

MALAYSIA

ENHANCED COPYRIGHT PROTECTION & NEW DIGITAL TECHNOLOGIES

Intellectual Property Corporation of Malaysia

Nov 15th 2023

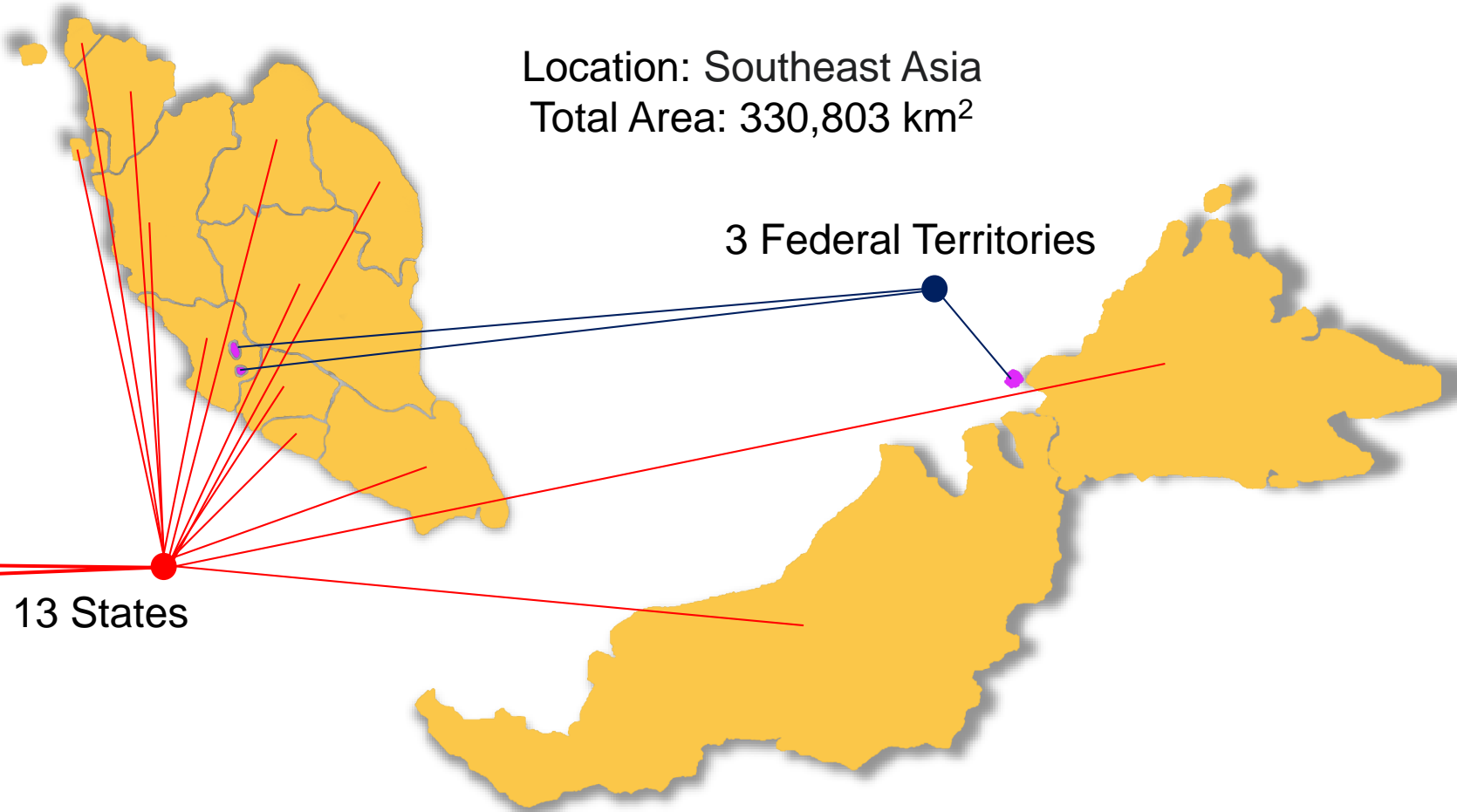
IP KEY South-East Asia (Zoom)

