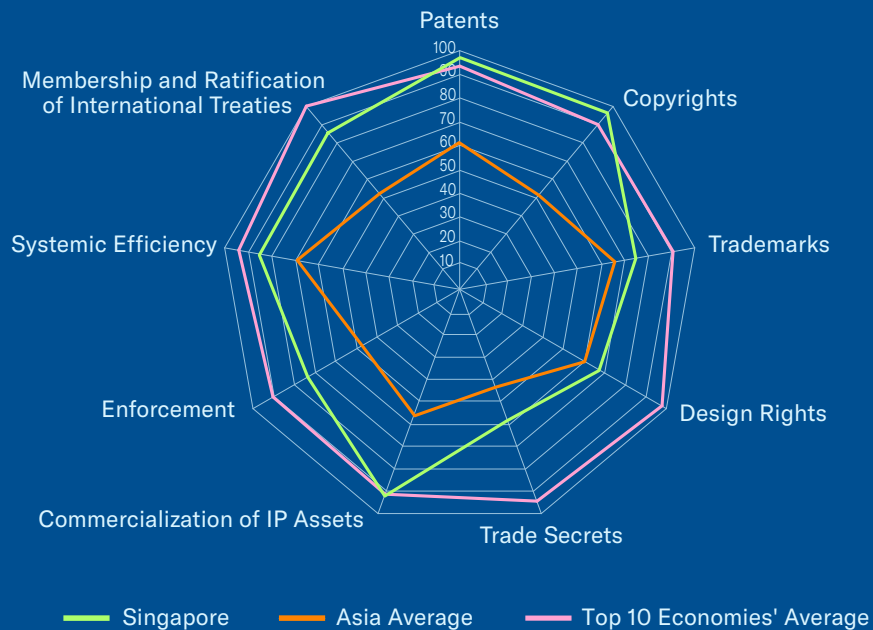
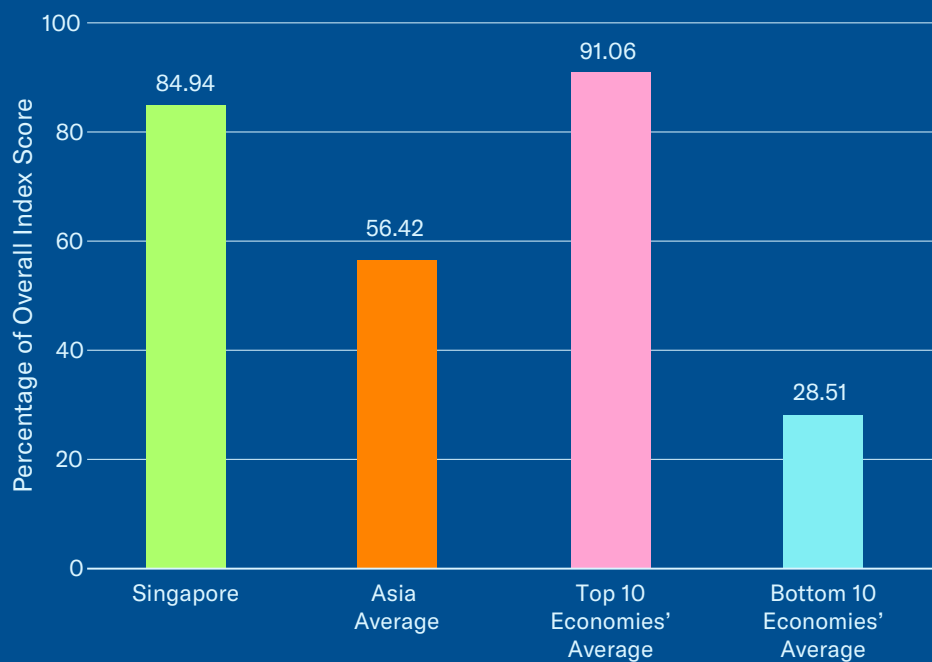


## Category Scores



## Overall Score in Comparison





## Key Areas of Strength

- New Copyright Act contains substantial liability provisions relating to sale and distribution of set-top boxes
- Implementation of R&D and IP tax incentives scheme in 2019
- Advanced national IP framework in place
- Global leader in online copyright enforcement—continued strong efforts in 2022
- Singapore is an active participant in efforts to accelerate patent prosecution; IPOS has several PPHs in place and is a member of the GPPH

## Key Areas of Weakness

- Estimated software piracy has decreased from 35% in 2009 to 27% but is still high for developed high-income economy
- Lack of transparency and data on customs seizures of IP-infringing goods

Indicator	Score
<b>Category 1: Patents, Related Rights and Limitations</b>	<b>8.75</b>
1. Term of protection	1.00
2. Patentability requirements	1.00
3. Patentability of CIIIs	1.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	1.00
6. Legislative criteria and use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	1.00
8. Membership of a Patent Prosecution Highway	1.00
9. Patent opposition	0.75
<b>Category 2: Copyrights, Related Rights, and Limitations</b>	<b>6.74</b>
10. Term of protection	0.74
11. Exclusive rights	1.00
12. Injunctive-type relief	1.00
13. Cooperative action against online piracy	1.00
14. Limitations and exceptions	1.00
15. TPM and DRM	1.00
16. Government use of licensed software	1.00
<b>Category 3: Trademarks, Related Rights, and Limitations</b>	<b>3.00</b>
17. Term of protection	1.00
18. Protection of well-known marks	1.00
19. Exclusive rights and trademarks	0.75
20. Frameworks against online sale of counterfeit goods	0.25
<b>Category 4: Design Rights, Related Rights, and Limitations</b>	<b>1.35</b>
21. Industrial design term of protection	0.60
22. Exclusive rights and industrial design rights	0.75
<b>Category 5: Trade Secrets and the Protection of Confidential Information</b>	<b>1.75</b>
23. Protection of trade secrets (civil remedies)	1.00
24. Protection of trade secrets (criminal sanctions)	0.25
25. Regulatory data protection term	0.50

