

FAQs on Copyright Issues

Basic copyright

What is copyright?

Copyright in a work refers to the exclusive rights granted to the copyright owner of the work. In Singapore, they include the rights to reproduce, publish, perform, communicate and adapt the work. Others are prevented from exercising those rights without the copyright owner's permission. For a work to enjoy copyright protection, it must be

- a) original (i.e. involves a degree of independent effort in its creation);
- b) able to be expressed in some tangible format (e.g. in writing, recording).

Generally, copyright protects the expression of ideas and not the idea itself. Ideas can be expressed in different forms, such as in written form, voice-recorded words, musical scores or artistic mediums (watercolours, oil, photograph or charcoal sketch etc.).

It does not matter whether the work has literary merits, aesthetic quality or creative value.

Using a copyright work without permission from the owner may constitute copyright infringement, and such a user is liable to legal action by the owner.

Do I need to apply for copyright protection?

In Singapore, copyright subsists automatically on creation as long as the requirements are fulfilled. No formal registration is required. For some countries (e.g. USA), registration may be required in order to sue for infringement.

Is there any legal significance in using the © symbol?

The © symbol does not give the copyright owner any additional rights and is not necessary for the work to enjoy copyright protection. It does, however, help the user to find out who the copyright owner is. This makes it easier for a user to seek permission, and also harder for users to claim ignorance of copyright existing in the work.

A common way of using the symbol is:

"Copyright © <year of publication> <Organisation>"

e.g. *Copyright © 2019 Unity Primary School. All Rights Reserved*

When the owner does **not** allow the copyright work to be used, the term "All Rights Reserved" may be used together with the copyright statement.

FAQs on Copyright Issues

Other statements like "No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without prior permission of (organisation)." can be included to add clarity.

Who owns the copyright in the work?

Generally, the author is the default owner of the copyright in his/her work. There are some exceptions to this default position, listed below:

- When the work is created in the course of employment, his/her employer is then the copyright owner, unless the employment contract states otherwise.
- When there are contracts governing copyright ownership of the works.
- When the taking of a photograph, painting or drawing or a portrait or the making of an engraving is commissioned, the commissioner owns the copyright in the work. The copyright owner is, however, restricted to using the works for the purposes mentioned in the contract.

For government employees, all intellectual property (IP) created during the term of one's employment with the Government shall be owned by the Government of Singapore (GOS), unless the IP created:

- a) is totally unrelated to his official duties either at present or in the past; and
- b) does not use any official material, knowledge, time or resources, either directly or indirectly, in production.

Therefore, if a teacher is creating his/her materials in the course of employment, the copyright of the materials belongs to the employer, i.e. GOS (for Government schools) or the Independent & Government-aided schools respectively. Please refer to [IM2L, Topic 16](#)¹ for information on IP rights for Government employees.

Due acknowledgement should be given to the contributors. To avoid any possible disputes, it should be clearly communicated to the contributors that either the GOS or the respective schools shall own the copyright to the materials.

¹ Requires a WOG machine to access the Intranet page

FAQs on Copyright Issues

What is the length of copyright duration for the different works?

Category	Examples	Length of protection
Literary works	<ul style="list-style-type: none"> ▪ Novels ▪ Computer programmes ▪ Essays ▪ Lyrics 	<ul style="list-style-type: none"> ▪ 70 years from the end of the year in which the author died or ▪ For works which are published posthumously, 70 years from the end of the year in which the work was first published ▪ Exception: for photographs, the duration of the copyrights will be 70 years from the end of the year when the work was first published.
Artistic works	<ul style="list-style-type: none"> ▪ Paintings ▪ Photographs ▪ Sculptures ▪ Buildings 	
Dramatic works	<ul style="list-style-type: none"> ▪ Scripts for film and drama 	
Musical works	<ul style="list-style-type: none"> ▪ Musical scores 	
Published edition of above works	<ul style="list-style-type: none"> ▪ Newspapers ▪ Periodicals 	<ul style="list-style-type: none"> ▪ 25 years from the end of the year in which the edition was first published
Sound recordings	<ul style="list-style-type: none"> ▪ Recordings in CDs ▪ MP3 files 	<ul style="list-style-type: none"> ▪ 70 years from the end of the year of release of the sound recording or film
Films	<ul style="list-style-type: none"> ▪ Movies ▪ Computer animations 	
Broadcasts	<ul style="list-style-type: none"> ▪ Radio broadcasts ▪ Television broadcasts 	<ul style="list-style-type: none"> ▪ 50 years from the end of the year of making the broadcast or cable programme
Live performances	<ul style="list-style-type: none"> ▪ Performing musicians ▪ Performing comedians 	<ul style="list-style-type: none"> ▪ 70 years from the end of the year of the performance