INTRODUCTION

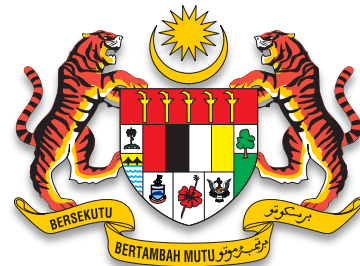
An overview of Malaysia in general including geographic factors and ethnic diversity affecting the intellectual property regime, including copyright.



Source: Google Maps



Location: Southeast Asia
Total Area: 330,803 km²





Source: Pos Malaysia Berhad

32 millions of population
Ethnics: Malay (57.3%), Chinese (22.9%),
Indigenous (12.4%), Indian (6.6%),
Others (0.8%)*

* Department of Statistics Malaysia

COPYRIGHT SYSTEM

In Malaysia, copyright legislation involves the relevant **authorities** responsible for the **legal framework** including the latest amendments to the law, domestic enforcement and international obligations that bind Malaysia in protecting copyright.

THE AUTHORITIES

The legal system of Malaysia was modeled after the English legal system which practices parliamentary democracy and is ruled by a Constitutional Monarchy.

The Authorities



Legislative Body



Executive Body



Judiciary



Ministry of
Domestic Trade
and Costs of
Living



Enforcement
Division



Intellectual
Property
Corporation of
Malaysia

The Authorities



Ministry of
Domestic Trade
and Costs of
Living

- Responsible for **amending the law and monitor** the function of Enforcement Division and IP Office regarding the copyright law and all other IP law.



Enforcement
Division

- Responsible to enforce the copyright law under the criminal **offences**.



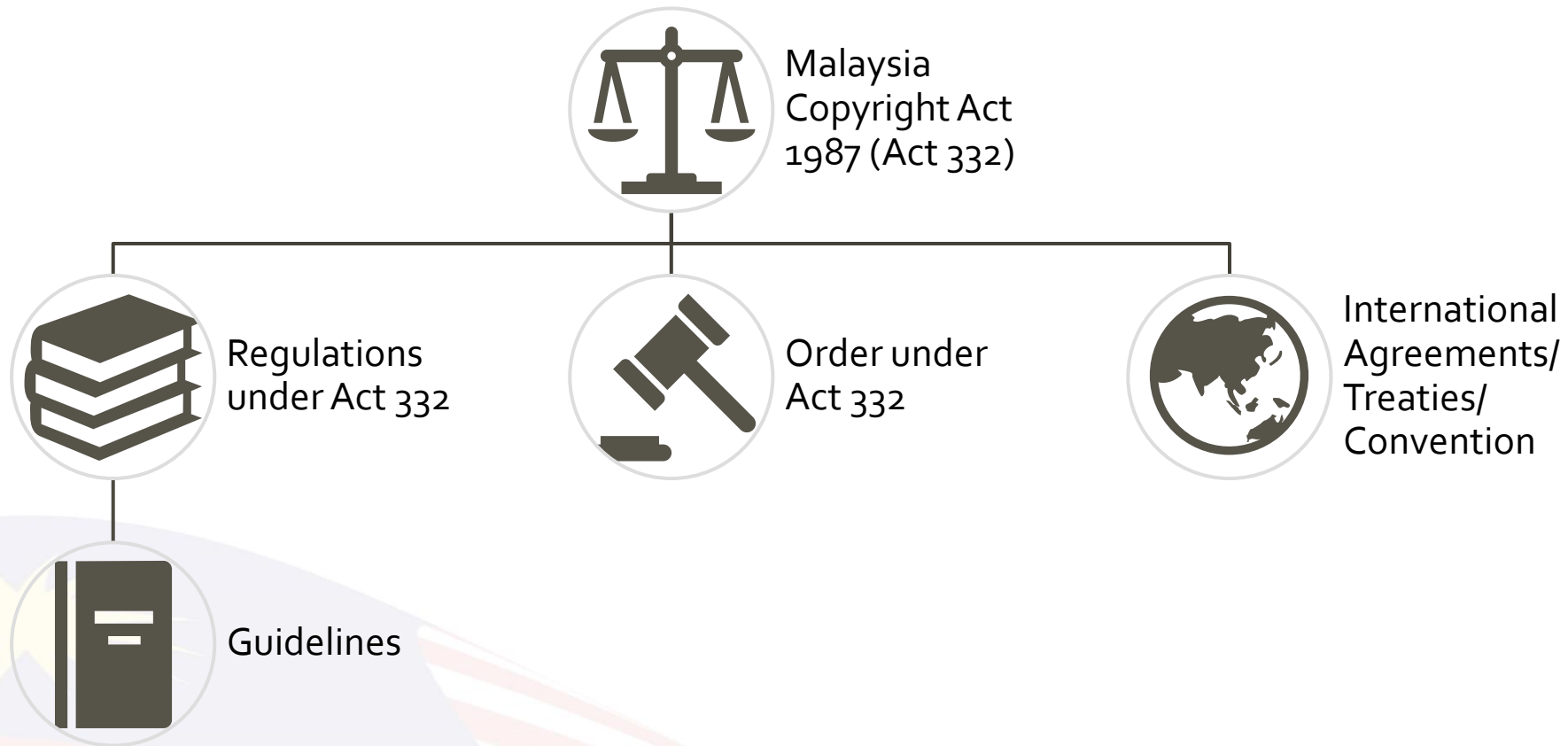
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Malaysia

