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*FEDERAL GOVERNMENT
GAZETTE*

PERATURAN-PERATURAN HAK CIPTA
(PEMBERITAHUAN SUKARELA) 2012

*COPYRIGHT (VOLUNTARY NOTIFICATION)
REGULATIONS 2012*



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COPYRIGHT ACT 1987

COPYRIGHT (VOLUNTARY NOTIFICATION) REGULATIONS 2012

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

Regulation

1. Citation and commencement
2. Interpretation
3. Prescribed fees
4. Forms

PART II

NOTIFICATION OF COPYRIGHT

5. Notification
6. Amendment to a notification of copyright
7. Submission to the Controller

PART III

REGISTER OF COPYRIGHT

8. Entry in the Register
9. Correction of clerical error
10. Correction, expungement or amendment
11. Examination of the Register
12. Extracts
13. Change of address

PART IV
MISCELLANEOUS

14. Assignment, licence or testamentary disposition
15. Replacement of work
16. Physical copy of the work, documents, etc.
17. Accuracy of information
18. Non-refundable fees

FIRST SCHEDULE

SECOND SCHEDULE

COPYRIGHT ACT 1987

COPYRIGHT (VOLUNTARY NOTIFICATION) REGULATIONS 2012

IN exercise of the powers conferred by sections 26A, 26B, 26C and 59 of the Copyright Act 1987 [Act 332], the Minister makes the following regulations:

PART I
PRELIMINARY

Citation and commencement

1. (1) These regulations may be cited as the **Copyright (Voluntary Notification) Regulations 2012**.

(2) These Regulations comes into operation on 1 June 2012.

Interpretation

2. In these Regulations, unless the context otherwise requires—

"Act" means the Copyright Act 1987;

"Register" means the Register of Copyright referred to in section 26B of the Act;

"electronic" means the technology of utilizing electrical, optical, magnetic, electromagnetic, biometric, photonic or other similar technology;

"work" means works eligible for copyright referred to in subsection 7(1) of the Act and derivative works that are protected as original works referred to in subsection 8(1) of the Act;

"Copyright Office" means the office of the Corporation;

“Applicant” means the author of the work, the owner of the copyright in the work, an assignee of the copyright or a licensee of an interest in the copyright that made a notification of copyright in any work to the Controller, or a person that made such notification on behalf of the author of the work, the owner of the copyright in the work, an assignee of the copyright or a licensee of an interest in the copyright;

“author” shall have the same meaning as defined under the Act;

“Controller” shall have the same meaning as defined under the Act;

“Corporation” shall have the same meaning as defined under the Act.

Prescribed fees

3. The fees payable under these Regulations shall be as prescribed in the First Schedule.

Forms

4. (1) The forms listed in the Second Schedule shall be used for the purposes mentioned in these Regulations.

(2) The contents of the forms listed in the Second Schedule shall be such as may be determined by the Minister.

PART II

NOTIFICATION OF COPYRIGHT

Notification

5. (1) A notification of copyright shall be made by a citizen or a permanent resident of Malaysia.

(2) Where a notification of copyright is made by the author of the work, the owner of the copyright in the work, an assignee of the copyright or a licensee of an interest in the copyright, the notification shall be made—

- (a) in Form CR-1 for works eligible for copyright referred to in subsection 7(1) of the Act; or
- (b) in Form CR-2 for derivative works that are protected as original works referred to in subsection 8(1) of the Act,

together with a statutory declaration under paragraph 26A(3)(b) of the Act, a copy of the work and the prescribed fee.

(3) Where a notification of copyright is made by a person who acts on behalf of the author of the work, the owner of the copyright in the work, an assignee of the copyright or a licensee of an interest in the copyright, the notification shall be made—

- (a) in Form CR-3; and
- (b) in Form CR-1 for the works eligible for copyright referred to in subsection 7(1) of the Act; or
- (c) in Form CR-2 for derivative works that are protected as original works referred to in subsection 8(1) of the Act,

together with a statutory declaration under paragraph 26A(3)(b) of the Act, a copy of the work and the prescribed fees.