FAQs on Copyright Issues

Using third-party materials

What are third-party materials?

These are materials that neither originate from nor created by teachers, with their copyright not belonging to the school² e.g. an illustration, a newspaper article found in a textbook, or a photograph on a website. A licence is usually required if they wish to use the third-party materials in school publications.

Often, a third-party material may not be obvious, except for those with their sources acknowledged. As such, prior to using any materials from any work (e.g. picture from a book), it is best to verify and seek confirmation with the owner or department in charge of the work. Teachers should, wherever possible, include information or put up a prominent notice, of the presence of such third-party materials, in works created.

What do I need to be aware of when licensing content from a third party vs creating content from scratch?

When licensing content from third parties, consider the rights needed, clearly communicate what you need to the copyright owners and comply with any restrictions imposed by them.

When creating content from scratch, consider the copyright implications of using a software program (e.g. copyright ownership of the work created) and check that permission has been obtained for the use of third-party materials.

How do I verify the copyright ownership of the third-party material?

Often, information of various copyright owners would be published next to the material itself, or for print publications, mentioned in the acknowledgement page. Alternatively, one can write to the website owner / publisher for the copyright owner's contact. Some of the publishers will manage such requests on behalf of the copyright owners. One can also contact collective management organisations e.g. *Copyright Licensing and Administration Society of Singapore* for assistance.

For local copyright owners, it may take up to 1-2 months to obtain the permission to use the copyright works while it may take 2-3 months for overseas copyright owners.

At times, licence fees will be payable to the copyright owners for the use of their work. There is no standard amount, as one is free to charge any amount.

² If the school is a Government school, then copyright belonging to the school effectively belongs to the Government of Singapore.

FAQs on Copyright Issues

Do I need to obtain permission for the use of these third-party materials found in works owned by the school?

It is best to verify with the department-in-charge as the licence for the use of any third-party materials in the work may be limited to specific users, publications, editions, usage, medium, duration, etc. This licence may not allow for any other use.

Is it sufficient to acknowledge the copyright owner of third-party materials, if he/she cannot be contacted?

Acknowledgement of the copyright owner is insufficient to be used as a defence against copyright infringement. If the manner in which the work is being used (purpose, extent, etc.) falls within the exceptions provided by the Copyright Act, then it may not be necessary to obtain permission from the copyright owner.

Can I use third-party materials that I have obtained the permission in any manner I wish?

It depends on the permission obtained from the copyright owner. Normally, the copyright owner will grant permission to use according to one's request. One or more of the following restrictions may be included in the permission:

- Format (e.g. print, digital)
- Duration (e.g. 1 year, specific edition)
- Medium (e.g. CD-ROM, Internet)
- Publication (e.g. workbooks, newspaper)
- Geographical location (e.g. Singapore, Malaysia)
- Usage (e.g. education, commercial)
- Print volume, etc.

Unless there are no restrictions stated in the permission, one would need to comply with these restrictions and the Terms of Use that comes along with the permission. Permission would have to be sought again should the usage vary (in any or all of the areas mentioned above) from the initial request.

Who owns the copyright to the adapted work?

Copyright of the adapted work, (e.g. a teacher editing an image he/she has licensed and hence creating a derivative work) will be owned by the creator³ unless otherwise specified.