- As a custodian of copyright including create awareness, research, reform the copyright law and maintain the **copyright register**.

THE LEGAL FRAMEWORK

The relevant law which enforce the copyright in Malaysia including the international agreement, convention and treaties.

The Legal Framework



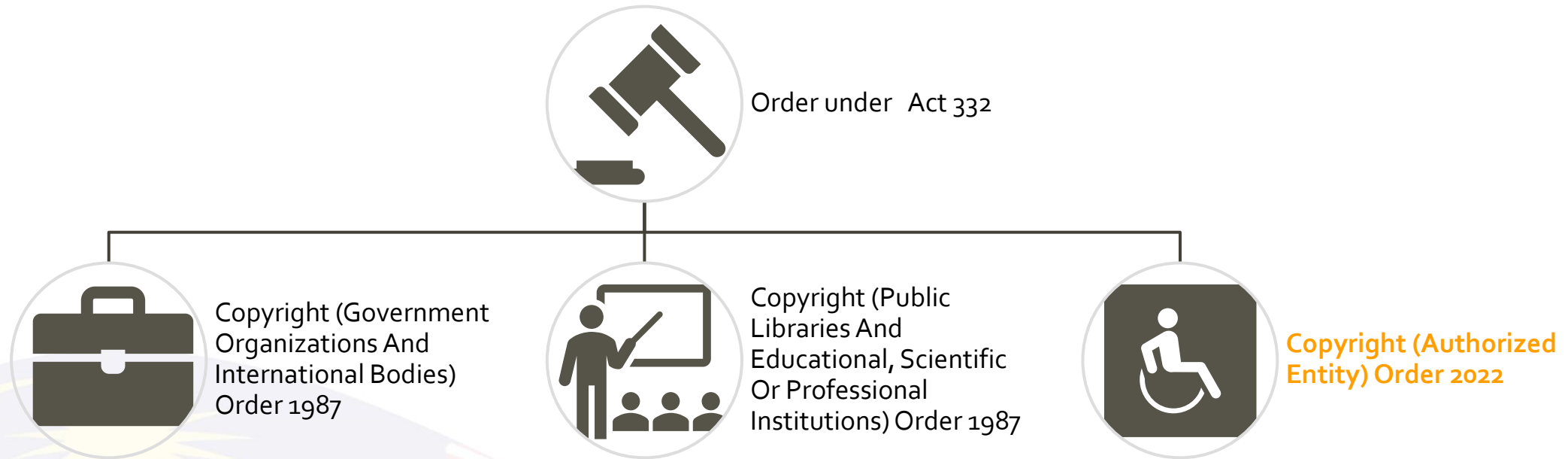
The Legal Framework



Regulations under Act 332

- Copyright (Notice of Prohibition of Import) Regulations 1987
- Copyright (Application To Other Countries) Regulations 1990
- Copyright (Voluntary Notification) Regulations 2012
- Copyright (Copyright Tribunal) Regulations 2012
- Copyright (Collective Management Organization) Regulations 2022
 - ✓ Collective Management Organization Guideline 2023

The Legal Framework



The Legal Framework



