

A PRACTICAL GUIDE TO THE COPYRIGHT TRIBUNALS

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Essential information for filing each type of Copyright Tribunal case

This Guide is for general information only and is not intended to be exhaustive. It is meant to serve as a primer for parties who are considering or undergoing proceedings in the Copyright Tribunals, focusing on the practical aspects of proceedings before the Tribunals, such as key documentation, practices, and procedures. This Guide is not intended to be a substitute for the legislative text; please refer to the Copyright Tribunals (Procedure) Regulations 2021 (“**Regulations**”) for the detailed procedures governing proceedings in the Tribunals.



What are the Copyright Tribunals?

The Copyright Tribunals in Singapore (“**Tribunals**”) are independent, quasi-judicial bodies that hear licensing disputes between rights owners and users, including reviewing whether the fees charged by collective management organisations (“**CMOs**”) are reasonable.

Established under Part 10 of the Copyright Act 2021 (“**Act**”), the Tribunals provide a quick and cost-effective solution to resolving licensing disputes without the need to go through litigation in the courts. This is done in an informal setting where parties do not need to be represented by lawyers or follow strict rules of procedure or evidence.

The Tribunals do not hear copyright infringement disputes. Such disputes are heard by the courts, and only the courts can order remedies for infringement, such as damages or an injunction.

Members of the Tribunals are selected from various fields of professional expertise and appointed by the Minister for Law. This ensures that the Tribunals are equipped to address the different issues and perspectives that arise in licensing disputes. The Tribunals comprise judges, senior lawyers and specialists, academics and experts in areas such as accountancy, economics, competition law and intellectual property law. Please click [here](#) to see the membership of the Tribunals.

As Secretariat to the Tribunals, IPOs provides administrative support to the Tribunals, including processing cases brought to the Tribunals and arranging for hearings.



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What to Expect in a Case Brought before the Tribunals?

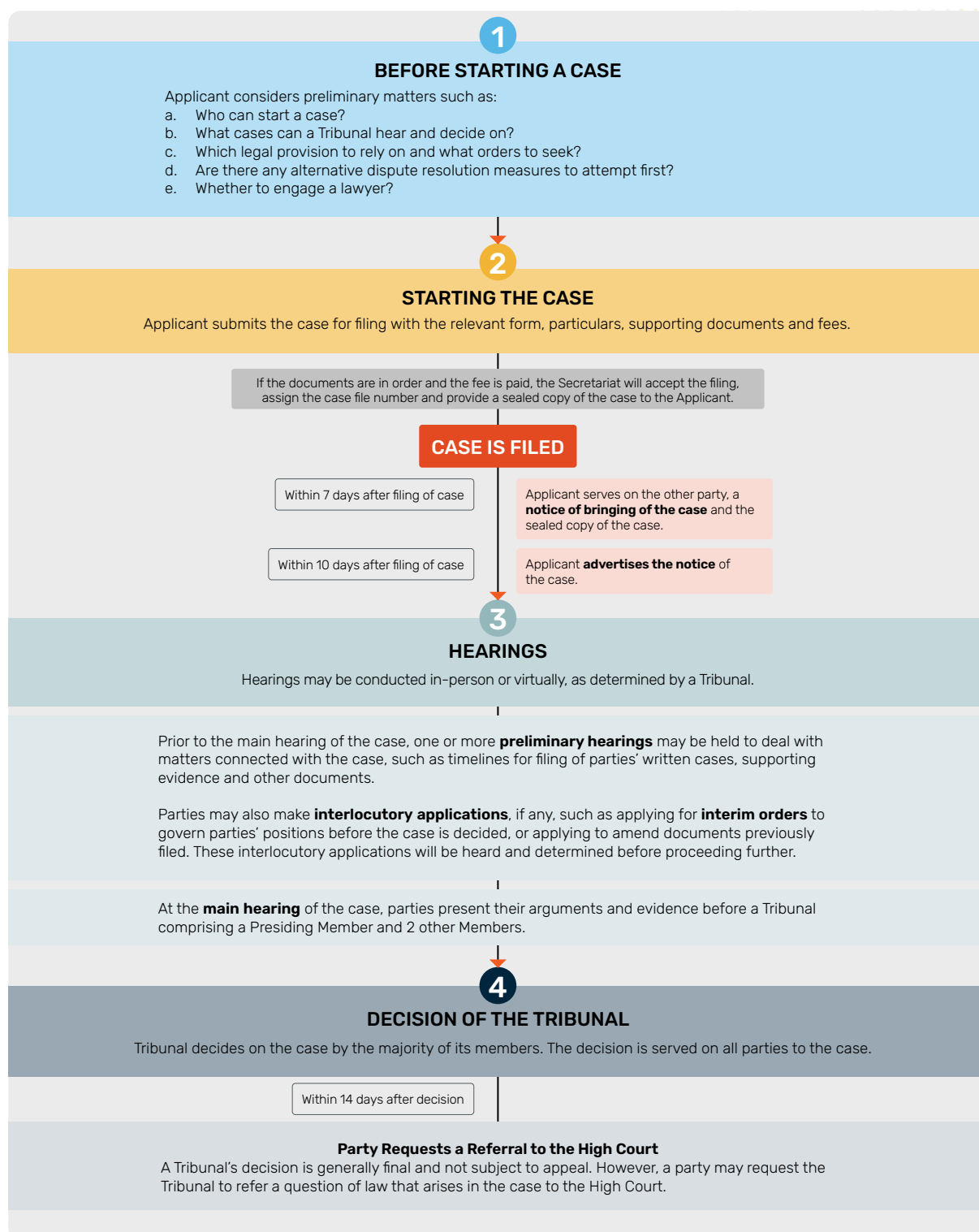
Overview of a Case

The flowchart below provides a general overview of a typical case before a Tribunal. Each stage will be explained in more detail in the subsequent sections.



How long will a case take?

The total time taken to resolve a case depends on its complexity. Simpler licensing disputes without protracted interlocutory applications may be capable of resolution within 1 year.



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Before Starting a Case

This Part elaborates on the matters to be considered before the applicant starts a case in the Copyright Tribunals.

- a. Who can start a case?
- b. What cases can a Tribunal hear and decide on?
- c. Which legal provision to rely on and what orders to seek?
- d. Are there any alternative dispute resolution measures to attempt first?
- e. Whether to engage a lawyer?

a. Who can start a case?

