**COPYRIGHT FORM 1 – SEIZURE OF COPIES ON REQUEST**

NOTICE UNDER SECTION 140B(1) OF THE COPYrIGHT ACT (chapter 63) in respect of copyright material

NOTICE UNDER SECTION 140B(1) READ WITH Section 254B Of The Copyright Act (Chapter 63) In Respect Of Unauthorised Recording Of Performance

*Please read the notes in italics before completing the notice*

*1. This notice may only be given by:*

1. *the owner of the copyright in the copyright material, or a licensee thereof having the power to give such a notice. Here, “owner” includes an exclusive licensee of the copyright in the material, and “copyright material” refers to (i) a literary, dramatic, musical or artistic work; (ii) a sound recording; (iii) a cinematograph film; (iv) a published edition of a work; or (v) a television or sound broadcast (as recorded in a cinematograph film or a sound recording);*
2. *the performer of a performance embodied in an unauthorised recording; or*
3. *an agent for (a) or (b) above.*

*2. Unless otherwise indicated, the notice must contain sufficient particulars of all matters specified therein to enable the Director-General of Customs to act on it. Please follow the instructions when filling up the Notice.*

*3. The notice must be supported by the following documents and information:*

1. *a statutory declaration that the particulars of the notice are true; and*
2. *where the notice is given by a person as agent for the owner of the copyright in the copyright material or the performer of the performance embodied in an unauthorised recording, evidence of the authority of the person giving the notice.*

*4. The notice must be accompanied by the fee prescribed in the Copyright (Border Enforcement Measures Fees) Regulations 2019.*

*5. You are required to provide the Director-General of Customs with a deposit of a sum of money or with security (whether by way of an instrument of guarantee or otherwise) that is sufficient to —*

1. *reimburse the Government for any liability or reasonable expense it is likely to incur in relation to the seizure, storage or disposal of the copies; and*

*(b) pay such compensation as may be ordered by the court under section 140I(7) or section 140IA(2) of the Copyright Act.*

*Please note that you will be responsible for any liability or reasonable expense which exceeds the amount of the deposit of money or security.*

*6. The notice remains in force until the 59th day after the day on which the notice was given, or the end of the period for which copyright in the copyright material is to subsist, whichever is the earlier.*

NOTICE

To the Director-General of Customs

1. I am \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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(*State the name and address of the person giving the notice.)*

2. I am \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(Choose one from (a) to (d) below)*:

1. the owner of the copyright in the copyright material, or a licensee thereof having the power to give such a notice;
2. an agent for the owner or licensee of the copyright in copyright material;
3. the performer of a performance embodied in an unauthorised recording; or
4. an agent for the performer of a performance embodied in an unauthorised recording.

In this Notice, “owner” includes an exclusive licensee of the copyright in the material, and “copyright material” refers to (i) a literary, dramatic, musical or artistic work; (ii) a sound recording; (iii) a cinematograph film; (iv) a published edition of a work; or (v) a television or sound broadcast (as recorded in a cinematograph film or a sound recording).

3. I hereby state *(Fill in the details for either (a) or (b) below, indicate “Not Applicable” for the sub-paragraph that is not filled in)*:

1. that copyright in the copyright material(s) described below now subsists under the Copyright Act.

*Note: Where more than one copyright material is involved, the information below must be given in respect of each copyright material. Use additional sheets if required.*

Type of copyright material: \*literary work /\*dramatic work / \*musical work / \*artistic work / \*sound recording / \*cinematograph film / \*published edition of a work / \*television broadcast / \*sound broadcast *(\*Delete whichever is inapplicable)*

Description of copyright material: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Full name of \*owner/ \*licensee of copyright in the copyright material *(\*Delete whichever is inapplicable):*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of expiry of copyright:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. that the performance(s) described below is protected under Part XII of the Copyright Act and the protection period in respect of the performance has not expired.