International Agreement/Treaties/ Convention

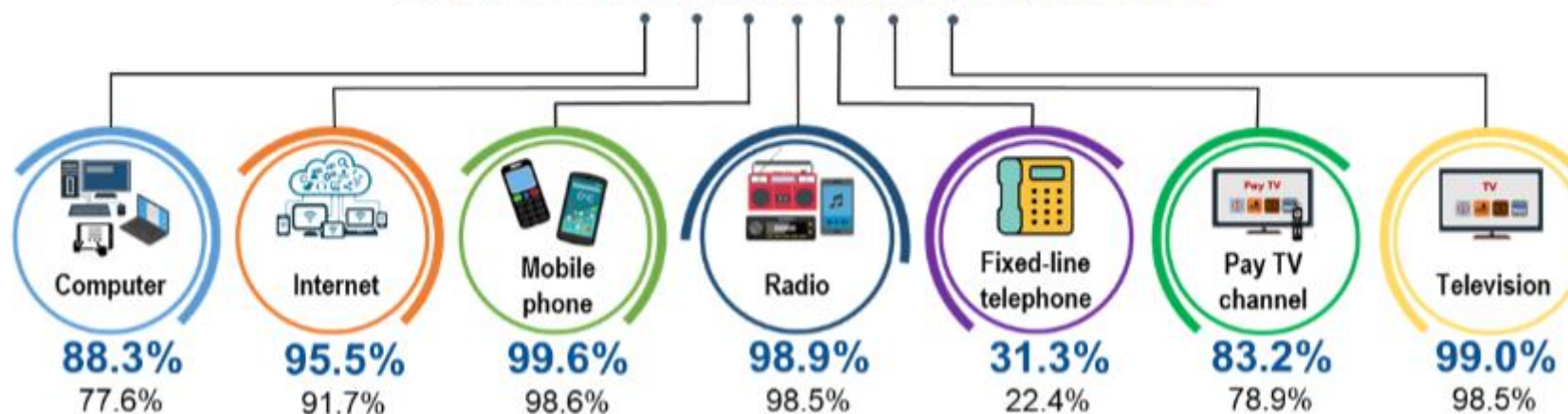
- Berne Convention for the Protection of Literary and Artistic Works (1886) *(28 June 1990)*
- World Trade Organization (WTO) - Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) (1994) *(1 Jan 1995)*
- WIPO Copyright Treaty (1996) *(27 Dec 2012)*
- WIPO Performances and Phonograms Treaty (1996) *(27 Dec 2012)*
- Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (2013) *(30 June 2022)*

THE AMENDMENTS

COVID-19 has caused a dramatic change in human social behavior in daily life from rejecting technology to accepting technology including the use of copyrighted works as well as the creation of new copyrighted works. Therefore the law needs to be amended to meet the needs in this new environment.

