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Copyright 101

S/N	Question	Answer
1.	What is copyright?	<p>Copyright is an Intellectual Property right that protects the expression of ideas. From paintings to plays, copyright protects original literary, musical, dramatic, and artistic works that have been expressed and recorded in a tangible form.</p> <p>When you own the copyright to these works, you have the exclusive and assignable legal right for a fixed number of years to print, publish, perform, duplicate or make a recording of that literary, artistic or musical material. You control the use and commercial exploitation of these works and no one can use the copyrighted work without your prior permission.</p> <p>In Singapore, copyright is governed by the Copyright Act 2021.</p>
2.	When does copyright arise?	<p>In Singapore, copyright protection arises automatically. This means that you do not need to register a copyright for protection to be available to you. There is also no need to affix a copyright notation (i.e., “©”) to your work to be protected under copyright, and there is no registration required for copyright protection in Singapore.</p>
3.	How long does copyright last for?	<p>For authorial (literary, dramatic, musical or artistic) works published within 50 years after the work is made, copyright expires:</p> <ul style="list-style-type: none"> • 70 years after the author’s death if the author is identified within 70 years after the work is first made; if not then • 70 years after the work is first published. <p>For authorial works published more than 50 years after the work is made but made available to the public other than by publication within those 50 years, copyright expires:</p> <ul style="list-style-type: none"> • 70 years after the author’s death if the author is identified within 70 years after the work is first made; if not then • 70 years after the work is first made available to the public. <p>In any other case, copyright expires:</p>

		<ul style="list-style-type: none"> • 70 years after the author’s death if the author is identified within 70 years after the work is first made; if not then • 70 years after the work is made.
4.	Is my work protected under copyright law?	<p>Your work must fall within one of these categories protected under the Copyright Act 2021:</p> <ol style="list-style-type: none"> a. literary works (e.g. books, articles in journals or newspapers, lyrics in songs, source codes of computer programs); b. dramatic works (e.g. scripts for films or drama (as applied), choreographic scripts for shows or dance routines); c. musical works (e.g. melodies, compositions); d. artistic works (e.g. paintings, sculptures, drawings, engravings, photographs, buildings or models of buildings, works of artistic craftsmanship such as designer furniture that is not mass produced); e. published editions of literary, dramatic, musical, or artistic works (e.g. typographic arrangements of a published work); f. sound recordings (e.g. podcasts, music, or audiobooks contained in a digital file); g. films (e.g. movies or videos); h. television and radio broadcasts (i.e. broadcasts by way of television or radio); i. cable programmes (i.e. programmes (visual images and sound) included in a cable programme service sent by means of a telecommunication system); and j. performances (e.g. performances by musicians, singers, and comedians). <p>In addition, your work must satisfy all of the following requirements:</p> <ol style="list-style-type: none"> 1. The work must be connected to Singapore. The Copyright Act requires either that the author be a Singapore citizen, based in Singapore or that the work was first published in Singapore. 2. The work must be expressed in a tangible material form or captured/recorded in a tangible medium such as in a video recording. 3. The work must be original. A work is considered original if it originated from the author. This is even if someone else produces a similar work independently. For example, two

		<p>photographers can take a similar photograph of the Singapore skyline on their own, with no knowledge of each other's photograph. Both works can be granted copyright protection and neither would be infringing upon the other's copyright.</p> <p>4. The work must have been made by a human author. The use of computer software to create your work will not disqualify it from copyright protection if you exercise a degree of control over the computer software in shaping the final form of expression.</p>
5.	What rights are you entitled to through copyright?	<p>Copyright protects expressions of ideas by granting the copyright owner of the work a bundle of rights.</p> <ul style="list-style-type: none"> • Literary, dramatic and musical works: the copyright owner has exclusive rights to reproduce, publish, perform, communicate, and adapt his or her work. • Artistic works: the copyright owner has exclusive rights to reproduce, publish and communicate his or her work. <p>The copyright owner also has the right to exclude others from doing (or authorising others to do) those exclusive acts.</p> <p>In addition, the Copyright Act 2021 provides for additional protection for the author of an authorial work who possesses the right of identification, frequently called a moral right.</p>
6.	What are moral rights?	<p>Moral rights are different from copyright. They are based on protecting the personality/dignity of the creator or integrity of the works, while copyright is an economic right focused on commercial exploitation.</p> <p>Your moral rights include the (a) right to be identified, (b) right against false identification, (c) right not to be falsely identified as the author of a copy of an artistic work, and (d) right not to have an altered copy presented as unaltered. Singapore does not recognise the moral right of integrity which guards against derogatory treatment unlike in some European countries and Australia.</p> <p>Moral rights generally apply only where copyright subsists (or exists) in the work, and only for the period during which copyright subsists.</p> <p>(a) Right to be identified</p>

