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Dear Sir/Mdm,

The Asia Internet Coalition (AIC) appreciates the opportunity to submit comments on the proposed changes to the Copyright Regime in Singapore.

The AIC is a policy voice of the digital industry in the Asia-Pacific comprising Apple, Expedia group, Facebook, Google, LINE, LinkedIn, PayPal, Rakuten, Twitter and Yahoo!. Our aim is to ensure users can enjoy the maximum economic, social and cultural benefits from the online world in the years ahead, and that they can do so safely, securely and confidently.

The AIC shares the Singapore Government's recognition of the significant technological and market changes in the digital age and the way that new technologies and the Internet have impacted the way that content is created, distributed and accessed. AIC commends the Singapore Government for taking steps to ensure that Singapore's copyright regime keeps up with the pace of these rapid technological and societal changes. This would further support Singapore's position as a leader in generating economic impact from investments in information and communications technologies (ICT), as noted by the World Economic Forum's Global Information Technology Report 2016.¹

In this regard, AIC respectfully submits in writing our comments on the following four aspects of the proposed changes to Singapore's copyright regime:

1. The importance of flexible copyright exceptions

Singapore's fair use exception is a critical part of ensuring that the Copyright Act keeps pace with developments in content creation and consumption brought about by technological innovation. It is

¹ World Economic Forum. *The Global Information Technology Report 2016*. July 2016. <https://goo.gl/1g68TY>



also a key part of economic growth, with research suggesting that private copying technology industries experienced higher growth rates after the introduction of the fair use exception in 2006.²

One of the key benefits of a fair use exception is that it allows a case-by-case analysis of the social benefits of a particular use, when assessed against other factors such as the impact of a use on copyright owner markets, and the character of the use.

The AIC agrees with the removal of the fifth factor (the possibility of obtaining the creative work within a reasonable time at an ordinary commercial price) for two reasons: firstly, technological change is making the factor less relevant to its original purpose; and secondly, courts are empowered to take into account the commercial availability of a work if this is relevant to a fair use assessment in a particular case.

2. The introduction of an exception for text and data mining (TDM)

The AIC supports the introduction of a new exception to allow the copying of works for the purposes of data analysis. As the consultation paper identifies, the capacity to automate the analysis of large amounts of data is becoming increasingly important to global economies, promising to yield valuable societal and economic benefits in terms of new insights, scientific breakthroughs, a greater understanding of society, and countless business opportunities.³

A copyright exception to allow non-consumptive analysis of data is critical to unlocking the social and economic benefits that flow from TDM for Singaporean companies, including startups, researchers and SMEs that fuel the digital economy today.

3. Ensuring appropriate access to knowledge for print disabled users

The AIC supports the change in terminology in the Copyright Act and subsidiary legislation to “persons with print disability” to ensure that the important exceptions introduced to implement the Marrakesh Treaty appropriately meet the needs of people with difficulties in reading print works.

4. Virtual Private Networks (VPNs)

The AIC notes the Ministry of Law’s consultation update on 26 August 2016 that it wishes to collect stakeholder views on virtual private networks (VPNs). VPNs have many varied and legitimate uses, from protecting security, to ensuring workers can access company networks while travelling, or addressing privacy concerns. AIC urges the Ministry to take great care in considering the many legitimate reasons for the use of a VPN, and not to take steps in copyright reform which would undermine the capacity of Singaporeans to use VPNs for legitimate purposes.

² Ghafele and Gibert. *The Economic Value of Fair Use in Copyright Law. Counterfactual Impact Analysis of Fair Use Policy On Private Copying Technology and Copyright Markets in Singapore*. Oxfirst. October 2012. <https://goo.gl/FN8IXS>

³ Horizon 2020. *Research Report on TDM Landscape in Europe*. April 2016. <https://goo.gl/37n6Zz>



The AIC is grateful for the opportunity to provide these comments for consideration. The members of AIC stand at your disposal for further consultation.

Yours sincerely,

A handwritten signature in dark blue ink, appearing to read 'H Vriens', is positioned below the text 'Yours sincerely,'.

Hans Vriens
Secretariat
Asia Internet Coalition