ICT ACCESS BY HOUSEHOLD 2021

ACCESS TO ICT SERVICES AND EQUIPMENTS

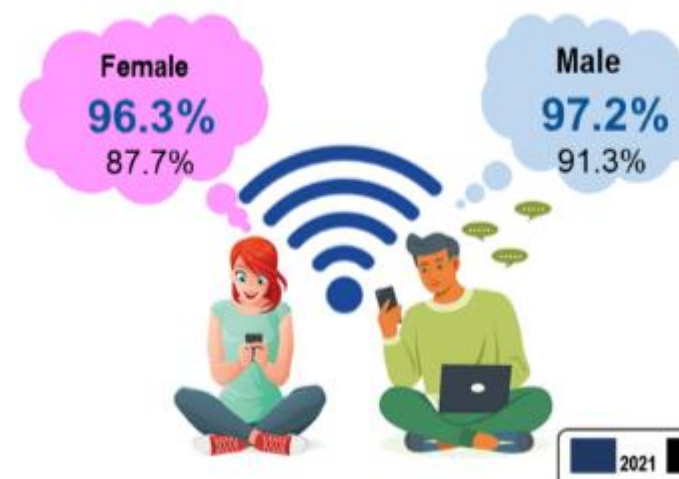


ICT USE BY INDIVIDUALS 2021

USE OF ICT SERVICES AND EQUIPMENT



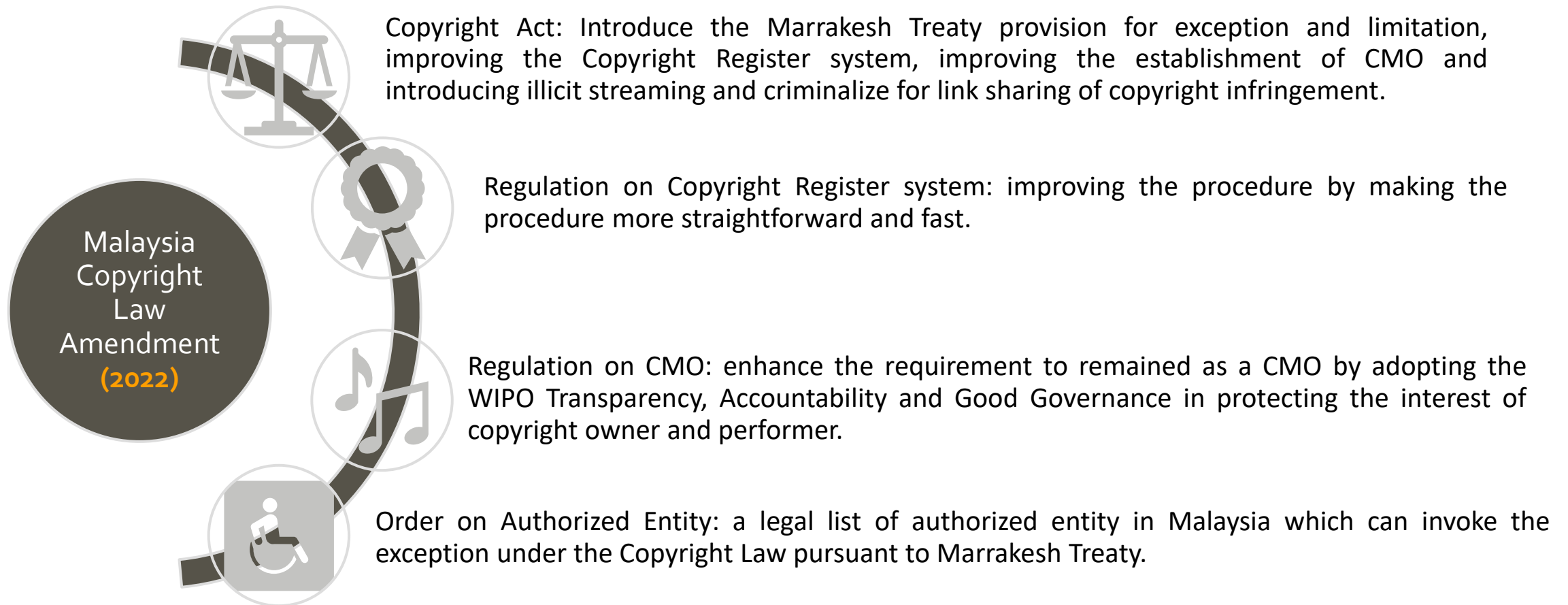
INTERNET USE BY SEX



Department of Statistics Malaysia



The Amendments



THE OUTCOMES

The 2022 amendment to the Malaysian Copyright Law has had a great impact on the awareness of copyright among the Malaysian community, especially for the creators and the owners of the copyrighted works.

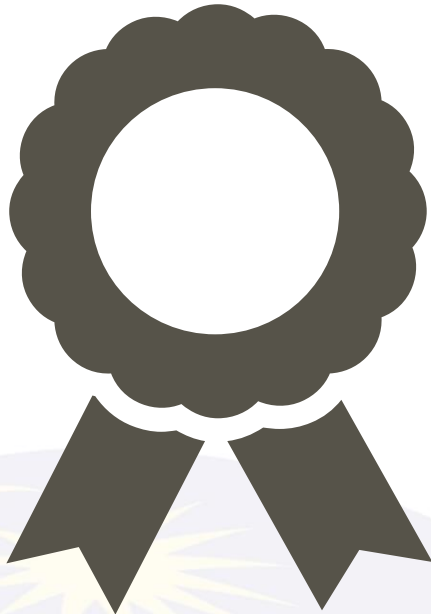
The Marrakesh Treaty



Introduce the Marrakesh Treaty provision for exception and limitation...

- *Prior 2022: Malaysia Copyright Law acknowledge the exception and limitation for those who are visually and hearing impaired.*
- *With the obligation under the Regional Comprehensive Economic Partnership, the Copyright Law had been amended pursuant to the Marrakesh Treaty which the process from format shifting and distribution need to be regulate in more systematic way.*
- *Only the Minister base on the advice of other Ministry will determine and acknowledge whether the application to be authorized entity in Malaysia been acceptable or not by Order from the Ministry of Domestic Trade and Costs of Living.*
