

FAQs on Copyright and Web Courseware

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The University's rules on copyright ownership

A copy of the University's Rules Relating to Inventions, Innovations and Other Works (the "Rules") can be found under the Staff Handbook online or via the link on the "Web Course Ownership Policies and Copyright Issues" homepage.

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Application of the University's Rules to Web Courseware developed by University staff

Web Courseware as used in this FAQ means course materials that have been converted into interactive web-based courses or CD-ROMs for learning and teaching purposes.

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14. I would like to commercialise my web courseware but it includes a third party's commercial data/software/system/components. Will there be a problem with this?

General questions on copyright

1. What is copyright?

Copyright law in Singapore is governed by the Copyright Act ("the Act") and gives the copyright owner the exclusive right to do certain things in relation to a work, such as to reproduce the work, to publish the work or to perform the work in public.

The copyright owner also has the right to prevent others from copying the work without his/her consent.



2. What does copyright protect?

Copyright protects the original expression of an idea, and not the ideas themselves. Facts and ideas cannot be copyrighted. An original work is protected as long as there is some amount of intellectual effort, labour and skill involved in its creation.

For a "work" to be protected by copyright, the work must fall within one of the established categories of works, such as literary works, musical works, sound recordings or cinematograph films.

The source code of computer programs are considered literary works under the Act. The graphic display and layout of computer programs and web pages are considered as compilations, which are also viewed as literary works. Copyright protection is conferred on the web page as a whole. The individual materials found on a web page may have independent copyrights attached to them.



3. Is any registration necessary to obtain copyright protection?

No registration is required for copyright protection. Copyright to a work arises as soon as the original expression is reduced into a "material form".

The © symbol does not carry with it any legal significance but does indicate that the author is asserting his claim to the copyright in the work. The copyright notice will also be useful to inform others as to who owns the copyright and who to contact to obtain consent to copy the work.



4. What is the length of copyright protection?

The length of copyright protection varies according to the type of protected work. For a literary work, copyright will last the later of 50 years after the death of the author or 50 years from the first publication of the work.



5. What is considered an infringement of copyright?

There will be infringement of copyright if you do something with the work that only the copyright owner has the exclusive right to do. In relation to the right to make a copy of the work, there will be an infringement where a substantial part of the work is copied. There is no infringement if a person independently creates a work, even if that work turns out to be identical to another copyrighted work.

It is also a violation of copyright if one for example sells or imports for sale any copyrighted work without the consent of the copyright owner.



6. What is not considered an infringement of copyright?

The Copyright Act allows a certain amount of copying under certain situations deemed as fair dealings of the work, for e.g. the copying of a reasonable portion of a work for the purpose of research or private study. The Act deems it fair dealing if no more than 10% of a literary work has been copied. The Act also provides that the act of browsing copyrighted material made available on the internet by users is not copyright infringement.

The University's Library also highlights to its users in its Rules the permissible copying of the works contained in the Library that will not be considered an infringement of copyright. The Rules can be found at www.lib.nus.edu.sg/guides/rules/rule_f.html



7. Who is the owner of the copyright in a work?

Ownership of copyright to a work will belong to the author or creator of the work subject to any other agreement to the contrary. In general, the employer will own the works of an employee under the employment contract if the work was created in the course of employment.

Further general information on copyright in Singapore can be found at the Intellectual Property Office of Singapore's website at www.ipos.gov.sg.



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The University's rules on copyright ownership

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1. What types of works fall under the copyright rules of the University?

Under the Rules, "Copyrighted Work" means all and any books, journal articles, texts, glossaries, bibliographies, study guides, laboratory materials, syllabi, tests, proposals, lectures, musical or dramatic compositions and unpublished scripts, films, film strips, charts, transparencies and other visual aids, audio-visual material, live video or audio broadcasts and programmed instruction materials, but does not include any of the foregoing that is created otherwise than in the course and for the purposes of a University Member's employment with the University.



2. Under what circumstances will the ownership of the copyright reside in the University?

The University owns all copyright of works where the work is developed:

- in the course or furtherance of University Research;
- using University Support;
- in the course of participation in a research project funded by or through the University;
- with the assistance of funds provided by and through the University;
- with the substantial use of the University's facilities and materials;
- in fulfilment of the staff member's contract of employment with the University;
- for the purpose of commercial exploitation if such work falls within the area of expertise for which the staff member was hired by the University or is related to his duties as a staff member.



Application of the University's Rules to Web Courseware developed by University staff

Web Courseware as used in this FAQ means course materials that have been converted into interactive web-based courses or CD-ROMs for learning and teaching purposes.

1. Who owns the copyright to web courseware that I have developed as a staff member of the University?

The copyright rules of the University will similarly apply to Web Courseware developed by a staff member of the University.

Any work developed outside the situations specified in the Rules belong to the author/developer and the work can be dealt with at the discretion of the author/developer.



2. Is a formal assignment necessary to assign copyright in the web courseware to the University?

As the Rules Relating to Inventions, Innovations and Other Works is part of the employment contract of a staff member with the University, any work created or developed by the staff member that fall within the Rules belongs to the University. Copyright automatically arises when the work is created and reduced into a material form.

