

# COPYRIGHT PROTECTION IN MALAYSIA

*Generally, copyright is a branch of Intellectual Property that protects the proprietary rights of authors in relation to their created works.*

*In Malaysia, copyright is governed by the Copyright Act 1987 and Copyright (Amendment) Act 1990, which comply with the standards and requirements of the Berne Convention 1886. Subsequently, the Copyright Act has been amended in 1996, 1997 and year 2000 to streamline with the international development of the intellectual property system.*

在大马“ 版权所有, 翻印必究”

版权是用来保护原创者在文学与艺术作品上的权益。

在大马, 版权乃是属于1987年版权法令及符合1886年Berne公约规定的1990年版权(修正)法令所管制。然而大马版权法令陆续在1996, 1997及2000年被修正乃是为了配合知识产权在国际上的发展所需。

## 1. What is Copyright?

*Copyright basically refers to the exclusive right granted to the copyright owner to control over the work i.e reproduce, make, publish, perform in public, broadcast etc. Copyright only protects the original expression of ideas, not the idea themselves.*

### 何谓版权?

版权基本上让其拥有者在制造、复制、出版、公演或广播其作品上享有控制权。版权只保护呈现新概念的方式, 而不是新概念本身。

## 2. Which areas of the works are eligible for copyright?

*The following works shall be eligible for copyright:-*

- Literary works including computer software
- Musical works
- Artistic works
- Films, sound and broadcasting

### 哪种作品有资格获得版权的保障?

有资格获得版权的作品如下:

- 文学作品包括电脑软件
- 音乐
- 艺术作品
- 电影、录音及广播

## 3. What are the qualifications for work to be protected under the Copyright Act 1987 in Malaysia?

*Copyright subsists in every work eligible for copyright when the work is made and the author must be a qualified person. The work must be original and the author must have expended sufficient skill and effort to produce the work, and has been written down, recorded or reduced to material form.*

### 在1987年大马版权法令之下, 作品需符合哪些条件才有资格获得版权的保障?

每项作品在被创作完成后将自动拥有版权, 但其作品必须是原创、突显创作者的心思, 而且作品已被

## 4. Must I apply to the relevant authorities for copyright protection?

*In Malaysia, copyright arises automatically as soon as the work reduced to a material form. No legal requirements for registration. However, the author may make a Statutory Declaration stating that he/she is the original author of the works.*

### 我是否该向有关当局申请版权的保障?

在大马, 版权在创作完成并已记录在案或塑造具体项目后自动生效, 而且不须向政府或有关当局申请注册。

## 5. How long does a copyright last?

*Basically copyright subsists during the life time of the author plus 50 years after his death or 50 years after the publication, making, or be available to the public depending on the types of copyright work.*

### 版权的有效期为多久?

基本上版权的有效期是以作品的类别而定, 它的有效期可为作者的有生之年外加50年或出版、制造及面市后的50年。

## 6. When does an infringement of copyright occur?

*An infringement occurs when any of the activities under the exclusive control of the copyright owner are conducted without his/her license or consent, i.e reproduction in the material form, transmit or distribute the work, perform, playing or showing to the public the work etc.*

### 在怎样的情况之下我可以指控他人侵犯我的版权?

当有任何人在还未获得您同意或特许之下, 复制、传送或分派、公演或展览您的作品就是侵犯您的版权。

## 7. What are the remedies for infringement of copyright?

According to Sec. 37 of the Copyright Act 1987, infringement of copyright is actionable at the suit of the owner of the copyright, the court may award damages or account of profits made delivery up of the infringement article and may grant an injunction to prevent further infringement.

一旦发现他人侵犯我的版权, 我将获得什么赔偿?

根据1987年版权法令第37条文, 版权拥有者有权控诉任何侵犯他/她作品的侵犯者。一旦被法庭定罪该侵犯者将被训令交出所有抄袭的产品, 并需呈上有关的户口, 或发出禁令阻止类似活动的延伸以保障版权拥有者的权益。

## 8. Who can assist you in preparing the Statutory Declaration?

We, at Intellect Worldwide Sdn Bhd (an Intellectual Property Consulting Firm), can assist you to prepare the Statutory Declaration and provide the utmost professional advice and service.

### 我该如何准备宣誓书及寻求咨询?

本公司将帮忙您准备所需的宣誓书及提供您专业的咨询及服务, 欢迎随时与我们联系。

### Our services:



Trade Mark 商标注册

Patent 专利

Copyright 版权

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Franchising 特许经营

Branding 品牌塑造

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Q&A



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