(4) Where the title of a work contains a word in a language other than the national language or English language, the notification of copyright shall, apart from the forms required to be submitted, also include a translation of the word into the national language or the English language and a transliteration of the word, as well as the name of that language.

(5) The forms required to be submitted to the Controller shall, if the Applicant is a natural person, be signed or thumb-printed by the Applicant personally,

and if the Applicant is a society, organization, body corporate or firm, the forms shall be signed by a director, manager, secretary, partner or other similar officer or person of the society, organization, body corporate or firm, as the case may be.

(6) A copy of the work submitted under subregulation (2) or (3) shall be clear and of durable quality to the satisfaction of the Controller and if the Controller is not satisfied with the clarity or the durable quality of the work submitted, he may request for another copy of such work to be submitted as a replacement before proceeding to entertain the notification.

(7) Where the Controller made a request in writing for a copy of the work under subregulation (6), and the Controller did not receive a copy of the work requested within thirty days from the date of such request, the notification of copyright shall deemed to be withdrawn.

Amendment to a notification of copyright

6. Any request to amend a notification of copyright shall be made in Form CR-4 together with the prescribed fee.

Submission to the Controller

7. Any document or work required to be submitted by these Regulations, shall be addressed to the Controller and delivered by hand to the Copyright Office during its normal business hours, or shall be sent by post or electronic means to the Controller.

PART III

REGISTER OF COPYRIGHT

Entry in the Register

8. (1) If the notification of copyright is in order, the Controller shall issue a letter to the Applicant stating that the notification of copyright has been entered into the Register.

(2) The Applicant may request the Controller, in Form CR-5 together with the prescribed fee, to issue a certificate stating that the notification of copyright has been entered into the Register.

Correction of clerical error

9. An Applicant may request to the Controller, in Form CR-6 together with the prescribed fee, to correct any clerical error in the Register.

Correction, expungement or amendment

10. (1) Where an order is made by the court under section 26C of the Act to correct, expunge or amend any entry in the Register, the person who obtained the order shall serve on the Controller the sealed copy of the court order together with Form CR-7.

(2) Upon being served with the court order together with Form CR-7, the Controller shall correct, expunge or amend the Register accordingly.

Examination of the Register

11. (1) Any person may make a request to the Controller, in Form CR-8 together with the prescribed fee, to examine the Register.

(2) Upon approval by the Controller, the person who made the request may examine the Register, at such time and upon such conditions as may be determined by the Minister, at the Copyright Office.

Extracts

12. Any person may request, in Form CR-9 together with the prescribed fee, for extracts or certified extracts from the Register.

Change of address

13. Where there is any change to an address entered in the Register, the Applicant shall notify the Controller of the change in Form CR-10 together with the prescribed fee.

PART IV
MISCELLANEOUS

Assignment, licence or testamentary disposition

14. (1) Where copyright in a work in the Register has been transferred to a person by assignment, testamentary disposition or operation of law, or where a licence has been granted to a person in respect of copyright in a work, the person or his representative may notify the Controller, in Form CR-11 together with the prescribed fee, of such assignment, testamentary disposition, operation of law or licence, as the case may be.

(2) Apart from the form and fee referred to in subregulation (1), a representative shall also submit Form CR-3 together with the prescribed fee.

Replacement of work

15. The Controller may at any time require the author of the work, the owner of the copyright in the work, an assignee of the copyright or a licensee of an interest in the copyright to provide to the Controller a replacement of the work relating to a notification of copyright for the purpose of maintaining the accuracy of the Register.

Physical copy of the work, documents, etc.

16. After entering all such particulars relating to a copyright in a work into the Register, the Controller may at any time dispose of any physical form of the work, documents, etc. in a manner he deems fit.