The main function of the Tribunals is to hear and resolve licensing disputes. Hence, those who can start a case include (with respect to the copyright work that is being licensed):

- a CMO;
- a rights owner (in the case where a rights owner does not grant a CMO the mandate to act on his/her behalf); and
- a licensee or user (including an organisation representing licensees or users).

Depending on the subject matter of the dispute, the Regulations specify the persons who can start a case in the Tribunals.¹ A party who intends to start a case should check the Regulations after identifying the type of case and the legal provision they wish to rely on.

Where an organisation brings a case on behalf of a group of persons (e.g., users), it is important for the organisation to be reasonably representative of those persons. Otherwise, a Tribunal will reject the case without even considering its merits.²

The Case Filing Toolkit in the Annex summarises the persons who can start a case under the different provisions.

b. What cases can a Tribunal hear and decide on?

The Tribunals are empowered to perform the following key functions:



Decide what is the appropriate licensing fee payable (known as “equitable remuneration”) under the Act, such as the fees for:

- playing sound recordings in public (under Section 121 of the Act); and
- copying or communicating material for educational purposes (under Section 198 of the Act).



Resolve disputes relating to tariff schemes (also known as “licence schemes”) formulated and operated by CMOs. These schemes set out the terms under which CMOs grant licences to use copyright works. Such disputes could involve:

- reviewing a CMO’s in-force tariff scheme (under Section 471 of the Act); and
- deciding on an application for a CMO to grant a licence on reasonable terms (under Section 474 of the Act).

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Before Starting a Case

c. Which legal provision to rely on and what orders to seek?

The Tribunals are empowered to hear and determine a range of cases under specific provisions of the Act. It is crucial to identify the correct legal provision to rely on as the scope of the Tribunal's powers are specific to the provision and different provisions can result in different orders with different legal effects. Please refer to the Case Filing Toolkit in the Annex for the specific legal provision and orders to apply to each case.



WHICH APPLIES IN YOUR CASE?

The 2 most common types of cases heard by the Tribunals are:

- (i) a reference to review a CMO's in-force tariff scheme (under Section 471 of the Act); and
- (ii) an application for a CMO to grant a licence on reasonable terms (under Section 474(1)(a)(ii) of the Act).

Reference to review a CMO's in-force tariff scheme



Tribunal reviews the terms of an entire class of cases under the tariff scheme.



After reviewing the scheme and having regard to what is reasonable, the Tribunal makes an order to either confirm or vary the scheme, including substituting the scheme with another scheme.



The Tribunal's order has broad effect, generally applying to all future cases in the reviewed class and extending to users that are not party to the reference.

An example of such a reference is in the Tribunal decision of *Sunvic Production Pte Ltd v Composers and Authors Society of Singapore Ltd* ("**Sunvic**")³, where the Tribunal reviewed the terms of a class of cases concerning "*licences for entertainments comprising performances of light or popular music*" and varied the scheme in issue.

Application for a CMO to grant a licence on reasonable terms



Tribunal reviews the licence terms of the CMO's tariff scheme as applied to a particular case covered by the scheme.



After considering the application and having regard to what is reasonable, the Tribunal may order the CMO to grant the user a licence on terms specified by the Tribunal.

