

Client Alert

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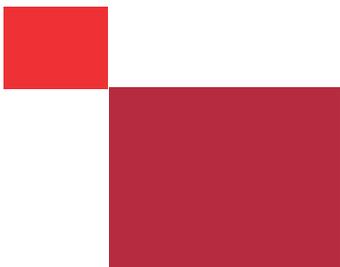
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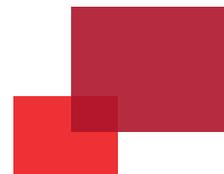
Singapore Copyright Review - Enhancing Creators' Rights and Users' Access to Copyrighted Works

What's changing

On 17 January 2019, the Ministry of Law released its report on the Copyright Review following two rounds of public consultations in 2016 and 2017. The Ministry of Law will make amendments to the Copyright Act to provide better support to creators and the use and enjoyment of creative works in the digital age. A copy of the report can be found [here](#). The key proposed amendments outlined in the report include, among others:

1. Enhancement of creators' rights
 - a. Under the current system, creators are not attributed to their work when others use it. The proposed amendments will give creators the right to be attributed as the creator of their work, regardless of whether they continue to own or have sold the copyright. Defences and exceptions will also be available to the right of attribution.
 - b. Further, any works commissioned are currently owned by the commissioning party. The proposed amendments now give default ownership of copyright in all work to creators. This will include photographs, sound recordings and films that are commissioned unless otherwise agreed in writing. This will give protection to unknowing creators who may not understand the law particularly in circumstances where there are no contracts dealing with copyright ownership.
 - c. There will be new enforcement measures made available to copyright owners to deter retailers and service providers from profiting off the provision of access to content from unauthorised sources, such as through the sale of set-top boxes that enable access to content from unauthorised sources, also commonly known as illicit streaming devices. The amendments will prohibit the import and sale of such devices. Civil and criminal liability will be imposed on those infringing retailers and service providers.
2. Improvement of users' access to copyrighted materials
 - a. In addition to the exceptions currently available, non-profit schools and students will be able to use online resources that are accessible without payment for instruction purposes. Online resources that require payment will not be covered by this exception. This additional exception will make it easier for teachers and students to use online materials in classes and facilitate instruction.





European Parliament approves EU-Singapore Free Trade Agreement and EU-Singapore Investment Protection Agreement

The European Parliament has given its consent to the EU-Singapore Free Trade Agreement ("**EUSFTA**") and EU-Singapore Investment Protection Agreement ("**EUSIPA**") on 13 February 2019. The EUSFTA and EUSIPA are the first trade and investment agreements concluded between the EU and an ASEAN member state. Both the EU and Singapore will undertake their respective internal administrative processes to enable the EUSFTA to enter into force as soon as possible. Singapore has already begun implementing some changes through the Intellectual Property (Border Enforcement) Act 2018 ("**IPBE**") to fulfil its obligations under the EUSFTA. Our client alert on the IPBE can be found [here](#).

When the EUSFTA enters into force, EU and Singapore companies will benefit from greater market access across many sectors, increased government procurement opportunities and the progressive elimination of tariffs on exports into Singapore and the EU, amongst others. In particular, the EUSFTA includes a comprehensive intellectual property rights chapter covering provisions on copyright, designs, enforcement and geographical indications (GIs). Following the European Parliament's consent for the EUSFTA, Singapore will enhance its existing GI regime by setting up a GI Registry to receive applications for GI registration. Once registered in Singapore, GIs will have enhanced protection and consumers will be able to better recognise authentic quality products.

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