

Intellectual Property (Miscellaneous Amendments) Bill

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Bill No: 20/2004

Read the first time: 19th May 2004

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Expenditure of Public Money

Intellectual Property (Miscellaneous Amendments) Bill

Bill No. 20/2004

Read the first time on 19th May 2004.

An Act to amend the Copyright Act (Chapter 63 of the 1999 Revised Edition), the Layout-Designs of Integrated Circuits Act (Chapter 159A of the 2000 Revised Edition) and the Registered Designs Act (Chapter 266 of the 2001 Revised Edition) mainly to implement

certain obligations undertaken by Singapore under the United States-Singapore Free Trade Agreement (USSFTA) concluded in 2003.

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 Intellectual Property (Miscellaneous Amendments) Act 2004 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of Copyright Act

2. The Copyright Act (Cap. 63) is amended —

(a) by deleting the words “50 years” in the following provisions and substituting in each case the words “70 years”:

Sections 28(2), (3), (5) and (6), 29 (1), 78 (2), 92, 93 (1) and (2), 132(a), 185 (4)(b), 197 (3)(b), (4) and (4A), 212 and 219(4);

(b) by repealing Part VI;

(c) by deleting the words “A licence” in section 194(4) and substituting the words “Subject to subsection (4A), a licence”;

(d) by inserting, immediately after subsection (4) of section 194, the following subsection:

“(4A) A licence granted to the Government or any statutory board on or after the date of commencement of the Intellectual Property (Miscellaneous Amendments) Act 2004 in respect of any copyright by the person who, in relation to the matters to which the licence relates, is the owner of the copyright shall be binding upon every successor in title to his interest in the copyright.”;

(e) by inserting, immediately after subsection (5) of section 194, the following subsection:

“(6) In this section, “statutory board” means any body corporate established by or under any written law to perform or discharge a public function.”;

(f) by inserting, immediately after the words “Section 194(4)” in section 195(3), the words “and (4A)”;

- (g) by deleting the words “50 calendar years” in the definition of “protection period” in section 246(1) and substituting the words “70 calendar years”; and
- (h) by inserting, immediately after section 261, the following Part:

“PART XIV

SAVINGS AND TRANSITIONAL PROVISIONS UNDER INTELLECTUAL PROPERTY (MISCELLANEOUS AMENDMENTS) ACT 2004

Interpretation of this Part

262. In this Part —

“appointed day” means the date of commencement of section 2(a), (b), (g) and (h) of the Intellectual Property (Miscellaneous Amendments) Act 2004;

“performance” has the same meaning as in section 246.

Works published before appointed day

263.—(1) Copyright shall not subsist by virtue of Part III in any work first published before the appointed day unless copyright subsisted in that work immediately before that day under that Part in force immediately before that day.

(2) Section 212 shall not apply in relation to any photograph first taken before 10th April 1987 unless copyright subsisted in that photograph immediately before the appointed day under Part III and that section in force immediately before that day.

Other subject matter published before appointed day

264.—(1) Copyright shall not subsist by virtue of Part IV in any sound recording or cinematograph film first published before the appointed day unless copyright subsisted in such recording or film immediately before that day under that Part in force immediately before that day.

(2) Section 219(4) shall not apply in relation to any sound recording made before 10th April 1987 unless copyright subsisted in that recording immediately before the appointed day under

sections 87(1) or (3) and 219 (4) in force immediately before that day.

Works and other subject matter published by international organisations before appointed day

265. Copyright shall not subsist by virtue of section 185 in any work, sound recording or cinematograph film first published before the appointed day unless copyright subsisted in such work, recording or film immediately before that day under that section in force immediately before that day.

Works and other subject matter published by Government before appointed day

266.—(1) Subject to subsections (2), (3) and (4), copyright shall not subsist by virtue of section 197 in any literary, dramatic or musical work, sound recording or cinematograph film first published or any artistic work made before the appointed day unless copyright in such work, recording or film subsisted immediately before that day under that section in force immediately before that day.

(2) Copyright shall not subsist by virtue of section 197 in any photograph taken before 10th April 1987 unless copyright subsisted in that photograph immediately before that day under that section, as modified by section 231, in force immediately before that day.

(3) Copyright shall not subsist by virtue of section 197 in any sound recording made before 10th April 1987 unless copyright subsisted in that recording immediately before the appointed day under that section, as modified by section 232, in force immediately before that day.

(4) Copyright shall not subsist by virtue of section 197 in any cinematograph film made before 10th April 1987 unless copyright subsisted in that film immediately before the appointed day under that section in force immediately before that day in accordance with section 233.

Performances given before appointed day

267. Part XII shall not apply to a performance given before the