Indicator	Score
<b>Category 6: Commercialization of IP Assets</b>	<b>5.50</b>
26. Barriers to market access	1.00
27. Barriers to technology transfer	1.00
28. Registration and disclosure requirements of licensing deals	0.75
29. Direct government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	1.00
<b>Category 7: Enforcement</b>	<b>5.13</b>
32. Physical counterfeiting rates	0.65
33. Software piracy rates	0.73
34. Civil and precedural remedies	1.00
35. Preestablished damages	1.00
36. Criminal standards	0.75
37. Effective border measures	0.75
38. Transparency and public reporting by customs	0.25
<b>Category 8: Systemic Efficiency</b>	<b>4.25</b>
39. Coordination of IP rights enforcement	1.00
40. Consultation with stakeholders during IP policy formation	1.00
41. Educational campaigns and awareness raising	1.00
42. Targeted incentives for the creation and use of IP assets for SMEs	0.50
43. IP-intensive industries, national economic impact analysis	0.75
<b>Category 9: Membership and Ratification of International Treaties</b>	<b>6.00</b>
44. WIPO Internet Treaties	1.00
45. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
46. Patent Law Treaty and Patent Cooperation Treaty	1.00
47. Membership of the International Convention for the Protection of New Varieties of Plants, ct of 1991	1.00
48. Membership of the Convention on Cybercrime, 2001	0.00
49. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
50. Post-TRIPS FTA	1.00

**Total: 42.47**



# Spotlight on the National IP Environment

## Past Editions versus Current Score

Singapore's overall score has increased from 84.44% (42.22 out of 50) in the tenth edition to 84.94% (42.47 out of 50). This reflects a score increase on indicator 15.

## Copyrights, Related Rights, and Limitations

**14. Scope of limitations and exceptions to copyrights and related rights:** As noted in last year's Index, other amendments included in the Copyright Act relate to current and new exceptions to copyright. To begin with, the new act changes the limitations and exceptions regime from a "fair dealing" framework to one of "fair use." The new law also provides additional definitions of what constitutes an exception and limitation to copyright. For example, one positive change included in the new law is a clarification on the extent to which text and data mining is allowed for research purposes. This is an important area of future economic activity, as advances in computational power and new technological advancements in artificial intelligence (AI) and machine learning allow for scientific advances and innovation to take place through the analysis of large volumes of data and information. However, as noted last year, the effect of other exceptions is less clear cut. Specifically, Section 204 broadens existing educational exceptions to include digital materials found online. Under the new law, educational institutions and students are now, as a general rule, able to use any and all materials found on the internet without seeking the explicit permission from the rightsholder. Given the vast quantity of information available online—much of it made available through illicit means and without rightsholders' permission or even their knowledge—there is a clear risk that this exception will lead to a greater use of infringing materials. The act includes some limitations on the exception. For

instance, under Subsection 204(2)(g), if users are made aware that the material is of an infringing nature, there is a clearly defined obligation to cease the use of the material and to take reasonable actions to prevent its further communication to the public. Likewise, through Subsection 204(2)(f), an indirect access control measure is also in place in the sense that works accessed on the internet can only be circulated through the network that is operated by or through an educational institution and which access is limited to staff and students. Still, it remains unclear how effective the limitations on this usage would be in practice. The Index will continue to monitor these developments in 2023.

**15. Technological protection measures (TPM) and Digital rights management (DRM) legislation:** Since 2016, the Ministry of Law and the Intellectual Property Office of Singapore (IPOS) have held public consultations on potential changes to the Copyright Act. In 2019, the two agencies released the report *Singapore Copyright Review Report*, which summarized the findings of the preceding three years' work and the result of these consultations. As the report rightly pointed out, the world of 2019 is very different from 1987 when the Copyright Act was enacted: "Technological and market changes in the digital age have significantly affected how creative works are created, distributed, and consumed." The *Copyright Review Report* made several recommendations on changing both the substance and more technical and operational aspects of Singapore's copyright regime. Specifically, the *Report* recognized some of the remaining legal gaps with respect to enforcement capabilities and set-top boxes in Singapore. As in many other economies benchmarked in the Index, Singapore has seen an explosion in the growth and use of these physical boxes and the internet-based applications that provide users with copyright-infringing content. Conclusion 16 of the *Report*

recommended passing new legislation that would introduce civil and criminal liability on any persons who “willfully make, import for sale, commercially distribute, or sell” such set-top boxes.

After another set of stakeholder consultations in 2020-2021, a draft Copyright Act was published by the Ministry of Law with a final bill passed and in effect since December 2021. The new Copyright Act adopts many of the *Report’s* recommendations and contains substantial liability provisions relating to the sale and distribution of set-top boxes. Specifically, Section 150 now criminalizes the infringement of copyright through the act of making, selling, or distributing a physical device or related service that can be used to illicitly access copyrighted material. Under Section 447, anyone convicted of infringement under Section 150 is liable for a fine of between SGD100,000 and SGD200,000 ( USD70,000-USD100,000) and/or imprisonment of up to five years. As a result of this positive action, the score on this indicator has increased by 0.25.