		<p>Authors have the moral right to be properly acknowledged for their work. This is sometimes called “right of attribution” in other countries (Note that under the Copyright Act 2021, an “author” refers to an individual who has created a literary, dramatic, musical, or artistic work, rather than an individual who has written a book. Literary, dramatic, musical, or artistic works are also collectively known as “authorial works”.) You are entitled to the moral right to be identified under the following circumstances:</p> <ul style="list-style-type: none"> • Dramatic or literary work: When your work is published; performed in public; communicated to the public; seen in public in a film; supplied to the public through copies of a film or sound recording; and adapted in the aforementioned manners. • Musical work or literary work consisting of words intended to be sung or spoken with music: When your work is published; shown to the public in the soundtrack of a film; supplied to the public through copies of a sound recording; supplied to the public through copies of a film, containing the soundtrack; or adapted in the aforementioned manners. • Artistic work: When your work is published; exhibited; communicated to the public; seen in public in a film containing a visual image of the work; supplied to the public through copies of a film; supplied to the public through copies of a photograph or graphic representation of the work of architecture, sculpture, and/or a work of artistic craftsmanship. <p>However, it is important to note that there are some exceptions to this rule. Creators do not possess the moral right to be identified for the use of their works under certain circumstances. These include but are not limited to:</p> <ol style="list-style-type: none"> a. When the works are used for judicial proceedings; b. When the works are used for news reporting; c. When the works appear in a video or photo but is not the focus of the recording; and d. When it is not possible to ascertain the creators’ identities. <p>(b) Right against false identification</p> <p>The author of an authorial work has the right to not have any other person falsely identified as the author of the work. A person (A) who attributes a work to any other person (B) other than the author, would infringe the author’s moral right against false identification.</p>
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		<ol style="list-style-type: none"> 1. A person must have published, sold, or distributed a copy of a work as being unaltered; 2. Such a person knew that the copy is an altered copy; and 3. The person also knew that the alteration was not made by the author.
7.	Who owns the copyright?	<p>Commissioned Works</p> <p>Content creators are the default copyright owners of their work. This includes all types of commissioned content except for employee-created content where the employer is the default copyright owner of all types of content created by their employees during their employment. You may refer to section 134 of the Copyright Act 2021 for more information on ownership of works created under the course of employment.</p> <p>Parties can agree in writing to reverse the default position such that the commissioner owns the copyright should they wish. However, the work should be used for the purposes envisioned in the commissioning arrangement. The artist or creator retains the right to stop the commissioner or any persons or companies from using the work contrary to its original purpose.</p> <p>Joint / Collective Works</p> <p>For collaborations, the work is considered a work of joint authorship where each joint owner holds an undivided interest in the piece of work. This means you or your fellow collaborators cannot grant a license under the copyright without the consent of every party involved in the creation of this joint work.</p> <p>In a collective work, each author creating his or her own piece of work holds the copyright to his or her individual work. For example, a collection of short stories by different authors will represent a collective work. Therefore, each author would have individual copyright over the respective short story written by him or her.</p>
8.	Licensing your work	<p>A public license or public copyright licenses is a license by which a copyright holder as the licensor, can grant additional copyright permissions to all persons in the general public as licensees. You, as the creator of a work, have the right to create licenses for your work that can range from full or partial with limited scope. You also have the right to decide whether the license is exclusive or non-exclusive.</p>

