Singapore

“COMPASS v. SingNet”

Decision of the Supreme Court of Singapore
13 October 2020 – Case No. [2020] SGHC 220

Composers and Authors Society of Singapore Ltd v.
SingNet Pte Ltd

Copyright Act, Secs. 163, 165, 168

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Keywords Retrospective orders · Jurisdiction · Licence · Infringement liability · Interim period · Unreasonable conditions and/or charges

1. A copyright tribunal determining an application made under s. 163(2) of the Copyright Act [a person may apply to the Tribunal where it claims that it requires a licence but that the applicable charges and/or conditions are not reasonable] has no jurisdiction to make retrospective orders under ss. 163(2) read with 163(6)(b) [the Tribunal may make orders, which specify the charges and conditions that it considers reasonable in the circumstances].
2. When an application is made under s. 163 of the Act, copyright users may be protected against infringement liability not only after the Tribunal has made its final orders (under s. 165), but also during the preceding interim period (under ss. 168 read with 165).
3. S. 168 read with s. 165 of the Act is not meant as a licence for copyright users to engage in copyright infringement. It is only meant to afford copyright users, who have sought, obtained and complied with the Tribunal’s orders, a defence in copyright infringement proceedings for the limited period of time pending the Tribunal’s final determination. The copyright user must thus make an application and seek interim orders as early as possible.
4. There is no restriction on the types of interim orders that the Tribunal may make.

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Available at <http://www.supremecourt.gov.sg>. Official wording of the Court.