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Contents

- MediaCorp wins copyright claim
- New rule on termination fees
- CCS issued Sistic with PID
- Third-Party Casino Exclusion announced
- Blogger sued for defamation
- Pay before you play
- Postponement of execution valid
- Prosecuting medical misconduct
- Lawyer's private conduct probed
- Casino's claim denied
- Stricter rules for corporate governance
- Fee protection for private schools
- Couples to pick child's race
- Queen's Counsel in Singapore

This edition highlights the decision of RecordTV's suit against MediaCorp and Caesar's Palace's failed debt claim. Other notable news are CCS' investigations involving Sistic, new rules on telco termination charges and the arrival of English barristers and Queen's Counsel in March this year.

MediaCorp wins copyright claim

MediaCorp, was sued by RecordTV in 2007 after the former sent two "cease and desist" letters, which "stated the consequences" of alleged copyright infringements by the latter. RecordTV sued MediaCorp for issuing groundless threats of infringement but MediaCorp counterclaimed against RecordTV for copyright infringement and succeeded. The court found that even though RecordTV was not liable for making infringing copies of MediaCorp's Broadcasts and Films, it was guilty for authorising the making of copies by its customers.

New rule on termination fees

From 1 March 2010, service contracts for mobile phone and broadband offered by telcos must be capped at 2 years and the termination fees charged for early termination should be reduced gradually i.e. the amount to be reduced to reflect the balance term of the contract.

CCS issued Sistic with PID

Sistic has been issued with a Proposed Infringement Decision (PID) for contravening Section 47 of the

Competition Act. The PID was issued by the Competition Commission of Singapore (CCS) based on the separate agreements entered into by Sistic with The Esplanade Co and the Singapore Sports Council which explicitly require Sistic to be the sole ticketing agent for any events held at the Esplanade and the Singapore Indoor Stadium. These agreements resulted in event organisers that intend to hold events at both venues to be compelled to sell tickets through Sistic. Sistic has been given an opportunity to respond and file counter-arguments before a final decision on infringement is reached.

Third-Party Casino Exclusion announced

The Third-Party Casino Exclusion, which automatically bars undischarged bankrupts and members of households who are receiving public assistance from entering casinos was announced by the National Council on Problem Gambling. The exclusion will remain in effect until a person is discharged from bankruptcy or the household is no longer receiving public assistance. People may check whether they are subject to the exclusions by logging on to www.ncpg.org.sg. Exclusion

orders will be confidential and will not be disclosed to employers or potential employers.

Blogger sued for defamation

A blogger who claimed that a teacher had accepted bribes has been sued for defamation. The teacher asked for aggravated damages as the blogger failed to remove the article in her blog posted on 9 December 2009. This is the first case of such a nature before the High Court and the Assistant Registrar had ruled in favour of the teacher.

Pay before you play

The Composers and Authors Society of Singapore has stepped up their efforts to prevent the illegal use of copyrighted music for weddings and other occasions. Letters have been sent to wedding photographers and videographers requesting them to buy the licenses for the songs they want to use for wedding montages and other presentations or risk the penalties of copyright infringement.

Postponement of execution valid

The Court of Appeal rejected a claim made by the Attorney-General's Chambers that the High Court had no authority to postpone the execution of Yong Vui Kong, a convicted drug trafficker. Yong was sentenced to death in November last year for trafficking 47g of heroin and was scheduled to be hanged on 4 December 2009. Yong withdrew his previous appeal and his application for a presidential pardon has been refused. The Court granted a stay of execution until the

outcome of his appeal is determined.

Prosecuting medical misconduct

Generally, criminal prosecution of medical misconduct will depend on issues like the need to deter and prevent the practitioner or others from doing or repeating the act, the need to protect the public, and the extent of the harm or injury caused. The behaviour of the wrongdoer i.e. whether he acted intentionally, rashly or negligently will also be considered. Cases involving minor harm are best dealt with by the Singapore Medical Council.

Lawyer's private conduct probed

A lawyer who hurled insults at a school teacher during a private meeting was sufficient for a disciplinary tribunal to refer her case to a Court of Three Judges. Even though her conduct was in her personal capacity within a domestic and private matter, the Legal Profession Act extends to misconduct carried out by lawyers in their private as well as professional capacities.

Casino's claim denied

The Court of Appeal recently ruled that a US Court's judgment in favour of Caesar's Palace for payment of a large gambling debt could not be enforced here. There is a limitation period of six years for the enforcement of a foreign judgment. Caesar's Palace should have applied for a judgment to recover a fixed sum of money owed, and not the recovery of the debtor's property.

Stricter rules for corporate governance

SGX has proposed some new rules as safeguards against poor governance for listed companies with large overseas operations. SGX aims to have more disclosure over changes in control of companies and holding those in control more accountable to their duties.

It seeks to have the right to publicly object to the appointment of key executive officers or directors who have been uncooperative or have breached regulations; proposes that shareholders should publicise their pledged shares when the total stake is at least 30%, when an enforcement may cause the company to breach loan covenants, or when the controlling shareholder is the single-largest and has pledged at least half of his stake. It also wants to ban the transfer of shares in a company under trading suspension.

Fee protection for private schools

The Council for Private Education introduced new regulations for the protection of student fees in private schools. Schools can either limit school fees' collection to a maximum of two months or purchase fee insurance protection for their students under an industry wide scheme. This will protect students in the event their schools shut down abruptly.

Couples to pick child's race

From 2 January 2010, mixed marriage couples can pick their child's race at birth. The child is allowed to take on either parent's race, as opposed to the current default of following the father.

However, if parents cannot decide on the child's race when they register the child at birth, the child will take on the father's race until he reached the age of 15, when the race can be changed for the

purpose of the child's identity card.

Queen's Counsel in Singapore

Two groups of Queen's Counsel from London are opening offices here next

month, boosting Singapore as a global arbitration hub. 20 Essex Street and Essex Court are located at Maxwell Chambers and boast 47 barristers focusing on litigation and arbitration, 16 of whom are Queen's Counsel.

Keystone Law Corporation is a boutique technology law firm with an emphasis on information technology, telecommunications, competition and dispute resolution, in the areas of commercial and construction arbitration and litigation. The firm is committed to client care based on its principles of hard work, integrity, competence, responsiveness and reasonableness.

The firm is recommended for its work in Information Technology and Intellectual Property by Legal 500, Asia-Pacific 2005/2006, 2006/2007 and 2007/2008 Editions.

The information contained in this newsletter is correct to the best of our knowledge and belief at the time of writing. Specific professional advice on such information should be sought before any action is taken.

If you are interested in any of the topics presented in this newsletter, please contact us using the contact information in the box on the right.

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