³ In the case of teachers, the adapted work will be owned by the Government of Singapore (for Government schools) or the respective schools, as the teachers are creating the work in the course of their employment.

FAQs on Copyright Issues

How should the acknowledgement for the copyright owner be stated?

One should check with the copyright owner whether he/she wishes to be acknowledged in a specific manner. For Internet resources, some owners may indicate such information on their websites as well. Otherwise, one is free to acknowledge the copyright owner in according to the manner suitable to his/her publication. Simple statements may be used, e.g. "Reproduced with permission from <title> by <copyright owner>"

Are there any free resources that I can use?

There are some third-party materials that are available for use without having to obtain permission. Broadly, they are categorised into:

1) Third-party materials that are in the public domain

These are materials where

- the [duration](#) of copyright protection has lapsed e.g. Shakespeare's literary works are no longer protected as it has been more than 70 years after his death; or
- the copyright owner has disclaimed all rights to the work and released it for use without any obligations.

2) Third-party materials that are published with free licences

These are materials where a licence is attached but you do not have to write to the copyright owner for permission as long as you can adhere to the terms of the licence.

For example, [Creative Commons licences](#) require the user to adhere to some terms e.g. attribute, use in a non-commercial way. You are free to use it anywhere as you as you can adhere to these terms.

3) Usage of third-party materials is covered by Copyright Act exceptions

If the copyright materials are used in a manner that is allowed under the exceptions provided for in the Copyright Act, then permission may not be required. Please refer to the segment on [Exceptions](#) for more information.

You can refer to the [Useful Resources Site](#) for a list of third-party materials that are mostly free. Do note to read through the Terms of Use and ensure that you can comply with any terms before using these materials.

FAQs on Copyright Issues

Copyright Infringement

What are the differences between plagiarism and copyright infringement?

Plagiarism takes place when one copies the idea of a work without giving due credit to the original creator, regardless of whether there is any actual copying of the work. Copyright infringement, however, occurs when one exercises the exclusive rights accorded to the copyright owner without permission e.g. reproducing a substantial amount of the work.

Is there copyright infringement if I download third-party materials to use in the lesson package?

Downloading the material is a form of reproduction, and would be an infringement unless the defences or exceptions in the Copyright Act apply. It is therefore advisable to check the Terms of Use (if any) to see whether the use is allowed. If it is not, permission from the copyright owner should be obtained.

Is there copyright infringement if I provide a hyperlink to another website in my lesson package?

Displaying a hyperlink to another website will probably not constitute an infringement of copyright. However, linking directly to a document or image may be prohibited by the website owner. Hence, it is good practice to check the Terms of Use of the website before doing so, and ensure that the materials being hyperlinked to are not infringing to avoid authorising any act of infringement.

Are we infringing copyright if videos are embedded from YouTube?

It would be deemed an infringement if the embedded video has infringing materials. One should note that not every website allows others to embed their video resources in another website. In such instances, one should respect the copyright owner's decision.

Can I copy third-party material from the Internet?

Assuming that the Internet content is original, you could do so without the expressed consent of copyright owners if it is done for purposes of research or study. However, you can only copy up to 10% of the number of pages, words or bytes or one chapter, whichever is less.

FAQs on Copyright Issues

Exceptions in the Copyright Act

What are the exceptions provided for in the Copyright Act that I can use to create resources?

The law serves to provide a balance between the copyright owner and the user. There are avenues within the law to make use of copyright materials without infringing the rights. These are what we call exceptions, where one is allowed to make use of the copyright works without first seeking permission from the owners. These exceptions come in three broad categories: fair dealing, exceptions for educational purposes and other general exceptions. Below provides some information on fair dealing and educational exceptions.

