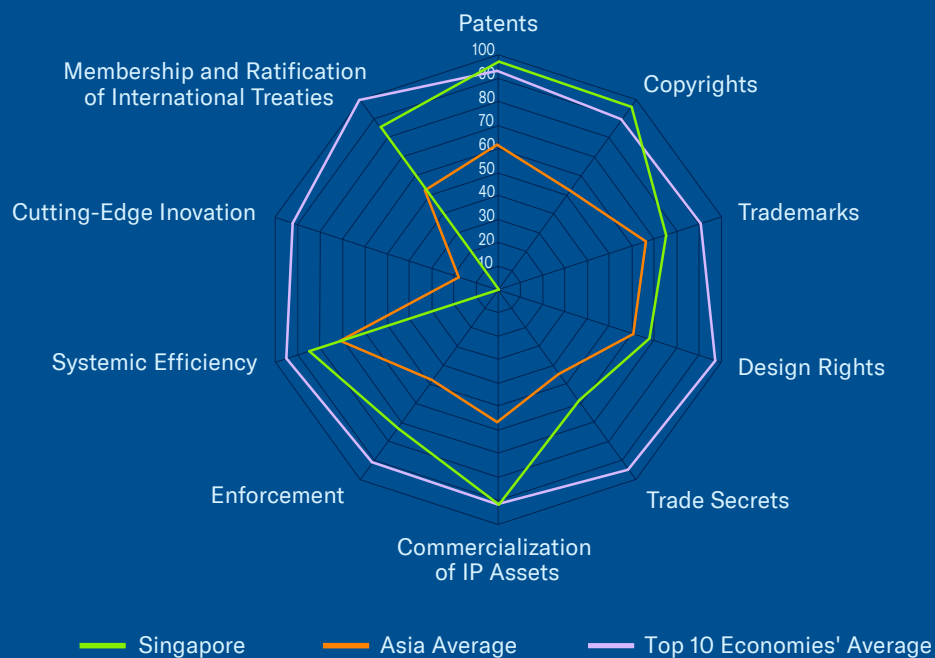




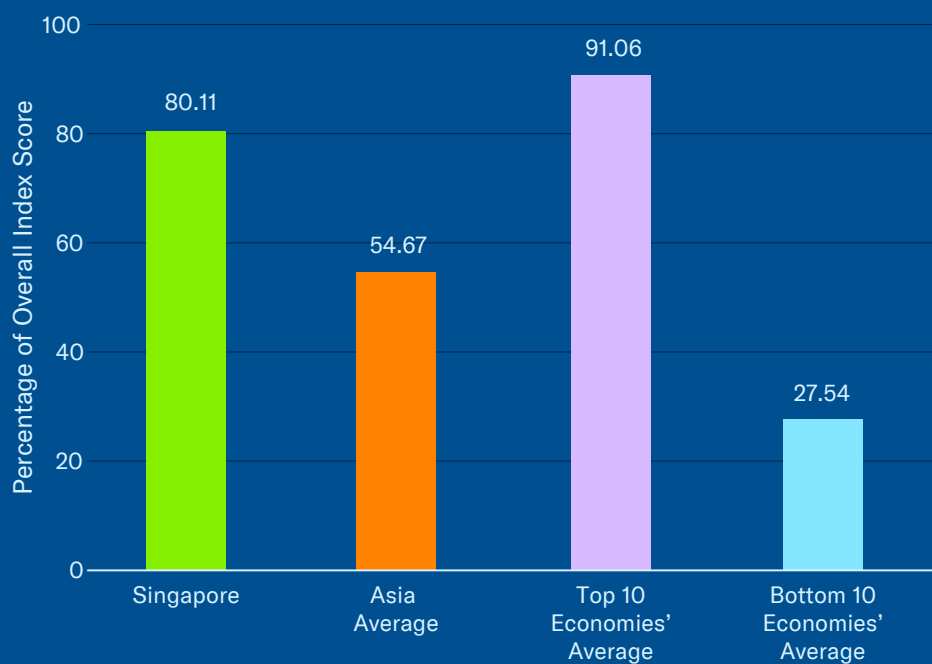
# Singapore

Rank  
**13/55**

## Category Scores



## Overall Score in Comparison





# Singapore

Rank  
**13/55**

## Key Areas of Strength

- 2021 Copyright Act contains substantial liability provisions related to the 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