		<p>Generally, the original author of the work owns the copyright, unless the work was commissioned by the other party in which case the other party will own the copyright (unless there is an agreement otherwise). One very common example of copyright licensing is when a musician records an album for a record company and agrees to transfer all copyrights in the recordings to the record company in exchange for royalties and other forms of compensation.</p>
9.	Copyright infringement	<p>Your copyright is infringed when someone uses or makes a copy of your copyright work without first obtaining your permission.</p> <p>Exceptions to infringement</p> <p>There are permitted uses under the Copyright Act 2021 which will not constitute infringement of copyright, including:</p> <ul style="list-style-type: none"> • Fair use (e.g., fair use for criticism or review; <ul style="list-style-type: none"> ○ General fair use: the determination of whether an act falls under fair use is made on a case-by-case basis. In making this determination, four factors are considered: <ol style="list-style-type: none"> (1) The purpose and character of use - it is easier to find fair use if the use is not of a commercial nature; (2) The nature of the work or performance - reusing factual content is more likely to be fair use, while reusing artistic elements is not; (3) The amount or substantiality used in relation to the whole of the work or performance – the more you use, the less likely it will be considered fair use, especially if you use the “heart” or “essence” of a work; (4) The effect the use has on the potential market, or value of, the work or performance - it is easier to find fair use if the use does not and will not greatly harm the value of the original work. ○ Deemed fair use: e.g., for criticism or review; or research or study purposes where no more than a reasonable portion of the work is copied. • Educational purposes (e.g., for purposes of examination; performances by students or staff of educational institutions) • Public exhibition <ul style="list-style-type: none"> ○ This exception only applies to institutions in their “public collection” activities, and includes institutions such as: public galleries, libraries, archives, and museums. • Judicial proceedings and legal advice

		<ul style="list-style-type: none"> • Copying certain types of artistic works (e.g., the incidental inclusion of artistic works in a film, TV broadcast or cable programme) <p>Remedies</p> <p>If your copyright has been infringed, you can take legal action against this person, or as a preferred first step, negotiate and mediate through a neutral third party to resolve your copyright dispute.</p> <p>Possible remedies include:</p> <ol style="list-style-type: none"> a. You can get an injunction (seek action to stop the infringing action); b. You can claim for damages for the loss suffered; c. You can claim the profits gained by the infringing party; d. You can get a delivery up order (to seize all infringing goods); and / or e. You can get a disposal order (to destroy all infringing goods). <p>If you wish to get some preliminary advice on available remedies or enforcement actions, you can speak with external legal consultants at the IPOS IP Legal Clinic. You can make an appointment at <https://www.ipos.gov.sg/e-services/e-appointment/make-an-appointment>.</p> <p>Copyright owners may also wish to file a Police Report when infringing copies or their works or performances are being distributed or sold as such acts may constitute criminal offences.</p>
10.	Using others' work	<p>Considerations for Online Content</p> <p>Before you copy or use any material online, always check if the website has Terms and Conditions governing the use of content, which tend to be found at the bottom of the Homepage. If so, you might need to write to the website owner for permission before you use the content. For software content, the terms of the license are typically contained within the headers of the code itself, and you should make sure you understand the license terms before integrating that piece of software into your own codebase.</p> <p>Creative Commons and Copyleft</p> <p>Creative Commons is a not-for-profit organisation that provides licenses and tools to permit copyright owners to determine the terms under which their material may be used worldwide. It gives everyone from individual creators to large companies and institutions a simple, standardised</p>

		<p>way to grant copyright permission to their creative work. You are able to use these materials without the need to seek further permission so long as the use conforms to the terms under which the licenses were obtained.</p> <p>Copyleft, distinguished from copyright, is the practice of offering people the right to freely use a created work, or distribute copies or modify it (in other words, create a derivative work), with the stipulation that the same rights that govern the original work apply to the derivative works.</p>
11.	Is your copyright protected internationally?	Your copyright in Singapore is protected by “reciprocating countries” which are parties to the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). However, the moral rights of authors are not protected overseas.