

Asia Internet Coalition (AIC) Industry Submission Public Consultation on Prescribed Exceptions in Part 6, Division 1 of The Copyright Regulations 2021

2 June 2024

To
The Intellectual Property Policy Division
Ministry of Law
100 High Street, #08-02, The Treasury
Singapore 179434

The [Asia Internet Coalition \(AIC\)](#) and its members express our sincere gratitude to the Ministry of Law and Intellectual Property Office of Singapore (IPOS) for the opportunity to submit industry comments on the [Public Consultation on Prescribed Exceptions in Part 6, Division 1 of The Copyright Regulations 2021](#). The AIC is leading industry association of global Internet and technology companies. AIC seeks to promote the understanding and resolution of Internet and ICT policy issues in the Asia Pacific region.

We commend Ministry of Law and IPOS for steering the consultation seeking feedback regarding situations in which users should be allowed to bypass technological measures controlling access to copyrighted works. The consultation regarding proposed exceptions would authorize the circumvention of technological measures designed to secure access to copyrighted works and performances. The newly proposed exceptions aim to "permit the use of copyright works and protected performances for computational data analysis," thus enabling technology firms, including AI enterprises, to lawfully deactivate anti-circumvention technologies within copyrighted materials for the purpose of computational data analysis. This development is particularly significant as it builds upon Singapore's existing, notably broad Text and data mining (TDM) exception.

While we support these efforts, we also wish to express our comments and recommendations. As such, please find below detailed comments and recommendations, which we would respectfully request the Ministry to consider.

Comments and recommendations

1. **Support for New Exception (Part 5, Div 8):** We endorse the proposed new exception under Part 5, Division 8, which permits the circumvention of technological protection measures (TPMs) for computational data analysis purposes. This exception is essential for advancing AI technologies responsibly, enabling efficient model training while respecting copyright frameworks.
2. **Clarity in Regulatory Framework:** The absence of an exception for computational analysis creates a disjointed regulatory landscape where conflicting laws may grant Text and Data Mining (TDM) rights but simultaneously prohibit their exercise. This ambiguity risks stifling investment and innovation in AI technologies. We emphasize the need for clear and coherent TPM laws that explicitly allow circumvention for fair use and TDM exceptions, ensuring legal certainty for stakeholders.

3. **Support for Rights Holders and Legal Frameworks:** We affirm our commitment to supporting rights holders and content creators, alongside established legal frameworks that foster the development of innovative services. Large Language Models (LLMs) utilize data from diverse sources, including licensed, proprietary, open-source, and publicly available datasets, adhering to rigorous industry standards in data collection practices. As this field evolves, maintaining these practices is paramount to upholding ethical and legal guidelines.
4. **Nature of AI Training and Copyright:** AI training involves non-expressive uses of copyrighted materials, focusing on pattern detection and correlation extraction that do not infringe upon the expressive rights protected by copyright law. Recognizing this distinction is crucial for ensuring that AI technologies can evolve while respecting intellectual property rights.
5. **Caution in Legislative and Policy Development:** Given the nascent stage of generative AI technologies, we appreciate policymakers' ongoing efforts to understand and regulate these innovations. It is imperative to exercise caution in introducing new legislative or policy measures to prevent unintended consequences as legal precedents and technological capabilities evolve. We advocate for a balanced approach that supports the growth of innovative and beneficial technologies while safeguarding broader societal interests.

We are grateful to the Ministry and IPOS for upholding a transparent, multi-stakeholder approach and further welcome the opportunity to offer our inputs and insights, directly through industry meetings and participating in the official consultations / workshops.

Should you have any questions or need clarification on any of the recommendations, please do not hesitate to contact our Secretariat Mr. Sarthak Luthra at Secretariat@aicasia.org or at +65 8739 1490.

Thank you,

Sincerely,



Jeff Paine
Managing Director
Asia Internet Coalition (AIC)