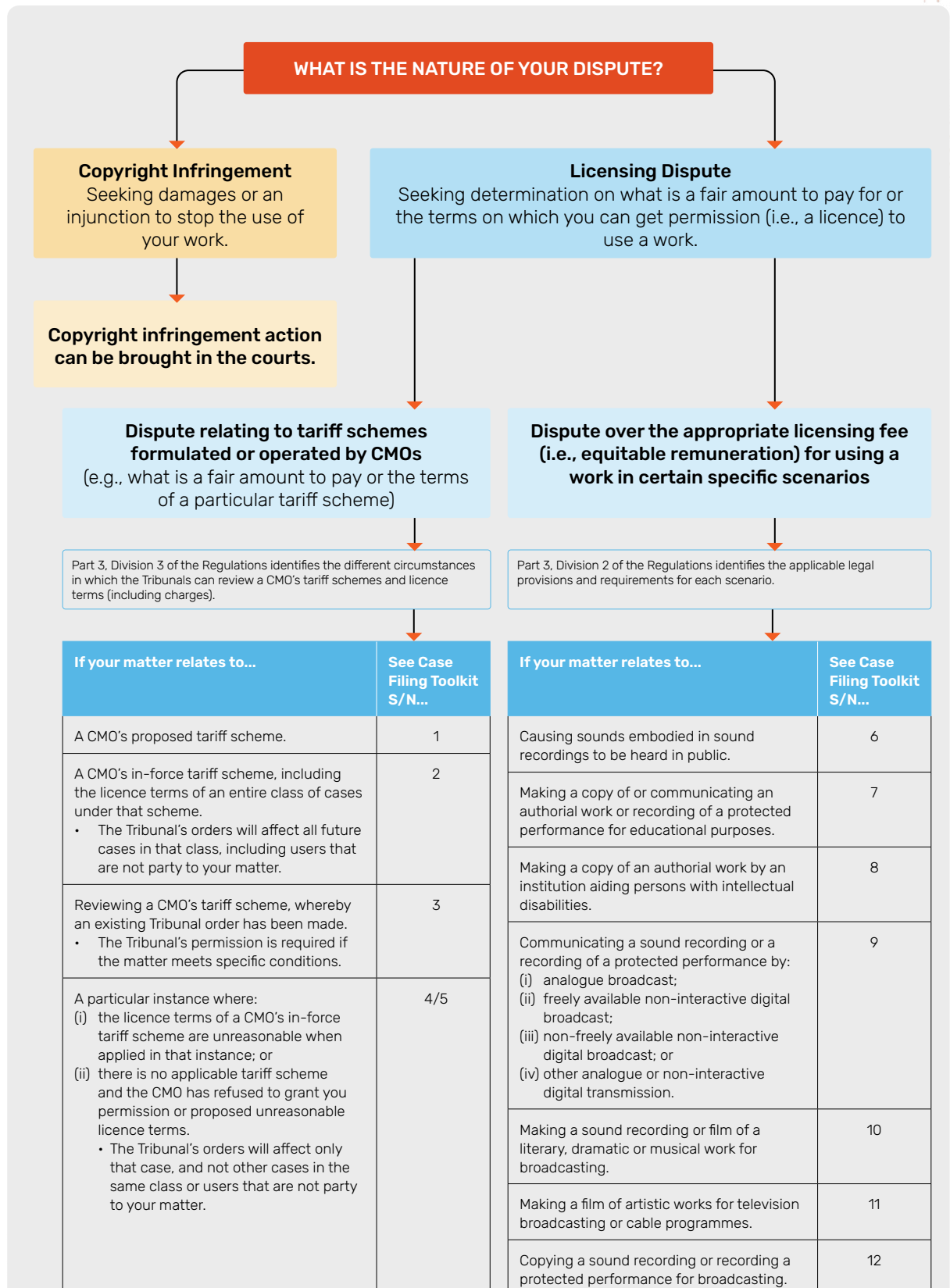


The Tribunal's order would affect only that case (and not other cases in the scheme) and will bind only the parties to the application.

Continuing the *Sunvic* case example, a dispute could relate to the licence terms applicable to a particular concert or one-off event with light or popular music performances (as opposed to all such entertainments). For example, a user may argue that a particular concert is intended for charitable purposes and hence it would be unreasonable to apply the usual tariff for "*entertainments comprising performances of light or popular music*". Instead, a licence should be granted to allow use of the music for a lower tariff as specified in the application.

1 Before Starting a Case

To identify the legal provision that you should rely on for your case, please use the flowchart below in conjunction with the Case Filing Toolkit in the Annex.



Note: This Flowchart illustrates the more commonly applicable cases that can be heard by the Copyright Tribunals and is not exhaustive. Please refer to the relevant provisions in the Act and Regulations if your matter relates to other cases.

1

Before Starting a Case

d. Are there any alternative dispute resolution measures to attempt first?

Parties are encouraged to attempt alternative dispute resolution measures, such as negotiation or mediation, before bringing a case to the Tribunals. This increases the prospects of a quick and cost-effective resolution of the licensing dispute. After a case has been brought to the Tribunals, parties are typically encouraged to attempt alternative dispute resolution, especially if they have not done so before. A party's willingness to mediate in good faith and to consider a reasonable settlement offer may affect the costs orders that are made by a Tribunal at the conclusion of a case.



IPOS collaborates with the WIPO Arbitration and Mediation Center to provide WIPO Mediation Services for copyright disputes. This includes licensing disputes between CMOs and existing or potential licensees or users. Parties may also request for such mediation services before or during a case in the Tribunals. Parties may submit a Request for WIPO Mediation to the WIPO Center in Singapore, which will then guide parties on the procedure, fees and appointment of the mediator.



TIP



If settlement is not viable, start a case early and consider the need for interim orders.

There are past cases suggesting that a Tribunal's decision applies only prospectively, i.e., as of the date of the decision, and does not have retrospective effect.⁴ Here are some tips to consider to protect your interim position and prevent rights infringement:



Start your case as early as possible

Bringing your case to the Tribunals as early as possible allows you to use the copyright works in question as soon as a Tribunal determines what terms (including any tariffs) are reasonable. Until this determination is made, the terms specified in a CMO's tariff scheme apply, and any use of the works without complying with those terms (including paying the necessary tariffs) would be a rights infringement (in the absence of any permitted use).



Seek interim orders if needed

If you need to use copyright works urgently but who cannot agree with a CMO on the terms of its tariff scheme (including applicable tariffs), you may seek urgent interim orders to govern the relative legal positions until a Tribunal decides the case. This may be done concurrently with bringing a case to the Tribunals or as soon as practicable after the case is started. Where appropriate, the interim orders may be similar to the main orders sought in the case.



Explore a range of interim arrangements

A Tribunal has wide scope and flexibility in making interim orders and can pre-emptively address foreseeable issues to make orders that will strike a fair balance between the interests of the rights owner and the user pending the resolution of the case. For example, a Tribunal may adjust the tariffs or conditions applicable to the user during the interim period, taking reference from parties' previous agreements (if any). Such orders could even establish a "retention fund", where some or all of the tariffs payable during the interim period are paid into and held in an escrow account. If the rates of the tariffs payable during the interim period exceed the rates which the Tribunal's final orders determine to be reasonable, the excess can be returned to the user.⁵



Comply with interim orders

With the interim orders in force, you can safely proceed to use the works in question. So long as you comply with the terms of the orders, you are protected from liability for rights infringement for the duration pending the Tribunal's final determination.

1 Before Starting a Case

e. Whether to engage a lawyer?

In Tribunal proceedings, any party may:

- Represent himself. An individual may appear in person to present his own case. A party who is not an individual, e.g., a company, may be represented by its director, officer or employee, with the Tribunal's permission; or
- Be represented by a lawyer. While legal representation involves additional costs, a lawyer will be able to advise a party on the correct application to make and evidence to provide, devise the case strategy, and advocate for the party during the hearing.



As a service, IPOS provides a complimentary IP Legal Clinic for you to speak to an IP lawyer to obtain preliminary legal advice.



2 Starting the Case

This Part explains the steps needed to start a case in a Copyright Tribunal. In summary, the applicant must:

- a. File the case with the relevant forms, supporting documents and fee;
- b. Serve the notice of the case on the other party; and
- c. Advertise the notice of the case.

a. File the case with the relevant form, supporting documents and fee

A person who wants to bring a case to the Tribunals must file the case with the Secretariat to the Tribunals – this includes submitting a duly completed version of the relevant form (with any supporting documents) and paying a filing fee.

The form may be submitted to the Secretariat:⁶

- by sending it via email to Copyright@ipos.gov.sg; or
- by sending it by mail or submitting it in person at the time and place below.

| | |
|----------------------|---|
| Opening hours | Monday to Friday, 8.30 am – 5.00 pm |
| Address | Intellectual Property Office of Singapore 1 Paya Lebar Link, #11-03 PLQ 1, Paya Lebar Quarter Singapore 408533 |

If you intend to submit a form in person, please inform the Secretariat at least one working day in advance to ensure that you will be attended to promptly.

A filing fee of \$200 will apply for any case to be brought before a Copyright Tribunal. Instructions for how to make payment of this fee will be provided after you submit the form.