*Note: Where more than one performance is embodied in an unauthorised recording, the information below must be given in respect of each performance so embodied. Use additional sheets if required.*

Description of performance(s):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Full name(s) of performer(s) in the performance(s):

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Date of expiry of protection period of performance(s):

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4. I hereby state that copies of the following are expected to be \*imported / \*exported:

\*copies of the copyright material(s) which are infringing copies.

\*copies of an unauthorised recording of a performance which were made without the authorization of the performer.

*(\*Delete whichever is inapplicable.)*

5. To the best of my knowledge and belief —

1. I have provided in the box below a description of the copies:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| *Note: Provide sufficient information to describe and identify the copies, including, where available, particulars of —*  *(a) the quantity and value of the copies;*  *(b) the number of packages;*  *(c) any mark used;*  *(d) any relevant bill of lading or airway bill; and*  *(e) any relevant consignment reference number.*   |  | | --- | |  | |  | |  | |  | |  | |  | |

1. the \*importer / \*exporter *(\*Delete whichever is inapplicable)* of the copies is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*(State the full name and address of the importer, or exporter, as applicable.)*
2. I have provided in the box below the particulars of the time, when and place where, the copies are expected to be \*imported / \*exported. *(\*Delete whichever is inapplicable)*

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| *Note:*  *In the case of imports*  *State —*  *(a) the estimated date of arrival of the copies;*  *(b) the name of the port, airport or checkpoint by which the copies are expected to be imported into Singapore;*  *(c) the name of the ship, the flight number of the aircraft or the vehicle registration number of the motor vehicle by which the copies are expected to be imported into Singapore; and*  *(d) where available —*  *(i) the country/region of origin of the copies; and*  *(ii) any other information which may indicate the actual time when and place where the copies will be imported into Singapore.*  *In the case of exports*  *State —*  *(a) the estimated date of departure of the copies;*  *(b) the name of the port, airport or checkpoint by which the are expected to be exported from Singapore;*  *(c) the name of the ship, the flight number of the aircraft or the vehicle registration number of the motor vehicle by which the copies are expected to be exported from Singapore; and*  *(d) where available —*  *(i) the destination country/region of the copies; and*  *(ii) any other information which may indicate the actual time when and place where the copies of the copyright material(s) will be exported from Singapore.*   |  | | --- | |  | |  | |  | |  | |  | |  | |

6. The said copies *(Choose one of the following)*:

\*are copies of copyright material(s) to which section 140B of the Copyright Act applies because:

(a) (i) they are copies made, wholly or partly, outside Singapore the making of which was without the consent of the owner of the copyright within the meaning of section 25(3) of the Copyright Act, or (ii) they are copies made in Singapore the making of which constituted an infringement of copyright; and

(b) they are not goods in transit within the meaning of section 140A of the Copyright Act.

\*are copies of an unauthorised recording of the performance(s) to which section 140B read with section 254B of the Copyright Act applies because:

(a) (i) they are copies made, wholly or partly, outside Singapore the making of which was without the authority of the performer of the performance embodied in the recording, or (ii) they are copies made in Singapore the making of which constituted an unauthorised use of a performance; and

(b) they are not goods in transit within the meaning of section 140A of the Copyright Act.

*(\*Delete whichever is inapplicable)*

7. I hereby request the Director General *(Choose one of the following)*:

\*to seize the copies of copyright material(s) under section 140B(1)(d) of the Copyright Act.

\*to seize the copies of an unauthorised recording of a performance under section 140B(1)(d) read with section 254B of the Copyright Act.

*(\*Delete whichever is inapplicable)*

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| Date : |  |
| Signature : |  |
| Designation *(see notes below)*: |  |

*Notes:*

1. *In the case of copyright material, state the designation of the person giving the notice, i.e. “owner of the copyright”, “owner of the copyright (exclusive licensee)” , “licensee”, “agent of the owner of the copyright”, “agent of the owner of the copyright (exclusive licensee)” or “agent of licensee”.*
2. *In the case of an unauthorised recording of a performance, state the designation of the person giving the notice, i.e. “the performer”, or “agent of the performer”.*
3. *If the notice is given on behalf of an entity, insert the name of the entity and the designation within the entity of the person giving the notice.*