- ***Till to date the official Authorise Entities in Malaysia are Malaysian Association for the Blind and National Library of Malaysia.***

The Copyright Register



...improving the Copyright Register system..

- *Prior 2022: The Copyright Voluntary Notification (CVN) system is a non mandatory notification of copyright ownership which are prima facie evidence in the Court. It had been introduce since 2012. Because of non-mandatory requirement, the Copyright Register only contain the information which have been notified to the Controller of Copyright.*
- *The important CVN has been sees during the pandemic where there is a lot of complaint on copyright infringement in the online platform which the copyright owner who not using the CVN need to filed an affidavit with sworn statement in order for the enforcement to enforce the copyright law on behalf of the copyright owner.*
- ***Now the important of CVN had become a priority for the copyright owner in enforcing their right via Copyright Enforcement. (see: Illustration 1 & 2)***

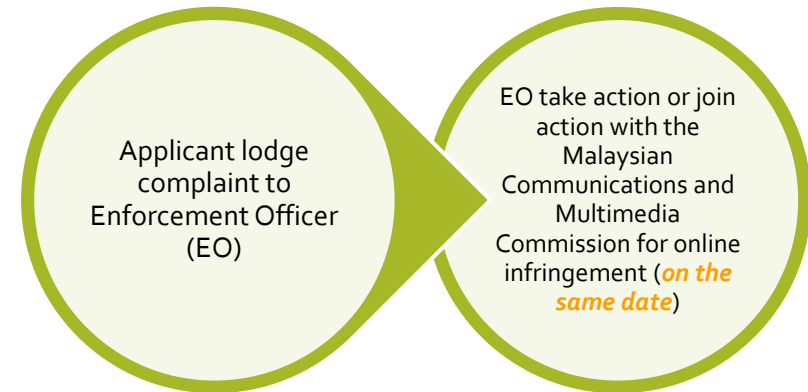
The Copyright Register *Illustration 1*

Without Copyright Voluntary Notification



- Applicant need to prepare the document (sworn statement) and submitted to the EO (2 *working days*)