Please click [here](#) to find the templates of the relevant forms. Details on the particulars to include for each case are provided in the Case Filing Toolkit. Examples of these particulars include:⁷

- the name of the person bringing the case;
- the general nature of the case;
- the provision of the Act and regulations under which the case is brought;
- any other particulars required by the specific regulation the case is brought under; and
- any other particulars directed by the Tribunal to include in the case.

If the above formalities have been satisfied and the documents are substantially in compliance with the Regulations, the Secretariat will accept the documents for filing and assign a case file number to the case.

Filing Date

The case will be treated as filed at the time and on the date that the Secretariat accepts the documents for filing (and not the date on which the documents are first submitted to the Secretariat).

2

Starting the Case

b. Serve the notice of the case on the other party

After the case is accepted as filed, the Secretariat will provide the person bringing the case with a sealed copy of the case (i.e. a copy of the case bearing the Tribunals' seal). The person bringing the case must then serve a notice of the bringing of the case and a sealed copy of the case on the other party within 7 days after the Filing Date.⁸

Service of the case must satisfy the general requirements in the Regulations on service of documents. For example, if the party to be served is a company with a registered office, the case may be served by leaving the documents at that office or sending it by post addressed to the company at that office.

c. Advertise the notice of the case

The person bringing the case before a Tribunal must advertise a notice of the bringing of the case within 10 days after the Filing Date.⁹ The notice must include:

- the name and address for service of the person who brought the case;
- the date on which the case was brought and the relevant case file number;
- the general nature of the case; and
- the provision of the Act and Regulations under which the case is brought.

Advertisement of the notice consists of publishing:¹⁰

- once in the *Gazette*; or
- once in an English local daily newspaper and, if the matter relates to a work in Chinese, Malay or Tamil, once in a daily newspaper of that language.

Within 14 days of the advertisement, third parties may apply to be made party to the case. The application may be dealt with at any preliminary hearing or at the main hearing.¹¹

This requirement for advertisement may be dispensed with or varied by the Presiding Member of the Tribunal.¹²



3

Hearings

This Part elaborates on the following aspects of proceedings in a Copyright Tribunal after a case is filed:

- a. Preparation for hearings
- b. Interlocutory applications and interim orders
- c. Main hearing

a. Preparation for Hearings

Constitution of a Tribunal

The Tribunal hearing a case will be made up of 3 persons, comprising:

- a Presiding Member, who is either the President or a Deputy President of the Tribunals; and
- 2 other Members of the Tribunals.

Preliminary Hearing

Any party to the case may, at or after the time the case is filed, apply for a preliminary hearing of the case for the purpose of dealing with any matter connected with the case¹³, such as timelines for filing of parties' written cases, supporting evidence and other documents. The application must specify the date on which the case was filed and the relevant case file number.

The Presiding Member may also fix a preliminary hearing of the case on his or her own motion.

When the preliminary hearing is fixed, the Secretariat will serve a notice of the time and place for the hearing on each party to the case.

Depending on the case, matters arising from a preliminary hearing may be decided by the Presiding Member sitting alone (instead of all 3 members of the Tribunal).



3

Hearings

Preparation of Evidence and Representations

Due to the informal setting of the Tribunals, rules that apply in ordinary civil proceedings may not apply strictly to Tribunal proceedings. A Tribunal is also not bound by the Evidence Act 1893 or any other rule of evidence.¹⁴

Parties will have an opportunity to present their respective cases for the Tribunal's consideration by submitting representations in writing, or being heard, or both. Parties may support their representations by providing evidence in one or more of the following ways:

- providing evidence orally or in writing under oath;
- summoning a witness before the Tribunal to give evidence or produce documents; or
- allowing or appointing an expert witness to assist the Tribunal.

A party who needs to request a witness to provide evidence before the Tribunal may do so by applying for and serving a Summons to Witness on that person using . The witness may provide evidence orally during the hearing or via a written statement which must be verified by oath or affirmation and filed. If the witness needs to attend the hearing, the requesting party must pay the costs, fees and expenses of that attendance according to the Regulations.¹⁵

TIP**A “Confidentiality Club” may be established to safeguard the confidentiality of the information provided in evidence.**

To maintain confidentiality where necessary, a Tribunal may prohibit or restrict the publication of any evidence provided (whether written, oral, private or public), including any information relating to the proceedings. In addition, where there is evidence which should not be disclosed to the other party (e.g., documents containing a party's trade secrets or sensitive financial information), the Tribunal may establish a “confidentiality club” arrangement to safeguard the confidential nature of such evidence. Under such an arrangement, the confidential evidence is provided separately and only specified persons (typically the Tribunal members and any lawyers representing the parties) can access such evidence, which cannot be used for any other purpose or disclosed to any other person.



3

Hearings

b. Interlocutory Applications, Interim Orders and Withdrawal of Case**Interlocutory Applications**

The Tribunal hearing a case may hear one or more interlocutory applications for the following matters. These applications can be heard together, and the Presiding Member may sit alone to hear and decide any interlocutory application. Interlocutory applications include applications for:

- Amendment of documents previously filed¹⁶
- Consolidation of two or more cases that are pending before a Tribunal¹⁷
- A person to be made a party to the case¹⁸
- Interim order(s) with respect to any matter relating to the case¹⁹
- Withdrawal of the case or an interlocutory application²⁰

Within 7 days of filing the interlocutory application, the applicant must serve the application on the respondent (unless the respondent's consent was obtained at the time the application was made). The respondent may then consent to the application, which must be endorsed on the application or set out in a separate document and filed. If the respondent objects to the application, they must file a notice of objection within 14 days after being served the application.²¹

**Interim Orders**

As mentioned above, a party may apply for an interim order before the Tribunal makes its final decision on the case. This order will govern parties' relative legal positions in the interim, i.e. while the case is pending before the Tribunal.

The procedure for applying for an interim order is the same as the above for the making of an interlocutory application.



Please refer to [redacted] for the application for an interim order and for the notice of objection.

Withdrawal of the Case

If a party who brings a case wishes to withdraw it, they must do so before the Tribunal has decided on the case. Save where the case is a reference²², the party must obtain the Tribunal's permission to withdraw the case. Such permission may be granted subject to any conditions that the Tribunal thinks reasonable.