Accuracy of information

17. Accuracy of the information entered into the Register is dependent on the information given by the Applicant.

Non-refundable fees

18. Any fee paid under these Regulations shall not be refundable.

FIRST SCHEDULE

FEES
[Regulation 3]

| Item | Description | Fee | |
|---|---|-------------|-----------------|
| | | Manual (RM) | Electronic (RM) |
| 1. | Notification of works (referred to in subsection 7(1) of the Act) [subregulations 5(2) and 5(3)] | | |
| | a. Notification of copyright | 15 | 15 |
| | b. Deposit of the work - | | |
| | i. Compact Disc Read-Only Memory (CD ROM)- per CD ROM | 30 | - |
| | ii. Digital Video Disc (DVD)- per DVD | 50 | - |
| | iii. Thumbdrive / External Hard Disk Drive/ Secure Digital (SD) Card | | |
| | a. 1Kilobyte (KB) -500 Megabytes (MB) | 20 | 20 |
| | b. >500MB-1Gigabyte (GB) | 30 | 30 |
| | c. Every subsequent additional 500 MB | 10 | 10 |
| | iv. Document | | |
| | a. 1-25 pages | 10 | - |
| b. 26-50 pages | 20 | - | |
| c. Every subsequent additional 50 pages | 10 | - | |
| 2. | Notification of derivative works [subregulations 5(2) dan 5(3)] | | |
| | a. Notification of copyright | 30 | 30 |
| | b. Deposit of the work | | |
| | i. CD ROM – per CD ROM | 30 | - |
| | ii. DVD – per DVD | 50 | - |
| | iii. Thumbdrive / External Hard Disk Drive / SD Card | | |
| | a. 1KB-500MB | 20 | 20 |
| | b. >500 MB-1 GB | 30 | 30 |
| | c. Every subsequent additional 500 MB | 10 | 10 |
| | v. Document | | |
| | a. 1-25 pages | 10 | - |
| b. 26-50 pages | 20 | - | |
| c. Every subsequent additional 50 pages | 10 | - | |
| 3. | Notification of copyright by a representative [subregulation 5(3) and subregulation 14(2)] | 30 | 30 |

| | | | |
|-----|---|----|----|
| 4. | Request for amendment to a notification of copyright [<i>regulation 6</i>] | 30 | 30 |
| 5. | Request for certificate of the notification of copyright [<i>subregulation 8(2)</i>] | 50 | 50 |
| 6. | Request for correction of clerical error [<i>regulation 9</i>] | 30 | 30 |
| 7. | Request for examination of the Register [<i>regulation 11</i>]- per hour | 20 | - |
| 8. | Request for extracts [<i>regulation 12</i>] | | |
| | i. Certified extracts – per page | 10 | - |
| | ii. Non certified extracts- per page | 5 | - |
| | iii. Electronic | | |
| | a. 1KB-1 GB | 30 | - |
| | b. Every subsequent additional 1GB | 10 | - |
| 9. | Notification of change of address [<i>regulation 13</i>] | 20 | 20 |
| 10. | Notification of assignment, licence or testamentary disposition [<i>regulation 14</i>] | 50 | 50 |

SECOND SCHEDULE

FORMS

[*Regulation 4*]

| Item | Description | Form |
|------|--|------|
| 1. | Notification of works (referred to in subsection 7(1) of the Act) [<i>subregulations 5(2) and 5(3)</i>] | CR-1 |
| 2. | Notification of derivative works [<i>subregulations 5(2) and 5(3)</i>] | CR-2 |
| 3. | Notification of copyright by a representative [<i>subregulation 5(3) and subregulation 14(2)</i>] | CR-3 |
| 4. | Request for amendment to the notification of copyright [<i>regulation 6</i>] | CR-4 |
| 5. | Request for certificate of the notification of copyright [<i>regulation 8</i>] | CR-5 |
| 6. | Request for correction of clerical error [<i>regulation 9</i>] | CR-6 |
| 7. | Correction, expungement or amendment [<i>regulation 10</i>] | CR-7 |
| 8. | Request for examination of the Register [<i>regulation 11</i>] | CR-8 |

| | | |
|-----|---|-------|
| 9. | Request for extract [<i>regulation 12</i>] | CR-9 |
| 10. | Notification of change of address [<i>regulation 13</i>] | CR-10 |
| 11. | Notification of assignment, licence or testamentary disposition [<i>regulation 14</i>] | CR-11 |

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