

Copyright (Amendment) Bill

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Bill No: 16/2009

Read the first time: 18th August 2009

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Copyright (Amendment) Bill

Bill No. 16/2009

Read the first time on 18th August 2009.

An Act to amend the Copyright Act (Chapter 63 of the 2006 Revised Edition) and to make consequential amendments to the Intellectual Property Office of Singapore Act (Chapter 140 of the 2002 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Copyright (Amendment) Act 2009 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 149

2. Section 149 of the Copyright Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

“(1) In this Part, unless the context otherwise requires —

“deputy president” means a deputy president of the Tribunals appointed by the Minister under section 151A(1)(b);

“licence” means a licence granted by or on behalf of the owner or prospective owner of the copyright in a work or other subject-matter to do an act comprised in the copyright;

“licence scheme” means a scheme (including anything in the nature of a scheme, whether called a scheme or tariff or called by any other name) formulated by a licensor and setting out the classes of cases in which the licensor is willing to grant licences and the charges (if any) subject to payment of which, and the conditions subject to which, licences would be granted in those classes of cases;

“licensor” means any association, body or organisation (whether incorporated or unincorporated) which —

- (a) carries on the business of negotiating, granting or otherwise collectively administering licences in relation to a repertoire of works or other subject-matter by different authors, makers or publishers who are not affiliated with that association, body or organisation within the meaning of subsection (3); and
- (b) negotiates, grants or otherwise collectively administers such licences either as the owner or prospective owner of the copyrights in such works or other subject-matter or as the agent or representative of the owners or prospective owners of the copyrights in such works or other subject-matter;

“member” means a member of a Tribunal and includes the president or deputy president presiding over the Tribunal;

“order” includes an interim order;

“organisation” means an organisation or association of persons whether corporate or unincorporate;

“panel” means the panel appointed by the Minister under section 151A(4);

“party” includes a person or an organisation making representations to a Tribunal at an inquiry under section 157;

“president” means the president of the Tribunals appointed by the Minister under section 151A(1)(a);

“proceeding”, in relation to a Tribunal, includes an inquiry by the Tribunal under section 157.”; and

(b) by inserting, immediately after subsection (2), the following subsection:

“(3) For the purpose of the definition of “licensor” in subsection (1), the author, maker or publisher of any work or other subject-matter is affiliated with the association, body or organisation which carries on the business of negotiating, granting or otherwise collectively administering licences in relation to that work or other subject-matter if such author, maker or publisher produced or published that work or other subject-matter in the course of his employment with, or under a commission from —

(a) that association, body or organisation; or

(b) any other association, body or organisation which is related, in such manner as may be prescribed, to the first-mentioned association, body or organisation.”.

Repeal and re-enactment of section 151 and new sections 151A and 151B

3. Section 151 of the Copyright Act is repealed and the following sections substituted therefor:

“Establishment of Tribunals

151.—(1) There shall be established one or more Copyright Tribunals for the purposes of this Part.

(2) Subject to subsection (3), each Tribunal shall be constituted by —

(a) the president or a deputy president designated by the president, who shall preside over the Tribunal; and

(b) 2 other members selected by the president from amongst the members of the panel.

(3) Notwithstanding subsection (2), the president or a deputy president presiding over a Tribunal may preside alone at any preliminary hearing of an application or a reference to deal with any matter connected with the application or reference.

Appointment of president, deputy president and members of Tribunal

151A.—(1) The Minister shall appoint —

(a) the president of the Tribunals; and

(b) not more than 2 deputy presidents of the Tribunals.

(2) No person shall be appointed as the president of the Tribunals unless he possesses the qualifications required for a District Judge under section 9(3) of the Subordinate Courts Act (Cap. 321).

(3) No person shall be appointed as a deputy president of the Tribunals unless he is a qualified person (as defined in section 2 of the Legal Profession Act (Cap. 161)) of not less than 5 years' standing.

(4) For the purpose of enabling a Tribunal to be constituted under this Part, the Minister shall appoint a panel consisting of not more than 15 persons with such qualifications as he may consider necessary and shall publish their names in the *Gazette*.

(5) The Minister may appoint a Secretary to the Tribunals and such other officers and employees of the Tribunals as the Minister may determine.

Remuneration and allowances

151B.—(1) There shall be paid to each member of a Tribunal who is not a public officer such remuneration (whether by way of salaries or fees), and such allowances, as the Minister may determine.

(2) The remuneration and allowances of the members of a Tribunal and such other expenses of a Tribunal as the Minister may determine shall be paid out of moneys provided by Parliament.

(3) The remuneration of the Secretary to the Tribunals and the other officers and employees appointed under section 151A(5) shall be paid out of the funds of the Office.”.

Repeal and re-enactment of sections 152, 153 and 154

4. Sections 152, 153 and 154 of the Copyright Act are repealed and the following sections substituted therefor:

“Tenure of office

152.—(1) Subject to this section, the president, a deputy president and any member of the panel shall hold office for such period as may be determined by the Minister at the time of their respective appointments and shall be eligible for re-appointment upon the expiry of their respective terms of office.