

COPYRIGHT AND YOU

What is Copyright?

Copyright is an intellectual property right recognized and protected by law. In Singapore this is essentially covered under the Copyright Act (Cap. 63).

Copyright exists in all forms of works, such as books, periodicals, magazines, compilations of information, photographs, diagrams, dances, scripts for plays, computer programs, drawings, sculpture, musical scores, lyrics, sound recordings, cinematographic films, television broadcasts, sound recordings and cable programme etc.

Who Owns Copyright and What Does It Entitle?

Generally, the author of a literary, dramatic, musical or artistic work is the owner of the copyright.

In the case of other forms of copyrighted materials etc, sound recordings and films, the producer is the copyright owner, although in both cases, these rights could be subject to assignments.

The owner of a copyrighted work has monopoly rights to reproduce, publish, perform or broadcast the work. It is an infringement of such rights for any other person to do such acts without the consent of the copyright owner.

Where a student photocopies an entire or substantial portion of a book he would have infringed copyright. In the context of students in Singapore, this is the most frequent type of copyright infringement. It is also an infringement to authorise others to infringe copyright. To illustrate the latter, if you take a book to a photocopying shop and request for a copy of the book, you as the person who authorises the copying are liable for copyright infringement even though the shop does the actual photocopying.

What Are The Consequences of Copyright Infringement?

A person found guilty of copyright infringement could be liable for civil and criminal sanctions depending on the nature of the offending acts.

Civil liabilities include an order by the Court for the infringer to pay the copyright owner compensation in the form of monetary damages. If you have made any profit from the infringing acts, you could be made to pay all profits you may have made. The copyright owner would probably also obtain an injunction to prevent further infringement.

Criminal sanctions may be very serious. A person in the possessions of 5 or more infringing copies of any work is presumed to be in possession of the same for sale. The statutory penalties for copyright infringement for the purpose of sale are a fine of \$10,000/- for each infringing copy or \$100,000/- whichever is lower. The Court may also impose a term of imprisonment not exceeding 5 years.

In both cases, the Court may also order that all infringing copies or any article predominantly used for making infringing copies be either destroyed or surrendered to the owner.

Is Any Copying Permitted?

Yes, the law provides certain exceptions under which copying is not considered infringement.

Copying of works in the following instances will not constitute infringement:-

1. You are deemed to have copied for the purpose of self-study or research and therefore not infringed copyright if:-
 - (a) you copy one article in a periodical publication;
 - (b) where a literary, dramatic or musical work is not less than 10 pages, you copy up to 10% of the number of pages in a published edition of the work or if the work is divided into chapters, up to one chapter.

If you copy in excess of the above limits, you will be deemed not to have copied for the purpose of self-study or research. You will then have the burden of proving that your copying constitutes a fair dealing of the work. The factors to be considered are:-

- (i) the purpose and character of the dealing, including whether such dealing is of a commercial nature or is for non-profit educational purpose;
- (ii) the nature of the work or adaptation;
- (iii) the amount and substantiality of the part copied taken in relation to the whole work or adaptation;
- (iv) the effect of the dealing upon the potential market for, or value of, the work or adaptation; and
- (v) the possibility of obtaining the work or adaptation within a reasonable time at an ordinary commercial price.

2. In the case of literary, dramatic or musical works in electronic form, you are deemed to have copied for the purpose of self-study or research and therefore not infringed copyright if:-

- (a) you copy not more than 10% of the total number of bytes in that edition; or
- (b) where the work is divided into chapters, you copy more than 10% of the total number of bytes in that edition but this copying contains only whole or part of a single chapter.

If you copy in excess of the above limits, you will be deemed not to have copied for the purpose of self-study or research, and the factors in 1(i) to (v) will be considered to establish fair dealing in the work.

3. The making of a copy of a computer program is not copyright infringement if the reproduction is made on behalf of the owner and the reproduction is for the purpose of being used as a back-up copy of the original computer program.
4. Subject to certain qualifications specified in the Copyright Act, you will not infringe copyright in an audio-visual work (such as sound recording, cinematograph film, sound broadcast, television broadcast or cable programme) if the copying was for research or private study.
5. You may copy a film or recording of television or sound broadcast or cable programmes provided that such copy is made for private and domestic use. If the film or recording is seen or heard in public, it shall be deemed to be made not for private and domestic use.
6. You may copy a work after the copyright in the work ceases to subsist.

How Long Does Copyright Subsist?

Literary, dramatic, musical, artistic works	70 years from the end of the year in which the author died. If the work is published after the death of the author, it lasts for 70 years from the end of the year in which the work was first published.
Published editions of literary, dramatic, musical or artistic works (layout)	25 years from the end of the year in which the edition was first published.
Sound recordings and films	70 years from the end of the year of release of the sound recording or film.
Broadcasts and cable programmes	50 years from the end of the year of making the broadcast or cable programme.
Performances	70 years from the end of the year of the performance.

Conclusion

The University takes a serious view of any infringement of copyright by students and a contravention of the provisions of the Copyright Act is deemed to be a breach of the University's rules and regulations, which could result in disciplinary action.

The University advises all students to respect the copyright of all copyright owners' works and encourages the purchase of original textbooks and/or other copyrighted materials that are required for your courses of study. The cost of these materials is insignificant compared to the penalties for copyright infringement.