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By Jeanette Tan | Yahoo Newsroom – Thu, Apr 10, 2014

While Singapore's tabled changes to its existing intellectual property (IP) law have been welcomed by experts, many users in Singapore say they plan to continue downloading content illegally and will find other ways to do so.

On Monday, the Ministry of Law announced the proposed changes, which will allow copyright holders to file take-down applications directly with the courts. This will pave the way for a quicker process that will require internet service providers to block user access to the offending website.

IP lawyers and academics *Yahoo Singapore* spoke to were all in favour of the changes, with IP law professor Saw Cheng Lim describing them as "long overdue".

"To some extent, Singapore is playing 'catch up' because the UK and other European countries had already introduced similar provisions more than 10 years ago!" he said. "If it is true that online piracy is now a serious concern in Singapore, then it is only right, and may I say necessary, for the government to take more pro-active steps to help enforce the rights of content owners."

Singapore Management University's School of Law deputy dean David Llewelyn, who also lectures in intellectual property law, told *Yahoo Singapore* it was helpful that the proposed changes require that a website's primary purpose is the provision of infringing content before it can be blocked, because this ensures that they cannot be misused in other areas.

Llewelyn said the proposed changes send a strong message, both of Singapore's recognition of creativity, and a discouragement of websites with business models that rely on wholesale copyright infringement.

"But it is just not realistic to sue thousands or even hundreds of thousands of illegal downloaders," he pointed out. "This is a welcome move to cut off the ISP 'pipelines' that bring their unauthorised content to downloaders in Singapore."

### Will users find a workaround? Likely

On the flip side, however, IP and technology lawyer Jinesh Lalwani feels that "the fight against piracy is a multi-faceted problem which needs more than the threat of legal action to combat".

Sharing his views with *Yahoo Singapore*, Jinesh, who is an associate with IP law firm ATMD Bird & Bird LLP, said it is very possible that users will find their own ways to

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circumvent piracy site blocks through the use of VPNs, mirror sites or peer-to-peer sharing, for instance.

"The law has some under-coverage with regard to end users, and so it is open to them to find alternative ways of getting their pirated content," he added.

In Singapore, the downloading of copyrighted material could make a person liable for infringement, which can be pursued via civil action and settled in damages. Copying becomes a criminal offence under copyright law when infringing copies are made, sold, possessed or imported for the purposes of sale, hire or distribution.

It must also be proved that the infringing party knows or ought reasonably to know that the copies are infringing on copyright — a reason behind the fact that in practice, rights holders don't often go after individual downloaders here, even though they technically can.

In line with this, internet users whom *Yahoo Singapore* spoke to say they do not plan to stop downloading pirated online content, even if the sites they frequent are blocked by take-down orders.

One user who wanted to be known as Zhi Hui said she frequently downloads content via bit torrent sites. When told about the proposed changes, she said she will likely seek a way to circumvent the block, possibly via VPN.

"After all, the shows I download are free-to-air on US TV," she said.

Another user, 27-year-old James Tang, said he downloads content frequently from a number of sites, including Pirate Bay. When asked, he said he, too, is likely to "just figure out how to get around it".

"It's the Internet; they can't restrict access entirely," he said, while noting that content producers and distributors may need to rethink their business models to deal with the issue of online piracy.

Tang suggested, for instance, that content providers could take a leaf from the producers of music videos, who debut their clips on free sharing sites like YouTube.

"If people want it, they can own it by purchasing it, or if they download it illegally, it's their choice, but the uploader still gets the views, and the ad revenue that would come with them," he pointed out. "The old system of syndication is not working. It's way too slow."