A formal assignment may be necessary where there is a specific piece of work that has been created and the ownership of the copyright has to be clear, for example, where the work will be published by an external party.



3. How do I go about commercialising web courseware I have developed as a staff member of the University?

If you would like to commercialise the web courseware, you should contact the staff at INTRO as INTRO is the department within the University that is responsible for managing, protecting and commercialising University's intellectual property, which includes copyright. Enquiries can be e-mailed to INTRO at intbox1@nus.edu.sg and the appropriate INTRO officer will then contact you.

INTRO will consider your commercialisation plans to ensure that it does not conflict with the University's interests or policies. The rights to the web courseware may then be released back to you for future commercialisation on terms and conditions determined on a case-by-case basis. The University reserves the first right to commercialise the web courseware.



4. Who should I contact if a party interested in commercialising the web courseware has approached me?

You should contact the staff at INTRO. Enquiries can be e-mailed to INTRO at intbox1@nus.edu.sg and the appropriate INTRO officer will then contact you. INTRO will negotiate with the interested third party the terms of the license of the web courseware.

Director, INTRO, is also the designated official who has the authority to sign on behalf of the University, all agreements that have an impact on the University's intellectual property.



5. If the University commercialises web courseware developed by a staff member, will the staff member have a share of any income received from such commercialisation?

The University's rules on sharing any commercialisation income will apply. The Rules currently provides that the creators of the work will have a 50% share of any net revenues obtained from the commercialisation of the work by the University. The Faculty will receive 30% and the University 20% of the net revenue.



6. Should courseware developers such as CIT/ITU instructional and graphic designers be compensated if the courseware is commercialised by either the University or the staff member where the rights to the courseware have been released back to the staff member?

Generally, such courseware developers are contracted on a "work-for-hire" basis and the contract will usually provide that all intellectual and property rights to the work created will belong to the contractor i. e. the University in this case. The contract price will usually be the full consideration for the work done unless other forms of compensation are also negotiated between the two parties.



7. Where a staff member has developed web courseware that fall under the Rules, can the University require that another staff member also be allowed to use the courseware for teaching purposes?

Yes, as the rights to the web courseware resides in the University. The University will consider determine the reasonableness of such use on a case-by-case basis.



8. Where a staff member leaves the University, can the staff member continue to use the web courseware?

The ex-staff member may continue to use the web courseware for his/her own personal use. If the ex-staff member would like to use the web courseware for non-commercial teaching purposes elsewhere, the educational institution in question should obtain the necessary approvals from the University - see

further point 9 below.



9. If another educational institution is interested in the web courseware, will it be necessary for that institution to obtain approval from the University to use the web courseware?

Yes, the educational institution should obtain the necessary approvals and an agreement setting out the terms of use should be in place. The consent to other parties to use the web courseware has to be accompanied by the necessary disclaimers of warranties and/or liabilities to protect the University. INTRO will handle the finalisation of the agreement. The University Faculty / Department concerned will be consulted as they have an interest in the web courseware.



10. What are the means of protecting the contents of a web courseware?

A copyright notice puts the reader/user on notice that the owner is asserting his/her claim to the copyright in the work.

Terms of use of the copyrighted work can also be spelt out, for e.g. limited copying may be allowed for educational purposes or that the material is being made freely available to the public.

There are technological means of protecting intellectual property rights in digital content commerce, for e.g. through the use of digital signatures or watermarks.



11. I would like to include teaching content from another educational institution into my courseware. How do I ensure I do not infringe another's copyright?

Infringement occurs where someone does one of the things that only the copyright owner has the exclusive right to do.

There are exceptions to infringements - please see [point 5](#) under "General questions on copyright".

References to another's work will not be infringing copyright. Full acknowledgement should be made when there has been use of another's work or ideas incorporated in that work. Even if the copying may not be considered an infringement of copyright, plagiarism is a serious matter in the eyes of the University.

If you are unsure whether the copying of part of the work would constitute an infringement of copyright, it would always be safer to obtain permission from the copyright owner.



12. Will I infringe the copyright in another's website if I hyperlink my website that website?

There may be no infringement if you are merely directing your user to the URL of the other website. However, if linking results in a copy of another's website or webpage being made on your website, this may be considered an infringement if no prior consent has been obtained to do so.



13. I have developed a web courseware on my own time and using my own resources at home. I have also personally financed further development of the courseware by a third party. I have also used the web courseware to teach at the University. Who owns the rights to the web courseware?

As the web courseware was developed on your own time and with your own resources, the rights to it would generally belong to you. However the fact that you have used it to teach at the University may bring up the issue as to whether the web courseware was actually developed for the purposes of your employment with the University, in which case the University may have rights to the courseware. This will have to be determined on a case-by-case basis depending on the facts of each case.



14. I would like to commercialise my web courseware but it includes a third party's commercial data/software/system/components. Will there be a problem with this?

Appropriate licenses or permissions to use such components for a commercial purpose may be required. This will very much depend on the user licenses that accompanied the provision of such components. Do check the terms of such components and what kind of use is permitted. If web courseware is to be commercialised by the University, please highlight to the University if such components are incorporated and the University can then look further into the matter.



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