With Copyright Voluntary Notification



- Applicant inform the EO the copyright information as in per Copyright Register (*can be access 24 hours*)



The Copyright Register *Illustration 2*



The Copyright Register X EyeRIS

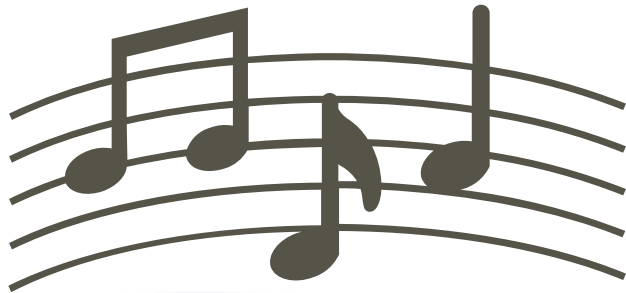


1752 Active User
(as 14 Nov 2023)



13,404 hits document referred
(as 14 Nov 2023)
58,654 copyright ownership
information available in Register
(as 14 Nov 2023)

The Copyright Management Organization



...improving the establishment of CMO by adopting the WIPO Transparency, Accountability and Good Governance in protecting the interest of copyright owner and performer.

- *Prior 2022, the CMO (previously known as "Licensing Body") have been declare by the Copyright Controller without the duration of declaration which cause mismanagement especially in term of audited documentation.*
- *In order to ensure that the CMO are in the best practices, the law have been amended by improvising the need to renew the declaration and the documentation as base on the current audit practice which standardizes the documentation of all CMO.*
- ***Furthermore, the compulsory to follow the Guidelines under the new law, allowed the Copyright Controller to ensure that the CMO are following the current international practice.***

The Copyright Management Organization

MUSIC INDUSTRY



Music Authors Copyright Protection Berhad (MACP)



Public Performance Malaysia Berhad (PPM)



Recording Performers Berhad (RPM)



Music Right (Sarawak) Berhad (MRSB)



Music Rights Sabah Berhad (MRS)

FILM INDUSTRY



MPLC Sdn Bhd (MPLC)

REPROGRAPHY INDUSTRY



Malaysia Reprographic Rights Centre Berhad (MARC)



The Illicit Streaming



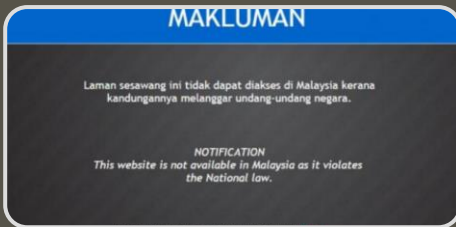
...introducing illicit streaming and criminalize for link sharing of copyright infringement.

- *Prior 2022, the difficulty in taking criminal action in online platform had cause the losses among the copyright owner due to the lack of interpretation in copyright law to suit the need for online infringement situation*
- *The current amendment had introduce the Illicit streaming as part of an offence either with direct infringement or indirect infringement (share link).*
- ***The amendment also support the usage of the EyeRIS system (Copyright Register) or the Cyber Copyright Enforcement Programme (CyCORE) which only cover on the film.***

The Illicit Streaming X CyCORE



THE Domestic Trade and Cost Of Living has set up the **Cyber Copyright Enforcement Programme (CyCORE)** to battle digital film copyright infringement or piracy of digital films on the internet.



Using the **site-blocking method and content removal** which is the fastest and most effective way of disabling digital film piracy distribution activities with the cooperation of strategic partners without involving the judiciary.



It involves 50 strategic partners including government agencies, e-commerce platforms, and Internet Service Providers (ISPs) in one platform for preventing online digital **film piracy**.