Fair dealing

- 1) General fair dealing, including research or study (Section 35, 109)
The court will take into consideration the following factors (non-exhaustive) when deciding whether copying of a work (whether in part or whole) can be taken as fair dealing:
 - Purpose and character of dealing (e.g. non-profit)
 - Nature of work
 - Amount and substantiality taken
 - To determine whether a substantial portion of the work is taken, both qualitative and quantitative amounts are considered.
 - Effect on the right holders' potential market
 - Ability to obtain the work within a reasonable time at an ordinary commercial price
- 2) Criticism or review (Section 36, 110)
Sufficient acknowledgement of the work must be made.
- 3) Reporting of current events (Section 37, 111)
 - In a newspaper, magazine or similar periodicals.
 - Sufficient acknowledgement of the work must be made.
 - By means of broadcasting or a cable programme service or in a cinematograph film.

FAQs on Copyright Issues

Educational purposes

1) Performance of works or other subject-matter (Section 23)

- Literary/dramatic work and cinematograph films, broadcasts, cable programmes and recordings of performances
 - Performance is not deemed to be a public performance provided it is performed
 - By the students or staff of an educational institution
 - In the presence of an audience, where audience is limited to persons taking part in the instruction, or the parents, guardians, brothers or sisters of a student who receives instruction at the education institution; and
 - In the course of the activities of the institution
- Musical work
 - Performance is not deemed to be a public performance provided it is performed
 - By the students or staff of an educational institution; and
 - In the course of the activities of the institution

There are guidelines on the [screening of movies](#) and [performing of musical works](#)⁴.

2) Inclusion in Collection for Use by Education Institutions (Section 40)

The copyright in a published literary, dramatic, musical or artistic work or adaptation of the work is not infringed by the inclusion of a short extract from the work in a collection contained in a book, sound recording or cinematograph film intended for use by educational institutions if:

- the collection is described in an appropriate place in the book, on the label of each record embodying the recording or of its container, or in the film, as being intended for use by educational institutions;
- the work or adaptation was not published for the purpose of being used by educational institutions; and
- A sufficient acknowledgment of the work or adaptation is made.

This exception will not be applicable if there are two or more other extracts from other works (or adaptation of works) by the same author or from the same publisher being included in that collection, or in the subsequent volume of the collections, within the 5-year period since the publication of the first collection.

3) Non-Reprographic Reproduction for a Course of Education (Section 50A)

Copyright is not infringed by its being copied for the purpose of a course of education, provided

- The material must be copied by the person conducting or undergoing the course of education
- Is not by means of a reprographic process.
- Using a visualiser is considered as non-reprographic reproduction.

⁴ Both links require a WOG machine to access the Intranet page

FAQs on Copyright Issues

4) Multiple copying and communication (Sections 51-53)

There is a licensing agreement that MOE has signed with Copyright Licensing and Administration Society of Singapore (CLASS) on behalf of all Government schools regarding this statutory licence. Please refer to the Intranet page on [CLASS agreement](#)⁵ for more details.

For Government-aided and Independent schools, you may also have your own agreements with CLASS to refer to. If not, you can refer to these guidelines on [making multiple copies](#)⁶ for reference.

5) Examination Purposes (Section 52A, 115B)

Material may be used without permission for the purposes of examinations, whether it refers to the setting of papers, communicating of questions to candidates, or answering the questions.

6) Making Records of Broadcast for Course of Instruction (Section 115)

It is not an infringement of copyright to record the sound broadcast or movie in a television or cable programme if the recording is:

- Made by, or on behalf of, the person or authority in charge of an educational institution; and
- Not used except in the course of instruction at that institution.

7) Making Copy of Film for Course of Instruction in Making of Film or Sound-Track (Section 115A)

It is not an infringement of copyright to copy a sound recording, movie, television programme, sound broadcast or cable programme in the making of a movie or the associated sound-track if it is done:

- In the course of instruction, or preparation for instruction; and
- By a person giving or receiving such instruction

More Information on Copyright

<http://intranet.moe.gov.sg/copyright/Pages/index.aspx>⁷

<https://sso.agc.gov.sg/Act/CA1987>

<http://www.ipos.gov.sg/understanding-innovation-ip/copyright>

⁵ Requires a WOG machine to access the Intranet page

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