute for the books themselves). Further, the library must not use those copies for any other purpose. It must not sell them as merchandise. If it charges any fee for the copies (or any material that includes those copies), such a fee must be on a cost-recovery basis only.

9. Adjusting existing provisions for print-disabled users (Clauses 206 to 216):

Current position (under the Copyright Act 1987)

- The current exceptions give persons who are blind, visually impaired, or otherwise print-disabled greater and more equal access to copyrighted works.
- Organisations that help such persons with print disabilities to convert works into accessible formats (such as a Braille version or an audio recording) need to pay licence fees to the copyright owners of those works upon request.

Proposed position (under the new Copyright Bill)

- Refinements to the current exceptions allow individuals and organisations that help Singapore residents with print disabilities to convert a work into accessible formats when a new accessible format copy of the work is not available. They no longer need to pay licence fees to the copyright owner.
- Before making the accessible format copy, the person or organisation must make a reasonable investigation and be satisfied that no new published copy of the material in an accessible format is obtainable within a reasonable time and at an ordinary commercial price.
- They must make the copy for the use of a person with print disability for the purpose of research or study (or self-instruction) only, and not for profit. They must also comply with prescribed requirements on recording the copying.
- This change allows persons with print disabilities to avoid double-payment since they would often at the outset purchase a normal print copy in order to convert it.

Illustration

A print-disabled (e.g. blind) student in Singapore requires a Braille version of a textbook. However, no such Braille version of the textbook has been created (or, it has been created, but no copy is available despite his efforts at locating one).

The student, or an organisation that assists the print-disabled, can make a copy of that textbook in Braille version. They will not need to pay any licence fee to the copyright owner of the textbook. The copy made must not be used to make a profit. Rather, it must be used by the student for his own study only.

10. Protecting certain exceptions from being restricted by contracts (Clauses 186 to 187):

Current position (under the Copyright Act 1987)

- Copyright exceptions serve important public interests and represent a legislatively-determined balance between the rights and interests of copyright owners and users.
- However, certain contractual terms may seek to restrict the application of some or all of these exceptions.
- As a result, users may be deprived of the benefit of the exceptions. Users may have little choice but to accept such terms, especially when they are provided in standard form contracts or on a website's terms and conditions.
- Currently, only the following exceptions relating to computer programs are expressly prevented from being restricted via contracts:
  - Back-up copy of computer programs,
  - Decompilation of computer programs; and
  - Observing, studying, and testing of computer programs.

Proposed position (under the new Copyright Bill)

- The list of exceptions which will always be available, regardless of any contract term purporting to prevent or restrict them, will be expanded to include:
  - the new exception relating to computational data analysis;
  - exceptions relating to judicial proceedings and legal advice;
  - and the exceptions relating to the work of galleries, libraries, archives, and museums, save for the exception relating to inter-library/archive loans (see Clause 234).
- For other types of exceptions, only fair and reasonable terms in negotiated contracts may control whether an exception can be used. For example, users who must agree to "click-through contracts" which they cannot negotiate on will still be able to rely on copyright exceptions despite any contractual term to the contrary.
- These changes give users greater certainty as to whether they can rely on an exception if the terms of a contract purport to exclude or restrict the exception.

10. Protecting certain exceptions from being restricted by contracts (Clauses 186 to 187):

Illustration

A library owns a set of rare books in its permanent collection. These books had been donated to the library pursuant to a donation deed several years ago.

Over time, the condition of those books began to deteriorate. The library now wants to make copies of those books for the purpose of preserving them in case they get damaged or further deteriorate in condition.

The library can do so without the permission of the copyright owners of the books. The library can do so even if the donation deed expressly prevents the library from making copies for any purpose, since copying books in a library's permanent collection for preservation is an exception that cannot be excluded by contract.

11. Setting an expiry date for protection of unpublished works (Clauses 114, 122, and 125):

Current position (under the Copyright Act 1987)

- Copyright protection generally lasts for a limited period of time.
- But in some cases, the duration of copyright protection begins only when a work is published. Therefore, so long as the work remains unpublished, it can enjoy perpetual copyright protection.
- If and when the unpublished work is eventually published, it is protected by copyright (and so withheld from the public domain) for a further 70 years.

Proposed position (under the new Copyright Bill)

- Unpublished works will no longer enjoy perpetual copyright protection. All works, whether published or not, will enjoy protection for only a limited period.
- The length of protection will depend on the type of work and the way it is managed. The various periods are set out in the table on the next page. The key durations are:
  - **Authorial works (with known authors)** will be protected for 70 years from the death of the author.
  - **Films and anonymous or pseudonymous works** will be protected for 70 years from the making of the work, the making available of the work to the public, or first publication, depending on whether and (if so) when these acts are carried out.
- Creators remain free to keep their works unpublished, regardless of the copyright protection duration.
- There will be **a transitional period that ends on 31 December 2022** (i.e. slightly more than 1 year after the Bill comes into effect, which is expected to be in November 2021). Works published during this transitional period will enjoy a longer duration of protection than if they were to be published after the period.
- This change encourages creators to commercialise their works and facilitate public access to the knowledge and creative expressions contained in them, rather than locking them away forever. This benefits both the creators themselves and potential users of such works.