The party withdrawing the case must file a notice of withdrawal and serve a sealed copy of this notice on every other party to the case. This must be done within 7 days after the Tribunal grants permission to withdraw.

3 Hearings

c. Main Hearing

Notice of Hearing

The Presiding Member will fix a time and place for the hearing of the case. When the hearing is fixed, the Secretariat will serve a notice of the time and place for the hearing on each party to the case.

Mode of Hearing

Hearings may be conducted in person or remotely via video conferencing.

By default, Tribunal proceedings are held in public. However, a Tribunal may direct that a proceeding be held in private or restrict specified individual(s) from attending a proceeding.

Burden of Proof

Past Tribunal decisions in applications for a CMO to grant a licence on reasonable terms have established that the applicant bears the burden of proving, on a balance of probabilities, that the terms of a tariff scheme are unreasonable in the circumstances.²³



3

Hearings

Reasonableness

"Reasonableness" is often a key issue that will be contested at the main hearing, such as in cases where a Tribunal reviews a CMO's in-force tariff scheme or determines an application for a CMO to grant a licence on reasonable terms. In such cases, the Tribunal makes its orders having regard to "what is reasonable in the circumstances".

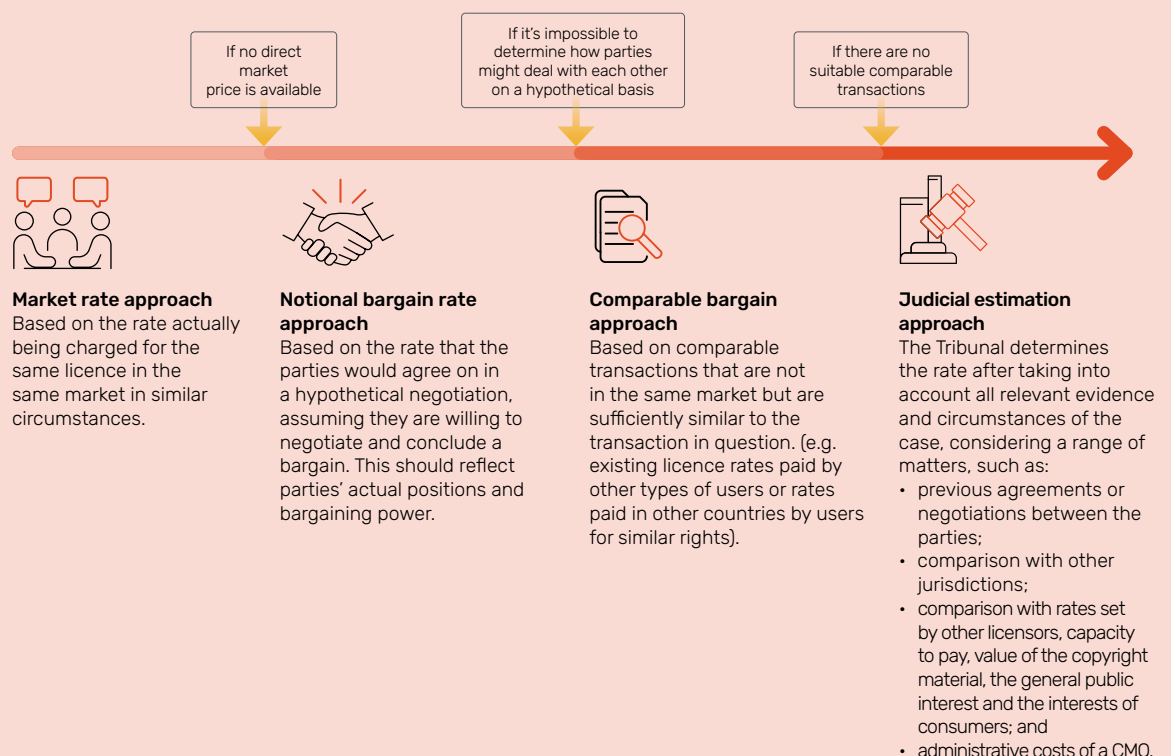
Past cases offer guidance on the Tribunals' determination of what is reasonable:²⁴

- A tariff scheme that is referred to a Tribunal is not presumed to be reasonable, even if it was in force at the material time.
- What is "reasonable" means what is fair and equitable, having regard to the particular circumstances of parties' positions in Singapore. As this cannot be determined on a purely mathematical basis, common sense and logic are good guidelines.
- A Tribunal is not bound by any decision on royalty rates from other jurisdictions. While such decisions may be helpful for comparative purposes, they must be viewed with care as the prevailing circumstances in Singapore may be different.
- Different tariff rates may fall within the scope of what is reasonable. However, the issue is whether the rate in question is reasonable or not in the circumstances, and not whether there are other rates that are (more) reasonable.
- There are different approaches the Tribunal may adopt in assessing reasonableness, which may overlap to a certain extent. The Tribunal will decide which approach is most appropriate in the circumstances of the case.



Fourfold framework for determining the approach to adopt in assessing reasonableness²⁵

The Tribunal in **SingNet v COMPASS** applied this framework, assessing the feasibility of each approach in turn. Ultimately landing on the judicial estimation approach, the Tribunal determined that the licence rate in that case was reasonable in the circumstances.



4

Tribunal Decisions and References to the High Court

This Part provides details on the following points:

- a. Decision of a Tribunal
- b. Referring a question of law to the High Court
- c. Enforcement of a Tribunal's decision

a. Decision of a Tribunal

After hearing a case, a Tribunal will give its decision and reasoning in writing. The Tribunal's decision will be made according to the opinion of the majority of its members.

A Tribunal's order depends on the specific facts of a case. For example, in a reference to review a CMO's in-force tariff scheme, a Tribunal may make an order to confirm or vary the scheme (including substituting the scheme with another). You may also refer to the Case Filing Toolkit for the possible orders you can obtain for each case.

A Tribunal may also make orders as to the costs of the proceedings. Costs will generally be awarded to the winning party of a case, subject to the Tribunal's discretion. A party's conduct during the proceedings and efforts made to resolve the dispute amicably may also affect the Tribunal's costs order.

All parties to a case will receive a copy of the Tribunal's decision. Typically, the decision will also be published on Singapore Law Watch (linked [here](#)), alongside other past decisions of the Tribunals.



