

BOOK REVIEWS

THE LAW OF COPYRIGHT IN SINGAPORE. By GEORGE WEI. [Singapore: Singapore National Printers: 1989. xxvi + 597 pp. Hardcover: \$125.00]

THE Copyright Act 1987 ("the Act") was passed in Parliament on 26th January 1987. Its enactment was long overdue, as Singapore had been operating under a copyright regime (namely, the United Kingdom Imperial Copyright Act 1911) which was tailored for a bygone age. The rationale for the Act was set out in the Explanatory Statement to the Copyright Bill as follows:

"... it is necessary to enact an independent self-contained law on the subject of copyright in the light of the growing public consciousness of the rights and obligations of the authors and owners of intellectual property. New developments in computer technology, lithophotography and video recording and new and advanced means of communications like satellite broadcasting also call for changes in the existing law. Adequate provision has to be made for fulfilment of international obligations in the field of copyright which Singapore might accept."

The Act is undoubtedly a major piece of law reform in Singapore and represents a cap-feather for Parliamentary diligence. It comprises 245 sections and has, to-date, spawned no less than 8 Regulations relating to such areas as protection of international works, import restrictions on infringing copies and the record royalty scheme. The Act itself covers all areas of the copyright field: works, subject-matter other than words, infringements, fair dealing defences, designs and Copyright Tribunal.

This book, dealing specifically with the law of copyright in Singapore, is intended primarily for students. But, lawyers, businessmen and other users of intellectual property will also find it useful. The book is divided into 12 chapters covering all major topics relating to copyright law. These topics include the nature and extent of copyright protection in Singapore, duration of copyright, dealings in copyright materials and computer programs. The last-mentioned topic should be of especial interest to those intent on keeping pace with technological changes. In this, the author does not disappoint, as he addresses himself to the main issues afflicting the protection of computer programs, namely:-

- * are computer programs, in whatever form, protected by copyright?
- * if so, what constitutes infringement?
- * who is the owner of the copyright in a computer-generated output?

The reader will also find a useful discussion on the protection of foreign copyright materials in Singapore. The position of copyright materials made before and after the enactment of the Act is examined at some length in the book. There is also a discussion on the well-known local case of *Butterworth & Co (Publishers) Ltd. v. Ng Sui Nam* [1985] 1 MLJ 196 which held that the imperial system as embodied by the Copyright Act 1911 formed part of Singapore's domestic law notwithstanding the various constitutional changes which Singapore had undergone.

The book also deals, albeit briefly, with the moral rights ("droit moral") available under copyright law. These are rights granted to authors (and artists) to protect their moral, economic and professional interests, in accordance with article 27 of the United Nation's Declaration of Human Rights which states that "everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic productions of which he is the author." Many civil law countries have incorporated the key features of droit moral in their copyright legislations. Apart from the right to prevent false attribution, the law in England has until recently resisted introducing the concepts of droit moral, namely:-

- * the right of publication
- * the right of paternity
- * the right of integrity

The same resistance is felt in Singapore and, as the author rightly points out, protection of moral rights in Singapore is largely a question involving the common law torts, such as passing off and defamation. Serious consideration should be made to fully introducing moral rights in Singapore.

The author is to be congratulated on his success in producing a reliable and readable book. This reviewer is pleased to recommend without hesitation this book to students and practitioners interested in an exceptionally difficult branch of the law.

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