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Intellectual Property Office of Singapore
51 Bras Basah Road #04-01
Manulife Centre
Singapore 189554

**BY EMAIL (vit@ipos.gov.sg) &
POST**

Dear Sirs

**PUBLIC CONSULTATION ON CHANGES TO THE COPYRIGHT ACT:
PROVISIONS FOR PERSONS WITH READING DISABILITIES**

We refer to the above matter.

2 The Intellectual Property Practice Committee (the "Committee") has prepared its views as set out in Annex A for your consideration.

3 The Council of the Law Society has considered the comments provided and shares the views of the Committee.

4 We would be grateful for an update in due course.

Yours faithfully

Michelle Woodworth Cordeiro
Director, Representation and Law Reform Department

Encl.

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ANNEX A

Comments on the Consultation Paper relating to the Proposed Changes to the Copyright Act – Provisions for People with Reading Disabilities by the Intellectual Property Practice Committee

1. Section 7 – definition of “accessible format copy”

The definition of “accessible format copy” should be broadened to include works in formats which utilise apparatus, systems or technology to stimulate the brain neurologically, bypassing the physical eye, which would allow the visually impaired to see. This could be included in subclause (b) in the definition, after “... including Braille version and photographic version”.

Although neural stimulation technology is still being researched, theoretical and clinical evidence suggest that direct electrical stimulation of the retina might be able to provide some vision to subjects who have lost the photoreceptive elements of their retina. In transretinal stimulation, research is being conducted on retinal devices that stimulate remaining retinal neural cells to bypass lost photoreceptors and allow the visual signal to reach the brain via the normal visual pathway.

2. Sections 54(5) and 54(6) – cross-border exchange

It seems that the proposed provisions of Section 54(6) do not mirror the requirements under Section 54(4)(b). Assuming that this will not be addressed in the regulations or is not addressed in the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or otherwise Print Disabled, perhaps Section 54(6) also needs to specify that a declaration would be required by the foreign institution or non-Singapore resident person to confirm that the institution or person is satisfied, after reasonable investigation, that no new accessible format copy of the relevant work that has been separately published and is in the same format as the copy which is to be made or made available, can be obtained within a reasonable time at an ordinary commercial price in the foreign territory.

It may also be useful to consider whether the provisions should also specify that they are not intended to override or conflict with the national laws of the foreign territory, or that use of or reliance on these provisions is not to be construed as consent by or constitute an exhaustion of rights of the owner of the relevant work under the corresponding legislation in the foreign territory.

3. Section 54(18) - inclusion of Cinematograph Films in the Definition of “relevant work”

We are of the view that cinematograph films should be included in the definition of “relevant work” in Section 54(18). This would make documentaries and other educational films available to support the learning needs of Singapore’s visually impaired community. The inclusion of cinematograph films would also enhance the research, study and instruction that

a person with a reading disability is undertaking or proposes to undertake under the definition of “permitted purpose” set out in Section 54(18).

Consequential amendments to include cinematograph films would also have to be made to the definitions of “foreign institutions for reading disabilities” and “institution for reading disabilities” in Section 7.