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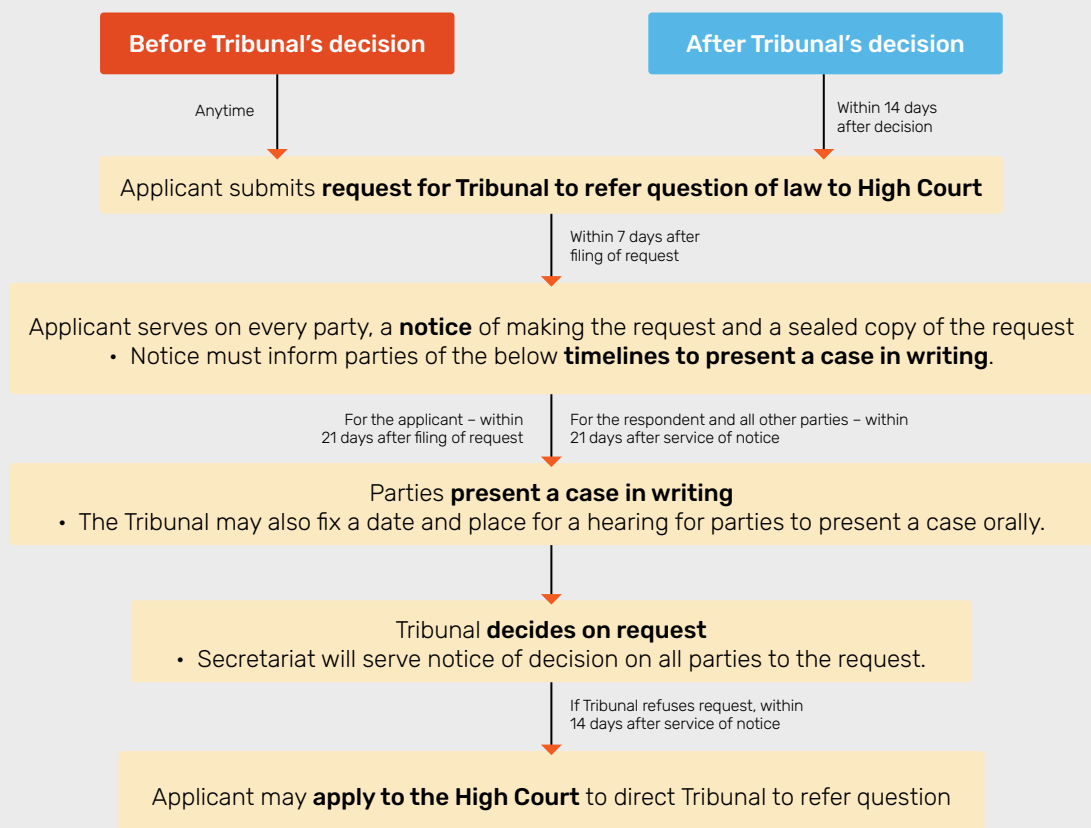
Tribunal Decisions and References to the High Court

b. Referring a Question of Law to the High Court

The decision of a Tribunal is final. However, the Tribunal may, on its own motion, or at the request of a party, refer a question of law arising in the case for the opinion of the High Court.²⁶ A party may make this request at any time before a Tribunal decides the case or within 14 days after a Tribunal decides the case. Please refer to the flowchart below for details on the procedure and timelines for referring a question of law to the High Court.

A reference may be made only for questions of law, which exclude questions on whether a Tribunal's finding of fact is justified by sufficient evidence. An example of a question of law is whether a Tribunal has the jurisdiction to make certain orders based on the interpretation of a specific provision in the Act. On the other hand, a Tribunal's finding of fact includes a finding of what is reasonable in the circumstances, based on the evidence submitted by the parties.

Procedure²⁷



4

Tribunal Decisions and References to the High Court

Effect of Reference

If a Tribunal refers a question of law to the Court before deciding on a case, the hearing of the case will be adjourned until the question referred has been heard and decided by the Court.²⁸

If the reference is made to the Court after the Tribunal has given its decision on the case, the Tribunal may suspend the operation of any order made by the Tribunal pending the reference.²⁹ In this situation, the Secretariat will serve a written notice of the suspension of the order on each party to the case.

After a reference is made, the High Court will give its opinion on the referred question of law and remit the case to the Tribunal. The Tribunal must then give effect to the opinion of the Court and for this purpose may:

- reconsider or rehear any matter in the case;
- modify or revoke any order previously made by the Tribunal; and
- make a fresh order.

The decision of the High Court on a reference is final.

c. Effect and Enforcement of a Tribunal's Decision

Any interim or final orders granted by a Tribunal must be complied with. Depending on the Tribunal's orders and the specific provisions they were made under, the effect of the decision and ways to enforce that decision may vary.

For example, in an application for a licence to be granted on reasonable terms, a Tribunal may order the CMO to grant or procure the grant of the licence required by the applicant and specify the terms of the licence. If the applicant complies with the terms specified by the Tribunal, such an order has the effect of deeming the applicant as having been granted the relevant licence. If the applicant uses the works and is subsequently sued for rights infringement, any sum payable is recoverable as a debt from the CMO.³⁰

If a party refuses to comply with an order to pay any sum which is recoverable as a debt, the debt may be enforced in the civil courts. It is recommended to engage a legal professional to obtain independent legal advice on the most appropriate way to take up or respond to such enforcement proceedings.



