



Perbadanan Harta Intelek Malaysia
Intellectual Property Corporation of Malaysia
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National Presentations: Copyright and Related Rights Protection in Malaysia

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A. COPYRIGHT ACT 1987 BACKGROUND

- ▶ The Copyright Act 1987 (Act 332) was enacted based on the United Kingdom Copyright, Designs and Patents Act 1988 (UKCDPA 1988). Substantial number of provisions in the Act are in pari materia with the provisions in UKCDPA 1988.
- ▶ The accession of Malaysia into Berne Convention 1886, WIPO Copyright Treaty (WCT) 1996, WIPO Phonogram and Performances Treaty (WPPT) 1996 and TRIPs Agreement in 1994 had changed the Malaysia landscape of Copyright protection in Malaysia.

B. COPYRIGHT AND RELATED RIGHTS EXCLUSIVE RIGHTS

Type of Rights	Category of Works	What rights do they have?
Copyright (section 13)	Literary Work	(a) the reproduction in any material form; (b) the communication to the public; (c) the performance, showing or playing to the public; (d) the distribution of copies to the public by sale or other transfer of ownership; and (e) the commercial rental to the public,
	Artistic Work	
	Musical Work	
	Film	
	Sound Recording	
	Broadcast	

Type of Rights	Category of Works	What rights do they have?
<p>Related Rights (section 16A)</p>	<p>Performers Rights</p>	<p>(a) the communication to the public of a performance, except where the performance used in such communication is itself a live broadcast performance;</p> <p>(b) the fixation of an unfixed performance;</p> <p>(c) the reproduction of the fixation of a performance;</p> <p>(d) the first distribution to the public of a fixation of a performance, or copies thereof, through sale or other transfer of ownership; and</p> <p>(e) the commercial rental to the public of a fixation of a performance, or copies thereof, irrespective of the ownership of the copy rented.</p>
		<p>(2) A performer shall cease to have the exclusive right under paragraph (1)(b) once he has given consent to the fixation of his performance.</p>

C. WHAT DO THEY COLLECT?

Type of Rights	Category of Works	What do they collect?
Copyright (section 13)	Literary Work	Royalties
	Artistic Work	
	Musical Work	
	Film	
	Sound Recording	
	Broadcast	
Related Rights (section 16A)	Performers Rights	Equitable remuneration (Section 16B)

D. WHO ARE THEY?

Type of Rights	Category of works	Who are they?	
Copyright (section 13)	Literary Work	Authors	The writer or maker of the work
	Artistic Work		The artist (other than photograph)
	Musical Work		The composer
	Film		The person whom arrangement for the making of the film or recording were undertaken
	Sound Recording		
	Broadcast		(a) The person transmitting the programme, if he has responsibility for the selection of its contents or (b) Any person providing the programme who makes with the person transmitting it the arrangements necessary for its transmission

Type of Rights	Category of works	Who are they?	
Related Rights (section 16A)	Performers Rights	Performers	an actor, singer, musician, dancer or any person who acts, sings, delivers, declaims, plays in, interprets, or otherwise performs a performance;



Thank you

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