

P.U.(A) 380/87
COPYRIGHT (NOTICE OF PROHIBITION OF IMPORT) REGULATIONS 1987

Preamble

IN exercise of the powers conferred by subsection (4) of section 39 of the Copyright Act 1987 [Act 332], the Minister makes the following regulations:

Regulation 1. Citation and commencement.

These Regulations may be cited as the **Copyright (Notice of Prohibition of Import) Regulations 1987** and shall come into force on 2nd December 1987.

Regulation 2. Interpretation.

In these Regulations, unless the context otherwise requires—

"import" means to bring or cause to be brought into Malaysia by whatever means;

"notice" means notice under subsection (1) of section 39 of the Act;

Regulation 4. Further notice.

(1) The owner of the copyright in the work may give another notice in the form set out in Part II of the Schedule where he knows or has reason to believe that the prohibited copies are about to be imported into Malaysia.

(2) Such notice shall be deemed to have been served on the Minister if the owner of the copyright in the work has served such notice on the Controller in the manner prescribed under these Regulations.

(3) A separate notice shall be given in respect of each importation, whether of one or more works.

Regulation 5. Service of notice.

(1) Every notice shall be duly completed in quadruplicate and shall be served by delivering it in person or by sending it by registered post to the Controller.

(2) Every notice shall be accompanied by satisfactory proof of ownership of the copyright to the work.

Regulation 6. Fee on the service of notice.

A fee of one hundred ringgit in respect of each notice shall be paid to the Controller at the time the notice is given.

Regulation 7. Change of ownership.

(1) The owner of the copyright in any work who has given a notice shall notify the Controller in writing of any change in the ownership of the work or of any other change affecting the notice within twenty eight days of such change.

(2) The notice shall be deemed to be withdrawn as from the expiry of twenty eight days from such change.

Regulation 8. Security or further security.

(1) The owner of the copyright in any work, who has given a notice shall give to the Controller such security or further security, whether by bond, deposit of a sum of money or otherwise, as the Controller may require, against all actions, proceedings, claims and demands whatsoever which may be taken or made against the Controller and shall pay to the Controller all costs and expenses which may be incurred by the Controller in consequence of the detention of, or anything done in relation to, any copy of a work to which the notice relates.

(2) The security or further security shall be given at such time and in such manner as the Controller may require. If such security or further security is not given within the time or in the manner required by the Controller, the notice shall be deemed to have been withdrawn as from the expiry of the time the security or further security is required to be given.

Regulation 9. Owner of copyright to furnish evidence, etc.

The owner of the copyright in any work, or his agent, who has given a notice shall, either at the time of giving the notice or at the time of giving further notice, or at both such times, furnish to the Controller such evidence and information within such time and in such form as the Controller may require, and shall produce within such time as the Controller may specify such books or other documents as the Controller may require. If such evidence and information are not furnished and if such books or other documents are not produced as required by the Controller, the notice shall be deemed to have been withdrawn as from such time as the controller shall specify.

Regulation 10. Owner of copyright to keep the Controller indemnified against all actions, proceedings, claims and demands.

Where-

(a) the notice is withdrawn or deemed to have been withdrawn; or

(b) security has not been required by the Controller,
the owner of the copyright in any work shall keep the Controller indemnified against all actions, proceedings, claims and demands whatsoever which may be taken or made against the Controller and shall repay to the Controller all costs and expenses which may be incurred by the Controller in consequence of the detention of, or anything done in relation to, any copy of a work to which the notice relates. Any such costs and expenses may be recovered as a debt due to the Government.

SCHEDULE

PART I
(Regulation 3 (1))

COPYRIGHT ACT 1987

(Notice Relating to Copyright In)

To The Controller of Copyright Malaysia,
.....

*I/We
of

hereby give notice that copyright in the original work specified in the Appendix hereto subsists in Malaysia under the Copyright Act 1987 and that *I am/We are the *owner/owners of the copyright in the said work and *I/ We request that copies of the said work made outside Malaysia shall be treated as prohibited goods and shall not be imported into Malaysia for a period of
.....

Dated thisday of 19

.....
(Signature)

Name

STATUTORY DECLARATION

*I/We do solemnly and sincerely declare that the contents of this notice are true, and *I/We make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act 1960.

Subscribed and solemnly declared }
by }
the above named }
at }
in the State of }
thisday of19..... }

Before me,

.....
(Signature of Commissioner for Oaths)

APPENDIX

Title of work
Description of work
Full name of author/authors
Whether author/authors alive (if not, date of death)
Country and date of first publication of work
Date of first publication in Malaysia
Nationality of author/authors

(*delete whichever is not applicable)

PART II

(Regulation 4 (1))

COPYRIGHT ACT 1987

(Notice Relating to a Particular Importation)

To The Controller of Copyright Malaysia,
.....

*I/We
of
hereby give notice that copyright in the original work specified in the Appendix hereto subsists in Malaysia under the Copyright Act 1987 and that *I am/We are the *owner/owners of the copyright in the said work and that the following copies of the said work made outside Malaysia, that is to say, are about to be imported into the *port/airport of on or about day of from and request that the said copies be treated as prohibited goods and dealt with accordingly.

Dated this day of 19

.....
(Signature)

Name

STATUTORY DECLARATION

*I/We
do solemnly and sincerely declare that the contents of this notice are true, and *I/We make this

solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act 1960.

Subscribed and solemnly declared }
by. }
the above named }
at }
in the State of }
thisday of19.... }

Before me,

.....
(Signature of Commissioner for Oaths)

APPENDIX

Title of work

Description of work

Full name of author/authors

Whether author/authors alive (if not, date of death)

Country and date of first publication of work

Date of first publication in Malaysia

Nationality of author/authors

Made the 5th November 1987.
[B. PGK. 5012 Jld. 6; PN. (PU²)457.]

DATIN PADUKA RAFIDAH BTE ABDUL AZIZ,
Minister of Trade and Industry

(*delete whichever is not applicable)