THE AWARENESS

There are many initiatives that have been made to increase understanding of the importance of copyright notification and respect the rights of IP owners by paying royalties and understanding the role of the CMO. It is also important in the fight against copyright infringement by reporting to law enforcement especially online copyright infringement.

MyIPO has organised numbers of initiatives in order to increase awareness among IP Owners, SME entrepreneurs and public at large in order to gain support for filing the intellectual property applications to increase the number of local IP applications.



What have we done so far?

National IP Day and IP Award
- 26th April of every year

IP Youth Programmes
Programmes at school and higher institutions level

IP Care
Engagement and IP consultations with agencies

IP Valuation
IP Valuation Module
23 local IP Valuers

National IP Policy (NIPP)
To promote and instill IP culture among the business community as well as the public.
The aim is to create a community that values IP as a valuable economic asset and respects the right of owners

IP Awareness Program

Collaborations with government / private agencies, SMEs, institutions and etc
Programs such as road shows, exhibitions, webinar, publication and advertisement

Outreach Programme on Social Media

Platform to reach mass audience via social media

IP Training

To train and assists public, government / private agencies, SMEs, institutions and etc
Programs such as webinar, seminars, training and workshops

Advisory and related activities

Special assistance for Geographical Indications (GI)
Inter-departmental activities
Assistance for awareness and understanding of IP
Special request from other agencies (example: as a speaker, competition judges and etc)

Intellectual Property Filing Fund (Dana IP 2.0)

to encourage innovation and increase the number of local intellectual property applications and further improve the competitiveness of local entrepreneurs and IP owners thus improving the nation's economy

COLLABORATION



immerse KL **MDEC**
Immerse KL

27TH SEP – 29TH SEP 2023
KUALA LUMPUR CONVENTION CENTRE
mydcf.my/immersekl

SPEAKER HIGHLIGHT

NG KANG SIONG
MIMOS

JESSIE TAN
SHIN ASSOCIATES

KIEW ZHAO XIN
CERTIK

MOHAMAD RAHIMI
MALAYSIAN INTELLECTUAL
PROPERTY CORPORATION

DINA GHOVIND
SECURITIES COMMISSION
MALAYSIA

PANEL DISCUSSION

Striking the Balance: Policy Approaches
for Balancing Innovation & Governance
in Web3 Content and Metaverse

PART OF **MDX**

**MALAYSIA
DIGITAL
CONTENT
FESTIVAL 2023**

COLLABORATION



CHALLENGES AND DIFFICULTIES IN THE FIELD OF COPYRIGHT

like most intellectual property offices around the world, MyIPO also has its own problems and challenges that have to be faced in providing the best service regarding intellectual property, especially copyright to intellectual property owners and creators.

- **Unsettling issues related to the collection and distribution of royalties among CMOs to artists** – fair distributions are much needed;
- **Online Filing Application** – Submission of original documents, multiple filings, uploading of big files and handling of mailed documents manually since 18 March 2022;
- **Empowerment of Copyright Tribunal** – to educate and promote the Copyright Tribunal among copyright owners and creators/artists to file complaints in the tribunal if there is a violation of rights and unfair distribution;
- **The emergence of new copyright topics such as Artificial Intelligence** – Emerging challenges and issues raised by industry players regarding AI and new technologies;

NEEDS, EXPECTATIONS AND TECHNICAL ASSISTANCE

Technical assistance, support, coaching and specialized skills needed to help the organization staying ahead of emerging trends

- **Training on Managing Operational Demands and Challenges** – Anticipating customer needs and enhancing pendency performances;
- **Reskilling officers impacted by digital transformation e.g. AI** – learning from other countries in handling new digital transformation;
- **Digital enforcement and online piracy** – more opportunities for collaboration between relevant agencies in data sharing on IP rights and capacity-building activities to educate both IP owner and enforcement agencies;

THANK YOU

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