

## **CONSULTATION PAPER**

### CHANGES TO THE COPYRIGHT REGULATIONS, COPYRIGHT TRIBUNALS (PROCEDURE) REGULATIONS, AND COPYRIGHT (EXCLUDED WORKS) ORDER

#### PROVISIONS FOR PEOPLE WITH READING DISABILITIES

#### **I. INTRODUCTION**

1. On 1 November 2013, IPOS announced its intention to accede to the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print Disabled (the “**Treaty**”), and conducted a public consultation to seek views on consequent amendments to the Copyright Act. These amendments were subsequently passed in Parliament on 8 July 2014 and gazetted on 2 December 2014.
2. The amendments allow statutorily licensed institutions which assist persons with reading disabilities (the “**institutions**”) to convert copyrighted works into new formats such as specialised e-books in the Digital Accessible Information System (DAISY) format, as well as other novel formats which future technological advancements may bring about. It also allows the cross-border exchange of these formats of copyrighted works.
3. Following these amendments, the Intellectual Property Office of Singapore (IPOS) is seeking feedback from the public on proposed changes to the Copyright Regulations, Copyright Tribunals (Procedure) Regulations, and Copyright (Excluded Works) Order (“**subsidiary copyright legislation**”) which will implement the framework that allows persons with reading disabilities to have greater access to different formats of copyrighted works.

#### **II. BACKGROUND**

4. Singapore’s current regime prescribes that statutorily licensed institutions which assist persons with reading disabilities (the “**institutions**”), can only reproduce copyrighted copies of literary or dramatic works in Braille, large-print, photographic or sound recorded editions, for research or study by such persons. In doing so, the institutions must first be reasonably satisfied that such works/editions are not commercially available. Further, institutions are required to keep a record of copies made, as rights owners are entitled to seek an equitable remuneration from these institutions.
5. In June 2013, the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print Disabled (the “**Treaty**”) was concluded. Among other things, the Treaty will allow:
  - (i) Institutions to create copies of works in additional formats that are accessible by persons with reading disabilities;
  - (ii) Distribution of accessible format copies; and

- (iii) Importation of accessible format copies from, and exportation of accessible format copies to similar institutions in Countries that are party to the Treaty.
6. The Singapore Government supports the Treaty which will empower our visually impaired community to increase their access to knowledge. Acceding to the Treaty will allow the community to better address the dearth of materials that can be accessed by the visually impaired community locally and worldwide.

### **III. PROPOSED CHANGES**

7. Subject to existing requirements, such as record-keeping and ensuring there are no other accessible formats that may be reasonably obtained at an ordinary commercial price, the subsidiary copyright legislation will set out implementation details for:
- (i) The making, distribution and making available of accessible format copies by institutions to people with reading disabilities in physical form and electronic form; and
  - (ii) The import and export of accessible format copies, between local and overseas institutions.
8. Additionally, the list of local institutions will be updated to include organisations such as Lighthouse School (formerly known as the Singapore School for the Visually Handicapped), SG-Enable, Society for the Physically Disabled and Very Special Arts (Singapore).

### **IV. SUBMISSION OF COMMENTS**

9. IPOS invites interested parties to give feedback on the proposed changes to the subsidiary copyright legislation, a copy of which is found in **Annex A**. A copy of the relevant amendments to the Copyright Act gazetted on 2 December 2014 is found in **Annex B**.
10. The period of public consultation is 5 December 2014 to 5 January 2015. The feedback may be sent in electronic or hardcopy form to:
- Intellectual Property Office of Singapore (IPOS)  
51 Bras Basah Road #01-01, Manulife Centre  
Singapore 189554  
Email: ipos\_consultation@ipos.gov.sg
11. IPOS reserves the right to disclose feedback or suggestions and make them available to the general public, in whole or in part, through its website or other means. However, the identity of the respondents will not be disclosed, if so requested.