

# INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE

## 2004 SPECIAL 301 REPORT

# SPECIAL MENTION

---

## SINGAPORE

Wholesale illegal photocopying of textbooks and academic journals continues to be a major problem for publishers in Singapore, despite the fact that virtually all local universities and polytechnics have taken out licenses with the local reprographic rights organization. Large-scale, high-profile commercial photocopy operations continue to operate with impunity, with no self-initiation of raids by government authorities. Two issues demand immediate attention, given the publishing industry's consequent reliance on the self-help system. First, publishers are unable to rely on "trap purchases" (in which an undercover representative of the right holder tests the willingness of a particular commercial entity to engage in illegal photocopying by placing such an order) in securing search warrants, as current law deems such investigative tactics by copyright owners' representatives as tantamount to consent to the illegal reproduction. Given the largely "made to order" nature of the photocopy shops' business, the publishers' inability to obtain search warrants based on trap purchases renders the "self-help" system at best ineffective for publishers. Singapore needs to bring about appropriate legislative changes and/or procedural clarifications to ensure the ability of publishers to use "trap purchases" in gathering information. Second, publishers are being asked to submit a list of the suspected infringing titles to each warrant request. It is almost impossible for the publishing community to guess which of its thousands of titles may be infringed on any particular shop on a given day, and compiling all titles from all publishers is quite an administrative burden. Officers on site have routinely refused to confiscate infringing materials not listed in the warrant, even if those materials are published by a complainant who is listed. Local publishing industry representatives report that Singapore is considering amending the law to allow for a general description of the items to be seized rather than requiring a title-by-title list. The publishing industry finds it imperative that this provision move forward in an expedient manner.

The music industry reports that there have been instances over the past few years of pirated exports by registered Singaporean optical disc factories, seized in such foreign markets as the EU, Canada and other Southeast Asian countries, that were traced back to Singaporean plants. Record industry officials have provided information and evidence on these pirated exports to the Singapore authorities and requested that action be taken. We hope that strong action from the Singaporean authorities will be forthcoming.