

Copyright (Records Royalty System) Regulations

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Legislative History

COPYRIGHT ACT (CHAPTER 63, SECTIONS 56, 57 AND 202)

COPYRIGHT (RECORDS ROYALTY SYSTEM) REGULATIONS

Rg 3

G.N. No. S 112/2002

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Citation

1. These Regulations may be cited as the Copyright (Records Royalty System) Regulations.

Definition

2. In these Regulations, unless the context otherwise requires, “address for service in Singapore” means an address at which service may be effected in accordance with regulation 3.

Service of documents

3.—(1) A document that is required or permitted by these Regulations to be served on a person in Singapore may be served on the person —

- (a) if the person is a corporation — by delivering the document personally to the manager or secretary of the corporation, or if the corporation has a registered office under any written law relating to companies in Singapore, by leaving it at that office or by sending it by post addressed to the corporation at that office or, if the corporation does not have such a registered office, by sending it by post addressed to the corporation at its principal place of business in Singapore; or
- (b) if the person is not a corporation — by delivering the document to the person personally or by sending it by post addressed to the person at the address of the place of residence or business in Singapore of the person last known to the person sending the document.

(2) In the application of paragraph (1) in relation to a notice under regulations 4 and 7, a reference to post shall be read as a reference to registered post.

Notice of intended making of record of musical work

4.—(1) For the purposes of section 56(1)(b) of the Act, the prescribed notice of the

intended making of a record of a musical work shall be a written notice given in accordance with this regulation by the person intending to make the record (referred to in these Regulations as the manufacturer).

(2) The notice shall be given not less than 15 days before any record on which the work to which the notice refers is reproduced is delivered to a purchaser or supplied for the purpose of retail sale.

(3) Subject to paragraphs (4) and (5), if the owner of the copyright in the musical work resides or carries on business in Singapore, the notice shall be given by service of the notice on the owner.

(4) Subject to paragraph (5), if the owner of the copyright in the musical work has appointed a person residing or carrying on business in Singapore as his agent for the purpose of receiving notices under section 56 of the Act, the notice may be given by service of the notice on the agent.

(5) If the manufacturer is unable, by reasonable inquiry, to ascertain the name, or an address for service in Singapore, of the owner of the copyright in the musical work or of a person appointed by the owner as his agent for the purpose of receiving notices under section 56 of the Act, the notice shall be given by publication of the notice in the *Gazette*.

(6) The notice given in accordance with paragraph (3) or (4) shall —

- (a) state that a person specified in the notice intends to make in Singapore a record of the musical work or part thereof and the address at which the person intends to make such records;
- (b) state the address of the place of residence or business of the manufacturer;
- (c) state the title, if any, of the work, and if that title is not sufficient to enable the work to be identified, contain a description of the work that is sufficient to enable the work to be identified;
- (d) if the record is to comprise a performance of the work in which words are sung, or are spoken incidentally to or in association with the music — state that fact;
- (e) if the identity of the author or publisher of the work is known to the person intending to make the record — state the name of the author or publisher;
- (f) set out any particulars known to the manufacturer that are necessary to enable the owner of the copyright to identify such a previous record of the musical work as is referred to in section 56(1)(a) of the Act;
- (g) state whether the record that is intended to be made is to be a disc, tape, paper or other device;

- (h) state the trade description that is intended to be placed on the label of the record and the proposed trade prefix and catalogue number of the record;
- (i) state the earliest date on which it is proposed to offer or expose the record for sale to the public in Singapore; and
- (j) state the proposed selling price to the public of the record.

(7) Where the notice is to be given by being published in the *Gazette* in accordance with paragraph (5), the notice shall contain the information referred to in paragraph (6)(a), (b), (c), (e) and (f) and shall state an address of a place in Singapore at which the information referred to in paragraph (6)(d), (g), (h), (i) and (j) may be obtained.

(8) Upon personal or written application at the address specified in a notice referred to in paragraph (7) by the owner of the copyright in the musical work or a person appointed by him as his agent for the purpose of making such an application, the manufacturer shall furnish that information to the owner or agent.

Payment of royalty by manufacturer of records of musical works

5. For the purposes of section 56(1)(d) of the Act, the royalty payable to the owner of the copyright in a musical work in respect of a record of that work shall be paid in such manner and at such time as is agreed between the owner of the copyright and the manufacturer of the record or, in the absence of any agreement, shall be paid in accordance with regulations 6 to 10.

Payment of royalty by affixing adhesive labels

6.—(1) If, within 7 days of the date of the notice given in accordance with regulation 4, the owner of the copyright informs the manufacturer, by notice in writing sent by registered post, of some convenient place in Singapore from which adhesive labels can be obtained, the manufacturer shall by notice in writing specify the number and denomination of the labels he requires and at the same time tender a sum equivalent to the amount of royalty represented by the labels required.

(2) If, within 7 days of receipt of the notice required by paragraph (1) to be given by the manufacturer, the copyright owner supplies the labels required, the manufacturer shall not —

- (a) deliver to a purchaser; or
- (b) otherwise supply for the purpose of its being sold by retail,

any record made by him to which the notice prescribed in regulation 4 refers unless there is attached —

- (i) to the record; or
- (ii) if the type of record is such that it is not reasonably practicable to attach an adhesive label to it, to the container in which the record is intended to be delivered to a retail purchaser,

a label of a kind referred to in this regulation purchased from the copyright owner.

(3) Where the owner of the copyright in a musical work makes available, for purchase by manufacturers of records of that work, labels of a kind referred to in this regulation, the affixing to a record of that work or the container of the record in accordance with this regulation of the label or labels purchased from the owner of the copyright shall, for the purposes of section 56(3)(b) of the Act, be deemed to constitute payment, in respect of that record, of the royalty referred to in section 56(1)(d).

(4) The label or labels shall be affixed to the record, or to the container of the record, before the record is sold or supplied by the manufacturer.

(5) Subject to any agreement to the contrary between the owner of the copyright and the manufacturer, the label or labels shall specify an amount that is, or amounts that in the aggregate are, equal to the royalty payable to the owner of the copyright in respect of the record of the work.

(6) A label shall be an adhesive paper label, square in shape, bearing a design enclosed within a circle and having a side of not more than 12 millimetres in length.

(7) A label —

- (a) shall not be in a form that resembles a postage stamp; and
- (b) shall not bear —
 - (i) an effigy of any person; or
 - (ii) any word, mark or design of such a nature as to suggest that the label was issued by, or under the authority of the Government for the purpose of specifying a tax payable to the Government.

(8) For the purposes of this regulation, “the date of the notice given in accordance with regulation 4” means —

- (a) in cases where the notice is required to be sent by registered post, the date on which the notice would in the ordinary course of post be delivered; or
- (b) in cases where the notice is required to be advertised in the *Gazette*, the date of such advertisement.