- No special IP incentives for orphan medicinal product development
- The 2021 Copyright Act expanded the existing copyright exceptions regime
- Estimated software piracy has decreased from 35% in 2009 to 27% today but is still high for a developed high-income economy
- Lack of transparency and data on customs seizures of IP-infringing goods

Indicator	Score	Indicator	Score
<b>Category 1: Patents Rights and Limitations</b>		<b>Category 7: Enforcement</b>	
1. Term of protection	1.00	29. Direct government intervention in setting licensing terms	1.00
2. Patentability requirements	1.00	30. IP as an economic asset	0.75
3. Patentability of CILs	1.00	31. Tax incentives for the creation of IP assets	1.00
4. Plant variety protection	1.00		
5. Pharmaceutical-related enforcement	1.00	32. Physical counterfeiting rates	0.64
6. Legislative criteria and use of compulsory licensing	1.00	33. Software piracy rates	0.73
7. Pharmaceutical patent term restoration	1.00	34. Civil and precluded remedies	1.00
8. Membership of a Patent Prosecution Highway	1.00	35. Pre-established damages	1.00
9. Patent opposition	0.75	36. Criminal standards	0.75
		37. Effective border measures	0.75
<b>Category 2: Copyrights and Limitations</b>		38. Transparency and public reporting by customs	0.25
10. Term of protection	0.74		
11. Exclusive rights	1.00	<b>Category 8: Systemic Efficiency</b>	
12. Expedient legal remedies disabling access to infringing content online	1.00	39. Coordination of IP rights enforcement	1.00
13. Cooperative action against online piracy	1.00	40. Consultation with stakeholders during IP policy formation	1.00
14. Limitations and exceptions	1.00	41. Educational campaigns and awareness raising	1.00
15. TPM and DRM	1.00	42. Targeted incentives for the creation and use of IP assets for SMEs	0.50
16. Government use of licensed software	1.00	43. IP-intensive industries, national economic impact analysis	0.75
<b>Category 3: Trademarks Rights and Limitations</b>			
17. Term of protection	1.00	<b>Category 9: Cutting-Edge Innovation</b>	
18. Protection of well-known marks	1.00	44. IP incentives for orphan medicinal product development	0.00
19. Exclusive rights, trademarks	0.75	45. IP incentives for orphan medicinal product development, term of protection	0.00
20. Frameworks against online sale of counterfeit goods	0.25	46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
<b>Category 4: Design Rights and Limitations</b>			
21. Industrial design term of protection	0.60	<b>Category 10: Membership and Ratification of International Treaties</b>	
22. Exclusive rights, industrial design rights	0.75		
<b>Category 5: Trade Secrets and the Protection of Confidential Information</b>		47. WIPO Internet Treaties	1.00
23. Protection of trade secrets (civil remedies)	1.00	48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
24. Protection of trade secrets (criminal sanctions)	0.25	49. Patent Law Treaty and Patent Cooperation Treaty	1.00
25. Regulatory data protection term	0.50	50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
<b>Category 6: Commercialization of IP Assets</b>		51. Membership of the Convention on Cybercrime, 2001	0.00
26. Barriers to market access	1.00	52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
27. Barriers to technology transfer	1.00	53. Post-TRIPS FTA	1.00
28. Registration and disclosure requirements of licensing deals	0.75		

Percentage of Overall Score: 80.11%

• Total Score: 42.46

# Spotlight on the National IP Environment

## Past Editions versus Current Score

Singapore's overall score remains unchanged at 42.46 out of 53 indicators.

## Copyrights and Limitations

### *14. Scope of limitations and exceptions to copyrights and related rights:*

In April 2024, the Ministry of Law and the Intellectual Property Office of Singapore (IPOS) issued a public consultation on certain copyright exceptions and limitations related to TPM and DRM. Specifically, IPOS and the Ministry sought comments on the extent to which (1) these existing exceptions were adequate and should remain in place and (2) whether a new set of TPM and DRM exceptions should be introduced. As noted in the Index, the 2021 changes to the Copyright Act included significant changes to Singapore's general copyright limitations and exceptions regime, including for TPM and DRM. Conceptually, the new Act changed the regime from a "fair dealing" framework to one of "fair use."

