

## **COPYRIGHT ACT -- FAIR DEALING**

*(Advisory for SUTD Faculty, Researchers, Staff and Students)*

When determining whether copying of the whole or part of the work or adaptation constitutes fair dealing, the following matters to be considered shall include:

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

*Onus is on the individual to comply with Singapore copyright laws. The penalties for copyright infringement are a fine (between \$10,000 - \$100,000) and a term of imprisonment of 5 years may also be imposed. (Section 136 of Copyright Act)*

| TYPES OF WORKS PROTECTED UNDER COPYRIGHT ACT <sup>1</sup> |   |
|---|---|
| Literary Works  | <ul style="list-style-type: none"> <li>• Written works</li> <li>• Books</li> <li>• Articles in journals or newspapers</li> <li>• Lyrics in songs</li> <li>• Source codes of computer programmes</li> </ul>                                  |
| Dramatic Works  | <ul style="list-style-type: none"> <li>• Scripts for films and drama</li> <li>• Choreographic scripts for shows or dance routines</li> </ul>  |
| Artistic Works  | <ul style="list-style-type: none"> <li>• Paintings</li> <li>• Drawings</li> <li>• Photographs</li> <li>• Sculptures</li> <li>• Engravings</li> <li>• Buildings or models of buildings</li> <li>• Works of artistic craftsmanship</li> </ul> |
| Musical Works   | <ul style="list-style-type: none"> <li>• Music scores</li> </ul>  |
| Published editions of                                     | <ul style="list-style-type: none"> <li>• Literary, artistic, musical or dramatic works</li> </ul>   |
| Sound recordings  | <ul style="list-style-type: none"> <li>• Sound recordings on CDs, tapes</li> </ul>  |
| Films   | <ul style="list-style-type: none"> <li>• Cinematographic works including video, DVD or television productions</li> </ul>  |
| Television and radio broadcasts                           | <ul style="list-style-type: none"> <li>• Broadcasts by way of television or radio</li> </ul>  |
| Cable Programmes  | <ul style="list-style-type: none"> <li>• Programmes (visual and sound) included in a cable programme service sent by means of a telecommunication system</li> </ul>   |

<sup>1</sup> Taken from 'Copyright Infosheet – Copyright for Educators published by Intellectual Property Office of Singapore (2008)'

**Copying which falls within the specific conditions set out below shall be taken to be fair dealing.**

| Published Works  | COPYRIGHT ACT  |  |   |  | CLASS License  |
|------------------|--|--|---|--|--|
|                  | For Personal Study or Research   | For Educational Purpose  | For Educational Purpose under Statutory License   | Criticism and Review   | Educational Use  |
| What is allowed? | <p><b>10%</b> of the number of pages in a published work</p> <p>OR</p> <p>If the book is divided into chapters, up to <b>one chapter</b></p> <p>OR</p> <p>Electronic copying , <b>10%</b> of total bytes or <b>10%</b> total number of words</p> <p><i>(Section 35 of Copyright Act)</i></p> | <p><b>Maximum of 5 pages</b> of a published work not exceeding 500 pages</p> <p>OR</p> <p><b>5%</b> of the number of pages of a published work exceeding 500 pages</p> <p>OR</p> <p>Electronic copying, <b>5%</b> total bytes or <b>5%</b> total number of words</p> <p><i>(Section 51 of Copyright Act)</i></p> | <p><b>Not more than 10%</b> of the total number of pages of a published work (if the work contains more than 10 pages)</p> <p>OR</p> <p><b>One copy of one chapter</b> of the published work even if one chapter exceeds 10% of the total number of pages</p> <p>OR</p> <p>Electronic copying , <b>10%</b> of total bytes or <b>10%</b> total number of words</p> <p>OR</p> <p>If, after reasonable investigation, a work (new copy) is not available within a reasonable time at a commercial price (e.g. out-of-print book), educational institutions may copy more than 10% of the work.</p> <p><i>(Section 52 of Copyright Act)</i></p> | <p>Fair dealing with a literary, dramatic, musical or artistic work or with an adaptation thereof for the purpose of criticism or review is allowed.</p> <p><i>(Section 36 of Copyright Act)</i></p> | <p>Permission to make, distribute or receive (or permit the making, distribution or receiving) of Copies of published literary, musical, dramatic and artistic works (“Licensed Material”) or Communicate Licensed Material for Educational Use:</p> <ol style="list-style-type: none"> <li>(1) one chapter or section, as the case may be;</li> <li>(2) one or more articles of the same subject matter in a collection;</li> <li>(3) one short story or poem in a collection;</li> <li>(4) one case report in a collection of case reports; or</li> <li>(5) 10% or less of pages of an edition of the Licensed Material</li> </ol> <p>‘Educational Use’ is defined as use by SUTD for any course or programme provided by SUTD using the Licensed Material</p> |

