

Electronic Transactions (Amendment) Bill

Bill No. 49/2004.

Read the first time on 19th October 2004.

A BILL

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An Act to amend the Electronic Transactions Act (Chapter 88 of the 1999 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Electronic Transactions (Amendment) Act 2004 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of section 10

2. Section 10 of the Electronic Transactions Act is amended —

(a) by deleting the word “or” at the end of subsection (2)(b);

(b) by deleting the full-stop at the end of paragraph (c) of subsection (2) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

“(d) any liability of a network service provider under the Copyright Act (Cap. 63) in respect of —

(i) the infringement of copyright in any work or other subject-matter in which copyright subsists; or

(ii) the unauthorised use of any performance, the protection period of which has not expired.”; and

(c) by inserting, immediately before the definition of “provides access” in subsection (3), the following definitions:

20 ““performance” and “protection period” have the same meanings as in Part XII of the Copyright Act;”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Electronic Transactions Act (Cap. 88) to facilitate the implementation of certain obligations pertaining to copyright undertaken by Singapore under the United States-Singapore Free Trade Agreement (USSFTA) concluded in 2003.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 10 so that the defence available to a network service provider under section 10(1) does not apply to any liability of the network service provider under the Copyright Act (Cap. 63) in respect of —

(a) the infringement of copyright in any work or other subject-matter in which copyright subsists; or

- (b) the unauthorised use of any performance, the protection period of which has not expired.

Consequently, the only defences that will be available to a network service provider in respect of any such liability will be the defences in the Copyright Act (Cap. 63) to be introduced under the Copyright (Amendment) Bill 2004 to give effect to Article 16.9.22 of the USSFTA.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