Annex: Case Filing Toolkit

This toolkit serves as an essential reference for anyone preparing to file a case with the Copyright Tribunals. It summarises the different types of Copyright Tribunal cases, the orders that can be obtained, and the required form and particulars for each type of case. Please click [here](#) to find the templates of the relevant forms.

| S/n | What does your case relate to | Who can start a case | What particulars should you provide | What orders can you obtain | Which legal provisions apply to you | What CT Form should you use |
|--|---|--|---|---|-------------------------------------|-----------------------------|
| References and Applications to Review a CMO's Tariff Scheme | | | | | | |
| 1. | Review of proposed tariff scheme | CMO proposing the scheme | <ul style="list-style-type: none"> Description of the nature of the scheme Works or protected performances to which the scheme and the licence granted under the scheme relate | Order to confirm or vary the scheme (including substituting it with another scheme) | Section 470, Regulation 50 | 22 |
| 2. | Review of in-force tariff scheme | <ul style="list-style-type: none"> CMO that formulated the scheme Intending user of the scheme Organisation that is representative of intending users of the scheme | <ul style="list-style-type: none"> Description of the scheme Class of cases to which the reference relates Name of the other party to the dispute and particulars of dispute Grounds of the reference | Order to confirm or vary the scheme (including substituting it with another scheme) | Section 471, Regulation 51 | 23 |
| 3. | Review of tariff scheme in respect of which an existing order has been made <i>(Additionally, the Tribunal's permission is required to bring this reference if the following conditions under Section 472(4) are met:</i> <ul style="list-style-type: none"> <i>if the existing order has indefinite effect or has an effective period of more than 15 months, and it has been less than 12 months since the order was granted; or</i> <i>if the existing order has an effective period of 15 months or less, and there are more than 3 months before it expires.)</i> | <ul style="list-style-type: none"> CMO that is operating the scheme Intending user of the scheme Organisation that is representative of intending users of the scheme | Particulars required for the reference: <ul style="list-style-type: none"> Date of the existing order and relevant case file number Class of cases to which the existing order applies Class of cases to which the reference relates Name of the other party to the dispute and particulars of dispute If permission is required, date of permission granted and relevant case file number (or attach the application for permission) | <ul style="list-style-type: none"> Order to confirm existing order Order to revoke the existing order and make a fresh order to vary the scheme (including substituting it with another scheme) | Section 472(2), Regulation 52 | 24 |
| | | | Particulars required for the application for permission to bring the reference: <ul style="list-style-type: none"> Date of the existing order and relevant case file number General nature of the scheme as previously confirmed or varied by a Tribunal Class of cases in relation to the reference the applicant wishes to make Name of the other party to the dispute and particulars of dispute Grounds on which the applicant is requesting permission to make the reference if the conditions under Section 472(4) are met | | Section 472(4), Regulation 53 | 25 |



Annex

| S/n | What does your case relate to | Who can start a case | What particulars should you provide | What orders can you obtain | Which legal provisions apply to you | What CT Form should you use |
|--|---|---|--|---|---|-----------------------------|
| References and Applications to Review a CMO's Tariff Scheme | | | | | | |
| 4. | Application for a licence to be granted on reasonable terms (where a tariff scheme applies) | User who claims that the CMO operating the scheme has: (i) refused to grant a licence; or (ii) set unreasonable terms. | <ul style="list-style-type: none">• Case in which a licence is required• Name and address of CMO operating the scheme that is applicable to the case• Details of the specific scheme and the terms that is applicable to the case• Date when the applicant has orally or in writing requested the CMO to grant a licence and whether the CMO:<ul style="list-style-type: none">(i) refused to grant a licence;(ii) failed to grant a licence within a reasonable time;or(iii) refused to grant a licence except upon terms that are unreasonable.• Grounds of the application | Order for the CMO to grant (or procure the grant of) the licence required, including specifying the terms of the licence (e.g., payment of a sum for the licence to be granted) | Section 474(1)(a), Regulations 54 – 55 | 26 |
| 5. | Application for a licence to be granted on reasonable terms (where no tariff scheme applies or is in force) | <ul style="list-style-type: none">• Intending user who claims to require a licence where no scheme applies, has been formulated or is in force• Organisation claiming to be representative of intending users requiring licenses | <ul style="list-style-type: none">• Case in which a licence is required• Name and address of CMO that is applicable to the case• Date when the applicant has orally or in writing requested the CMO to grant a licence and whether the CMO:<ul style="list-style-type: none">(i) refused to grant a licence;(ii) failed to grant a licence within a reasonable time;or(iii) refused to grant a licence except upon terms that are unreasonable.• Grounds of the application, including any terms that are claimed to be unreasonable | Order for the CMO to grant (or procure the grant of) the licence required, including specifying the terms of the licence (e.g., payment of a sum for the licence to be granted) | Section 474(1)(b), (c), Regulations 56 – 57 | 27 |



Annex

| S/n | What does your case relate to | Who can start a case | What particulars should you provide | What orders can you obtain | Which legal provisions apply to you | What CT Form should you use |
|---|--|--|---|---|-------------------------------------|-----------------------------|
| Applications to Determine Equitable Remuneration | | | | | | |
| 6. | For causing sounds embodied in a sound recording to be heard in public | <ul style="list-style-type: none"> Copyright owner of the sound recording Person who causes the sound recording to be heard in public | <ul style="list-style-type: none"> Name of copyright owner to be equitably remunerated Details of the sound recording Details of causing the sound recording to be heard in public Grounds of the application | Order deciding the amount of equitable remuneration | Section 121, Regulation 39 | 12 |
| 7. | For copying or communicating an authorial work or recording of a protected performance for educational purposes | <ul style="list-style-type: none"> Copyright owner of the work / rights owner of the protected performance Body administering the educational institution | <ul style="list-style-type: none"> Name of the copyright / rights owner to be equitably remunerated Details of the work or recording of the protected performance Grounds of the application | Order deciding the amount of equitable remuneration | Section 198, Regulation 40 | 13 |
| 8. | For copying an authorial work by an institution aiding persons with intellectual disabilities | <ul style="list-style-type: none"> Copyright owner of the work Body administering the institution aiding persons with intellectual disabilities | <ul style="list-style-type: none"> Name of the copyright owner to be equitably remunerated Details of the work Details of the copy made Grounds of the application | Order deciding the amount of equitable remuneration | Section 217, Regulation 41 | 14 |
| 9. | For communicating a sound recording or a recording of a protected performance by: | <ul style="list-style-type: none"> Copyright owner of the sound recording / rights owner of the protected performance Person who communicates the recording | <ul style="list-style-type: none"> Name of the copyright / rights owner to be equitably remunerated Details of the recording Details of the communication Grounds of the application | Order deciding the amount of equitable remuneration | | |
| | (i) analogue broadcast; | | | | Section 246, Regulation 42 | 15 |
| | (ii) freely available non-interactive digital broadcast; | | | | Section 247(2), Regulation 43 | 16 |
| | (iii) non-freely available non-interactive digital broadcast; or | | | | Section 247(4), Regulation 44 | 17 |
| | (iv) other analogue or non-interactive digital transmission. | | | | Section 248, Regulation 45 | 18 |
| 10. | For making a sound recording or film of a literary, dramatic or musical work for broadcasting | <ul style="list-style-type: none"> Copyright owner of the work Person who makes the sound recording or film | <ul style="list-style-type: none"> Name of copyright owner to be equitably remunerated Details of the work Details of the sound recording or film Grounds of the application | Order deciding the amount of equitable remuneration | Section 251, Regulation 46 | 19 |
| 11. | For making a film of artistic works for television broadcasting or cable programmes | <ul style="list-style-type: none"> Copyright owner of the work Person who makes the film | <ul style="list-style-type: none"> Name of copyright owner to be equitably remunerated Details of the work Details of the film Grounds of the application | Order deciding the amount of equitable remuneration | Section 252, Regulation 47 | 20 |
| 12. | For (a) copying a sound recording or a recording of a protected performance, or (b) recording a protected performance live, for broadcasting | <ul style="list-style-type: none"> Copyright owner of the sound recording / rights owner of the protected performance Person who makes the copy of the sound recording or recording of the protected performance Person who makes the live recording of the protected performance | <ul style="list-style-type: none"> Name of copyright / rights owner to be equitably remunerated Details of the sound recording, recording of the protected performance, or the live protected performance Details of the copy of the sound recording, copy of the recording of the protected performance, or the live recording of the protected performance Grounds of the application | Order deciding the amount of equitable remuneration | Section 253, Regulation 48 | 21 |