In a negative development, a new Section 204 broadened existing educational exceptions to include digital materials found online. Under the amended law, educational institutions and students can use any and all materials found on the internet without seeking 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 expanded exception will lead to the use of infringing materials. The Act included 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), there is also an indirect access control measure in the sense that works accessed on the internet can be circulated only through the network that is operated by or through an educational institution and to which access is limited to staff and students. Still, as the Index pointed out at the time, it remains unclear how effective the limitations on this usage would be in practice.

Unfortunately, the consultation document did not seek to address this outstanding weakness. Instead, in addition to preserving a set of access control exceptions defined in Part 7 of the Copyright Act, Annex B of the document also proposes to broaden text and data mining exceptions (called "computational data analysis"). The 2021 amendments included a clarification on the extent to which such text and data mining is allowed for research purposes. Like similar exceptions introduced in other jurisdictions, including the European Union's Directive 2019/790 on Copyright and Related Rights in the CDSM Directive, under Section 244(2)(d) of the Act, copying or communicating for computational analysis can be carried out only on works that have been lawfully obtained or accessed.

But given the existing dynamics of the internet and the volume of infringing content available online—much of it made available without rightsholders' permission or even their knowledge—as well as the ability of scraping technologies to access rightsholders' content without their permission, it is essential that traditional safeguards enshrined in decades of copyright law and legal practice be strictly adhered to and that rightsholders can practically enforce their rights, both in Singapore and around the world.

Unfortunately, under the proposed amendments, it is not clear that this safeguard will be retained.

Specifically, the consultation sought “feedback on whether the prohibition on circumventing access control measures has impaired or adversely affected, or is likely to impair or adversely affect, any dealings with copyright works or protected performances that would be non-infringing based on a permitted use in Annex B.” The most notable exception listed in Annex B relates to Part 5, Division 8 of the Copyright Act, that is, “Permitted use of copyright works and protected performances for computational data analysis.” At the time of research, no formal legislative proposal or amendments had been published by IPOS or the Ministry of Law. However, should Singapore move ahead and further expand the existing exceptions regime related to computational analysis and, essentially, nullify any control rightsholders have over how their creations and copyrighted content is accessed, used, and disseminated, such actions would go against both long-standing legal precedence in Singapore and international standards dating to the Berne Convention and currently codified in the TRIPS Agreement. Article 13 of TRIPS states, “Members shall confine limitations or exceptions to exclusive rights to certain special cases which do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the rights holder.” The adoption of such an expansive exceptions regime related to computational analysis would also result in a sharp score decrease for indicators 14 and 15.

In a separate development, the Infocomm Media Development Authority and its AI-specialized subsidiary, the Verify Foundation, released *Model Governance Framework for Generative AI, Fostering a Trusted Ecosystem* in May 2024. The purpose of this framework is to “set forth a systematic and balanced approach to address generative AI concerns while continuing to facilitate innovation.” The framework is not a legal document and, as such, has no legal effect. With respect to the interaction between AI technologies and copyright, the framework does recognize the basic conflict and potential for copyright infringement, particularly at the development and training stages.

The document states that:

*From a model development perspective, the use of copyright material in training datasets and the issue of consent from copyright owners is starting to raise concerns, particularly as to remuneration and licensing to facilitate such uses. Models are also increasingly being used for generating creative output — some of which mimic the styles of existing creators and give rise to considerations of whether this would constitute fair use.*

Unfortunately, the framework does not propose any concrete solutions. Instead, it calls for further discussion and states that “policymakers should foster open dialogue amongst all relevant stakeholders to understand the impact of the fast-evolving generative AI technology, and ensure that potential solutions are balanced and in line with market realities.” The Index will continue to monitor these developments in 2025.

## Incentives for Cutting-Edge Innovation

*44. Special market exclusivity incentives for orphan medicinal product development; 45. Special market exclusivity incentives for orphan medicinal product development, term of protection; and 46. Restrictions on the effective use of existing market exclusivity incentives for orphan medicinal product development:*

Public interest in rare diseases has grown in Singapore. The Ministry of Health and related health and regulatory agencies provide support for rare disease treatment and access programs through the national health system, MediShield Life, with additional financial support coming from the Rare Disease Fund. However, with respect to research and development, there is no reference to or definition of any special IP-based market exclusivity incentives for orphan medicinal product development.