The Marrakesh Treaty

The **Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Print Disabled** was adopted in Marrakesh, Morocco, on 28 June 2013. It is essentially a human rights treaty in favor of a reading-disabled person’s right to read, study, carry out research and in general, to use copyrighted materials on the same basis as everyone else.

Singapore was the first country in South-east Asia to ratify the Marrakesh Treaty which aimed at freeing up access to copyrighted materials for people with reading disabilities, without having to seek the agreement of rights holders (usually publishers), or having to pay royalties. The Treaty entered into force on 30 September 2016.

Amendments to Singapore’s Copyright Legislation

Singapore has committed to ensuring that its copyright regime serves the needs of the visually impaired community, and is in line with the Marrakesh Treaty. The Act was amended, to facilitate greater opportunities for visually impaired persons to access copyrighted works.

The key amendments allow for:

a. Persons with reading disabilities to reproduce copyrighted material *in any format* which enables them to access the material;

b. Artistic works, sound recordings and broadcasts, in addition to literary and dramatic works, to be converted into formats accessible to persons with reading disabilities; and

c. Institutions assisting persons with reading disabilities, as well as educational institutions, to distribute, import and produce for the purpose of export, such copies of copyrighted works.
Questions on Copyright

Q1: There is an article from an online website which I would like students to review and discuss in class. Would I need to get clearance from the author to use the article for this purpose? And would I need to pay the website administrators any fee?

When the material to be reproduced is an article that is available online, it is always prudent to check the Terms of Use of the site, and its contents first. Generally however, there is no copyright restriction in discussing a published article for the purpose of instruction and learning. If the article is to be reviewed and critiqued, the copyright act does allow the resource to be reproduced, and for it to be used for this purpose.

The recommended practice would be to share the link to the article with your students and have them access the article on their respective devices or print out their own copy for the review and discussion. This way, there is no active multiple “copying” done for the students so there is no potential infringement. However, should there be references made to this article in subsequent papers or publications by the students in their personal capacity, then the appropriate attribution should be given to the original author.

Q2: One of my faculty members would like to use the report available in the SMU database (EIU Country Reports) for his teaching. May I know if there will be any copyright issue if he shares the selected report to the class for his teaching?

For databases, we will need to check the terms of the license agreement, as usage of database content is usually governed by License terms which takes precedence over any legal provisions under the Copyright Act. In this instance, the license agreement states that “Authorized Users are permitted to print or download reasonable portions of the Licensed Products for the Permitted Purpose”. Since access to the content in the database is fully available to SMU staff and students as authorised users, the Faculty member may use the required content in his instruction.

Q3: When a resource for Course Readings is not covered by the CLASS license and the copyright for the required resource is not available for purchase, what are our options?

When a resource is not covered by a paid license eg. CLASS License, the Singapore Copyright Act allows for the work to be copied for up to 5% for personal research and study, or for the purpose of a course of education provided by the institution. Should a greater proportion of the work be required, purchasing the book is an option. Alternatively, express written permission may be sought from the publishers.
Q4:
Need I cover up the illustrations when making a copy of a book chapter for an academic staff?

As long as the reproduction of the chapter meets all copyright requirements, the Copyright Act states that artistic work provided for the purpose of explaining or illustrating the article/chapter, shall apply as being a part of the article copied. Hence there is no need to deliberately cover over the illustration when making a copy for user.

Q5:

A quiz activity in class requires a text (see example above) to be used for students to analyze and refer to, as part of their exercise. Will we have to clear copyright for the texts used?

In such instances, we need to consider the following:

a. Is the text extracted from a book? If so, and if the book falls under the list of publishers/publications covered under the CLASS license, then using 10% of the book or a chapter for this purpose is allowed under license provisions.

b. If the text is from a periodical, then copying and communicating one article from the periodical for this purpose is allowed under fair dealing.

c. If the text to be used is from a website, check the terms of use pertaining to reproduction and communication of their content.

d. In this particular case, the text is from an e-journal, for which SMU has legitimate access to, as indicated by the permalink in the citation. As such, (b) would be applicable for the use of this text.
Proposed Changes to Singapore’s Copyright Regime: An Engagement with SMU

Don’t miss this opportunity to discuss the impending copyright changes to Education, Instruction and Library Services. Register for the event now!
Date: Tuesday, 11 October 2016
Time: 2 – 4pm
Venue: Li Ka Shing Library, Learning Labs
Please RSVP here.

Have a Question on Copyright? Contact
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