Annex

| S/n | What does your case relate to | Who can start a case | What particulars should you provide | What orders can you obtain | Which legal provisions apply to you | What CT Form should you use |
|---------------------------|---|--|---|---|--|-----------------------------|
| Other Applications | | | | | | |
| 13. | Application to revoke suspension order against a body administering an educational institution for contravention of record keeping requirements <i>(This application applies if the Tribunal has made an order suspending the application of Section 198, on application by the Attorney-General, due to the conviction of record keeping offences.)</i> | Body administering the educational institution in respect of which the suspension order was made | <ul style="list-style-type: none"> Date of the suspension order made (annexing a certified copy of that order) Grounds of the application, including details of the steps taken since the making of the order to ensure that no further contravention of any record-keeping offence will be committed | Order to revoke the suspension order | Section 199, Regulation 60 | 29 |
| 14. | Application to decide terms for doing a public act in relation to a work or protected performance | <ul style="list-style-type: none"> Copyright owner of the work / rights owner of the protected performance Government of Singapore | <ul style="list-style-type: none"> Name of the copyright / rights owner Details of the work or protected performance Details of the public act under Section 285(1) that the Government has done or proposes to do Grounds of the application | Order deciding terms for doing the public act | Section 286, Regulation 61 | 30 |
| 15. | Application to apportion royalty for inclusion of literary or dramatic work in musical records | <ul style="list-style-type: none"> Copyright owner of the musical work Copyright owner of the literary or dramatic work | <ul style="list-style-type: none"> Details of the musical work Details of the literary or dramatic work Details of the musical record Grounds of the application | Order apportioning the royalty payable between the copyright owners | Section 261, Regulation 62, Regulation 5(3)(d) of the Copyright (Royalties for Musical Records) Regulations 2021 | 31 |
| 16. | Application to decide manner and time for payment of royalty for inclusion of work in musical records | <ul style="list-style-type: none"> Copyright owner of the musical, literary or dramatic work Person who makes the record of the musical record | <ul style="list-style-type: none"> Details of the included work Details of the record of the included work Particulars of the royalty payable as prescribed under the Copyright (Royalties for Musical Records) Regulations 2021 Manner and/or time for payment of the prescribed royalty Grounds of the application | Order determining manner and/or time for payment of royalty | Section 260 and 261, Regulation 63, Regulation 65(1)(b) or 67(5)(b) of the Copyright Regulations 2021 | 32 |

Note: Unless otherwise stated, the references to the legal provisions are to the Copyright Act 2021 and the Copyright Tribunals (Procedure) Regulations 2021.



Annex

Notes

¹ See Part 3 of the Regulations.

² See Section 471(3) and Section 474(3) of the Act.

³ See *Sunvic Production Pte Ltd v Composers and Authors Society of Singapore Ltd* [1993] SGCRT 1 (“**Sunvic**”).

⁴ For example, in *Composers and Authors Society of Singapore Ltd v SingNet Pte Ltd* [2020] SGHC 220, the High Court held that the Tribunals have no jurisdiction to make retrospective orders in applications made under Sections 163(2) and 163(6)(b) of the Copyright Act 1987 (now Sections 474(1) and 474(4) of the Copyright Act 2021). This referenced the Tribunal’s decision in *Sunvic*, which also held that it had no jurisdiction to make retrospective final and interim orders under the same sections of the 1987 Act.

⁵ See *Composers and Authors Society of Singapore Ltd v SingNet Pte Ltd* [2020] SGHC 220 at [51] – [52].

⁶ See Regulation 6.

⁷ See Regulation 27.

⁸ See Regulation 28.

⁹ See Regulation 29.

¹⁰ See Regulation 5.

¹¹ See Regulation 34.

¹² See Regulation 29(3).

¹³ See Regulation 30.

¹⁴ See Section 491 of the Act.

¹⁵ See Second Schedule of the Regulations for the scale of witnesses’ costs, fees and expenses.

¹⁶ See Regulation 32.

¹⁷ See Regulation 33.

¹⁸ See Regulation 34.

¹⁹ See Regulation 35.

²⁰ See Regulation 37.

²¹ See Regulation 35(3) – (8).

²² See Sections 470(4), 471(6) and 472(8) for when a reference may be withdrawn under the Act.

²³ See for example, *Singnet Pte Ltd v Composers and Authors Society of Singapore* [2021] SGCRT 1 (“**SingNet v COMPASS**”) at [15] – [16].

²⁴ See for example, *SingNet v COMPASS* at [33] – [37]. This was in the context of an application for a CMO to grant a licence on reasonable terms.

²⁵ See *SingNet v COMPASS* at [38] – [71].

²⁶ See Section 494 of the Act.

²⁷ See Regulation 70.

²⁸ See Regulation 72.

²⁹ See Regulation 73.

³⁰ See Section 474(4) – (8) of the Act.



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