

REGIONAL SEMINAR ON BUILDING AWARENESS OF THE PRINCIPLES AND FUNCTIONS OF COPYRIGHT IN TODAY'S CHANGING ENVIRONMENT



RIGHTS HOLDER AND GOVERNMENT PERSPECTIVE ON TRANSPARENCY, ACCOUNTABILITY, GOOD GOVERNANCE (TAG)

**Mr. Mohd Syaufiq Abdul Latif
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**Copyright Division,
Intellectual Property Corporation of Malaysia (MyIPO)**



BEFORE

AFTER

**COPYRIGHT
LAW
AMENDMENT
2012**

**DECLARATION BY
COPYRIGHT
CONTROLLER**

MACP

**1989
MACP BHD
[Composers, Lyricist,
Music Publisher]**

**SEPT 2012
MACP BHD**

**MAR 2013
PPM SDN
BHD**

**MAR 2013
RPM BHD
[Performer]**



MILESTONES OF LICENSING BODY IN MALAYSIA

**1988
PPM SDN BHD
[Recording
Company]**

PPM

LINKING MUSIC
WITH BUSINESS

**2001
PRISM SDN BHD
[Performer]**

**JUL 2013
PRISM BHD
[Performer]**



NOTES:

MACP : Malaysia Authors' Copyright Protection

PPM : Public Performance Malaysia

RPM : Recording Performers Malaysia

PRISM : Performers' Rights Interest Society Malaysia

COPYRIGHT LAW AMENDMENT 2012

New Provision: Section 27A

Regulating Licensing Bodies

Definition & Function of the Licensing Body

Any Licensing Body which fails to meet its obligation after being declared will be revoked

Government have a statutory function to monitor licensing body by way of declaration and revocation

Any organization who collect without declared as a licensing body

**Penalty not more
RM500,000 (USD128,000)**



SECTION 27A, LICENSING BODY COPYRIGHT ACT 1987

COMPLIANCE

27A (2)

An **application** for a declaration shall be made in such form and on such medium as the **Controller may determine** which shall contain the following information:

- (a) The applicant's **constituent document**, which has as its **main object**, or one of its main objects, **the negotiation or granting**, either as owner or prospective owner of copyright or as agent for him, of copyright licences, and whose objects also include the granting of licences covering works of more than one author; and
- (b) **The list of copyright owners or their agents** who are **members of the applicant**.

27A (3)

Upon **receipt of an application**, **the Controller may declare an applicant to be a licensing body** and issue a declaration in writing to that effect to the said applicant.

27A (4)

Notwithstanding subsection (3), **the Controller** shall **refuse** an application if **the information** provided by the applicant pursuant to subsection (2) **is insufficient or unsatisfactory** to show that the applicant is **fit and proper to be a licensing body**.

27A (5)

AFTER DECLARATION

The licensing body shall provide the Controller with a **copy of its profit and loss account, balance sheet** and **auditor's report** which are **tabled at the licensing body's annual general meeting** not later than **one month** after the date of the annual general meeting.

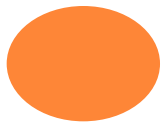
APPLICATION PROCESS

ELEMENT OF TAG

(TRANSPARENCY, ACCOUNTABILITY, GOOD GOVERNANCE)



- | | |
|---|--------------------|
| 1 | MANAGEMENT |
| 2 | MANDATE |
| 3 | TARIFFS |
| 4 | DISTRIBUTION |
| 5 | BOARD OF DIRECTORS |



SECTION 27AA, LICENSING BODY
COPYRIGHT ACT 1987

27AA. Licensing schemes operated by licensing bodies in relation to the copyright in any work, **so far as they relate to licences for—**

- (a) reproducing the work;**
- (b) performing, showing or playing the work in public;**
- (c) communicating the work to the public;**
- (d) rebroadcasting the work; 10**
- (e) the commercial rental of the work to the public; or**
- (f) making adaptation of the work.**



**DISPUTE SETTLEMENT
ON TARIFF**

USER



**COPYRIGHT
TRIBUNAL**

**LICENSING
BODY**



**HIGH
COURT**



WAY FORWARD

Amend current provision to include best practices for CMOs to create a balance between the right holders and users

**Insert new elements:
To consider new business method of CMOs,
supervision, enhancing monitoring system, dispute
settlement, suspension, penalties.**

Support WIPO TAG Compendium.