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|                 | For Personal Study or Research | For Educational Purpose  | For Educational Purpose under Statutory License  | Criticism and Review  | Educational Use   |
| Conditions      |                                | <ul style="list-style-type: none"> <li>Only for literary and dramatic works</li> <li>Copying must be carried out on premises of the educational Institution</li> <li>Copying must be done for the purpose of a course of instruction provided by the educational institution.</li> <li>No other part of the same work may be copied within 14 days of the first copying</li> </ul> <p><i>(Section 51 of Copyright Act)</i></p> | <ul style="list-style-type: none"> <li>Only for literary, dramatic, musical or artistic works.</li> <li>Copying must be carried out by or on behalf of the body administering an education institution for the educational purposes of that or another educational institution</li> <li>A record must be made. Email Library for a record keeping form at <a href="mailto:library@sutd.edu.sg">library@sutd.edu.sg</a> or download it from the library website at <a href="http://library.sutd.edu.sg/sulb/index.html">http://library.sutd.edu.sg/sulb/index.html</a></li> <li>Every copy must state the fact that (1) the copy is made on behalf of the educational institution and (2) the date the copy is made.</li> </ul> <p><i>(Section 52 of Copyright Act)</i></p> | <ul style="list-style-type: none"> <li>Only for literary, dramatic, musical or artistic work.</li> <li>Sufficient acknowledgement of the work must be made. Sufficient acknowledgement means an acknowledgement identifying the work by its title, author or other description</li> </ul> <p><i>(Section 36 of Copyright Act)</i></p> | <p>Such making or communication:</p> <ul style="list-style-type: none"> <li>do not exceed the lecturer/tutor and student headcount in any course or programme provided by SUTD;</li> <li>do not pertain to works in respect of which a separate license has been granted by any CLASS Member to SUTD to make Copies or Communicate in Singapore.</li> </ul> |

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|                 | For Personal Study or Research  | For Educational Purpose | For Educational Purpose under Statutory License   | Criticism and Review   | Educational Use  |
| Periodicals     | <p><b>One article</b> in a periodical publication</p> <p>OR</p> <p><b>Two or more articles</b> relating to the same subject matter in the same periodical publication</p> <p><i>(Section 35 of Copyright Act)</i></p> |                         | <p><b>One article</b> in a periodical publication</p> <p>OR</p> <p><b>Two or more articles</b> relating to the same subject matter in the same periodical publication</p> <p><i>(Section 52 of Copyright Act)</i></p> | <p>Fair dealing with a literary, dramatic, musical or artistic work or with an adaptation thereof for the purpose of criticism or review is allowed.</p> <p><i>(Section 36 of Copyright Act)</i></p> | <p>Permission to make, distribute or receive (or permit the making, distribution or receiving) of Copies of published literary, musical, dramatic and artistic works (“Licensed Material”) or Communicate Licensed Material for Educational Use:</p> <p>(6) one chapter or section, as the case may be;</p> <p>(7) one or more articles of the same subject matter in a collection;</p> <p>(8) one short story or poem in a collection;</p> <p>(9) one case report in a collection of case reports; or</p> <p>(10) 10% or less of pages of an edition of the Licensed Material</p> <p>‘Educational Use’ is defined as use by SUTD for any course or programme provided by SUTD using the Licensed Material</p> |