<table>
<tr><th rowspan="2">COPYRIGHT WORKS</th><th colspan="2">EXISTING</th><th colspan="2">NEW (AMENDED)</th></tr>
<tr><th>Whether Work is Published or Made Available to the Public, and if so, When?</th><th>Expiry of Copyright</th><th>Whether Work is Published or Made Available to the Public, and if so, When?</th><th>Expiry of Copyright</th></tr>
<tr><td rowspan="3">• Literary works
• Musical works
• Dramatic works
• Engravings</td><td>Unpublished or not made available to the public.</td><td>Perpetual.</td><td colspan="2" rowspan="3">70 years after death of the author.</td></tr>
<tr><td>Published or made available to the public before death of author.</td><td>70 years after death of author.</td></tr>
<tr><td>Published or made available to the public after death of author.</td><td>70 years after work is first published or made available to the public.</td></tr>
<tr><td>• Artistic works (except photographs and engravings)</td><td colspan="2">70 years after death of author. (Duration not dependent on whether or not published or made available to the public)</td><td colspan="2">Same as the works mentioned above.</td></tr>
<tr><td rowspan="2">•Photographs</td><td>Unpublished.</td><td>Perpetual.</td><td colspan="2" rowspan="2">Same as the works mentioned above.</td></tr>
<tr><td>Published.</td><td>70 years after first publication.</td></tr>
<tr><td rowspan="2">• Anonymous and pseudonymous authorial works
• Films</td><td>Unpublished.</td><td>Perpetual.</td><td>Unpublished.</td><td rowspan="2">70 years after the making of the work.</td></tr>
<tr><td>Published.</td><td>70 years after first publication.</td><td>Published more than 50 years after the making of the work and the work is not otherwise made available to the public</td></tr>
</table>

COPYRIGHT WORKS	EXISTING		NEW (AMENDED)	
	Whether Work is Published or Made Available to the Public, and if so, When?	Expiry of Copyright	Whether Work is Published or Made Available to the Public, and if so, When?	Expiry of Copyright
			within those 50 years.	
			Published more than 50 years after the making of the work, but the work is first made available to the public (other than by publication) within those 50 years.	70 years after making available to the public.
			Published within 50 years after the making of the work.	70 years after first publication.
• Sound recordings	Unpublished.	Perpetual.	Unpublished.	70 years after the making of the sound recording.
	Published.	70 years after first publication.	Published more than 50 years after the making of the sound recording.	
			Published within 50 years after the making	70 years after the first publication of the

COPYRIGHT WORKS	EXISTING		NEW (AMENDED)	
	Whether Work is Published or Made Available to the Public, and if so, When?	Expiry of Copyright	Whether Work is Published or Made Available to the Public, and if so, When?	Expiry of Copyright
			of the sound recording.	sound recording.

Illustration

A publisher owns an unpublished manuscript which was made by an author who died in 1940. If the publisher either does not publish the manuscript or publishes it only after the transitional period (which ends on 31 December 2022), copyright would have expired in **2010** (70 years after author's death).

But if the publisher publishes the manuscript in 2022, during the transitional period, copyright would expire in **2092** (70 years after publication) instead.

C. Strengthening the copyright ecosystem

Collective management organisations (CMOs) are organisations that collectively manage the use of works or performances for different creators (e.g. singers and writers) and rights-holders (e.g. publishers). They facilitate large-scale royalty collection on behalf of their members, thereby reducing the transaction costs involved.

This intermediary role played by CMOs benefits users (e.g. restaurants, cinemas, and shopping malls that play music) by facilitating their use of works, as well as creators (e.g. the musician whose music is being played) by facilitating the payment of royalties to them for the use of their works.

The Copyright Bill will introduce a new regulatory framework for CMOs. This will enhance the standards of transparency, good governance, accountability, and efficiency in such organisations.

12. New class licensing scheme for collective management organisations (CMOs) (Clauses 458 to 476):

Current position (under the Copyright Act 1987)

- CMOs are not regulated by any public agency. Given their important role in the copyright ecosystem, it is imperative that they operate with high standards of transparency and governance, and are able to adapt to the digital environment in which works are created, consumed, and distributed.

Proposed position (under the new Copyright Bill)

- The Intellectual Property Office of Singapore (IPOS) will administer a new class licensing scheme to regulate CMOs. This regulatory framework will ensure compliance by CMOs with minimum standards of transparency, good governance, accountability, and efficiency.
- Under this framework, all CMOs will be subject to class licence conditions.
- IPOS will be empowered to impose financial penalties on, as well as issue written directions and cessation orders to, CMOs and/or their officers who breach their licence conditions or IPOS's directions.
- The provisions relating to this regulatory framework will come into effect only in 2022 or later. The Ministry of Law and IPOS will first carry out a public consultation in 2022 on the subsidiary legislation that will contain the proposed licence conditions to be introduced under this class licensing scheme before bringing these provisions into effect.