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|                 | For Personal Study or Research | For Educational Purpose | For Educational Purpose under Statutory License  | Criticism and Review  | Educational Use   |
| Conditions      |                                |                         | <ul style="list-style-type: none"> <li>• Only for literary, dramatic, musical or artistic works.</li> <li>• Copying must be carried out by or on behalf of the body administering an education institution for the educational purposes of that or another educational institution</li> <li>• A record must be made. Email Library for a record keeping form at <a href="mailto:library@sutd.edu.sg">library@sutd.edu.sg</a> or download it from the library website at <a href="http://library.sutd.edu.sg/sulb/index.html">http://library.sutd.edu.sg/sulb/index.html</a></li> <li>• Every copy must state the fact that (1) the copy is made on behalf of the educational institution and (2) the date the copy is made.</li> </ul> <p><i>(Section 52 of Copyright Act)</i></p> | <ul style="list-style-type: none"> <li>• Only for literary, dramatic, musical or artistic work.</li> <li>• Sufficient acknowledgement of the work must be made. Sufficient acknowledgement means an acknowledgement identifying the work by its title, author or other description</li> </ul> <p><i>(Section 36 of Copyright Act)</i></p> | <p>Such making or communication:</p> <ul style="list-style-type: none"> <li>• do not exceed the lecturer/tutor and student headcount in any course or programme provided by SUTD;</li> <li>• do not pertain to works in respect of which a separate license has been granted by any CLASS Member to SUTD to make Copies or Communicate in Singapore.</li> </ul> |

| Musical, Dramatic, Artistic work, Cinematograph films               | COPYRIGHT ACT  |
|---|--|
| <b>Performance by Students or Staff of educational institutions</b> | <p>Performance of a <b>literary work or dramatic work or playing of a cinematograph film</b> by students or staff of an educational institution in the premises of the institution or elsewhere is allowed.</p> <p>Conditions:</p> <ul style="list-style-type: none"> <li>• Performance by students or staff of an educational institution</li> <li>• Staff of an educational institution shall include <ul style="list-style-type: none"> <li>(a) Any adjunct staff of the educational institution and</li> <li>(b) Any person engaged by the educational institution to conduct any course of instruction, activity or programme offered by the educational institution</li> </ul> </li> <li>• Performed in the course of activities of the educational institution</li> <li>• Audience is limited to persons who are taking part in the instruction or are otherwise directly connected with the place where the instruction is given. Persons directly connected with a place where instruction is given are defined as a parent, guardian, brother or sister of a student who receives instruction at that place.</li> </ul> <p>Performance of a <b>musical work</b> by students or staff of an educational institution in the premises of the institution or elsewhere is allowed.</p> <p>Conditions:</p> <ul style="list-style-type: none"> <li>• Performance by students or staff of an educational institution.</li> <li>• Staff of an educational institution shall include <ul style="list-style-type: none"> <li>(c) Any adjunct staff of the educational institution and</li> <li>(d) Any person engaged by the educational institution to conduct any course of instruction, activity or programme offered by the educational institution</li> </ul> </li> </ul> |

|                                    |  |
|------------------------------------|--|
|                                    | <ul style="list-style-type: none"> <li>• Performed in the course of activities of the educational institution</li> </ul> <p><i>(Section 23 of Copyright Act)</i></p>   |
| <p><b>Criticism and Review</b></p> | <p>Fair dealing with a <b>literary, dramatic, musical or artistic work or with an adaptation thereof</b> for the purpose of criticism or review is allowed.</p> <p>Condition: Sufficient acknowledgement of the work must be made. Sufficient acknowledgement means an acknowledgement identifying the work by its title, author or other description.</p> <p><i>(Section 36 of Copyright Act)</i></p> <p>Fair dealing with an <b>audio visual item i.e. sound recording, cinematograph film, sound broadcast, television broadcast</b> for the purpose of criticism or review is allowed.</p> <p>Condition: Sufficient acknowledgement of the work must be made.</p> <p><i>(Section 110 of Copyright Act)</i></p> |
| <p><b>Research and Study</b></p>   | <p>Fair dealing with a <b>dramatic or musical work or with an adaptation thereof</b> for the purpose of research and study is allowed.</p> <p>Condition: Not more than 10% of the work shall be copied.</p> <p><i>(Section 35(3) of Copyright Act)</i></p> <p>Fair dealing of <b>an audio visual item i.e. sound recording, cinematograph film, sound broadcast, and television broadcast</b> for the purpose of research and study is allowed.</p> <p><i>(Section 109 of Copyright Act)</i></p>   |



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