



LAWS OF MALAYSIA

Act A1139

COPYRIGHT (AMENDMENT) ACT 2002

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LAWS OF MALAYSIA**Act A1139****COPYRIGHT (AMENDMENT) ACT 2002**

An Act to amend the Copyright Act 1987.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Copyright (Amendment) Act 2002.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Amendment of section 3

2. The Copyright Act 1987 [*Act 332*], which in this Act is referred to as the “principal Act”, is amended in section 3—

(a) by substituting for the definition of “Minister” the following definition:

‘ “Minister” means the Minister for the time being charged with the responsibility for intellectual property;’;

- (b) by substituting for the definitions of ‘ “Controller”, “Deputy Controller” and “Assistant Controller” ’ the following definition:

‘ “Controller” means the Controller of Copyright as designated in subsection (1) of section 5;’;

- (c) by inserting after the definition of “artistic work” the following definition:

‘ “Assistant Controller” means the person appointed or deemed to have been appointed to be an Assistant Controller under subsection (2) or (3) of section 5;’;

- (d) by inserting after the definition of “copyright” the following definition:

‘ “Corporation” means the Intellectual Property Corporation of Malaysia established under the Intellectual Property Corporation of Malaysia Act 2002;’;

- (e) by inserting after the definition of “adaptation” the following definition:

‘ “appointed date” has the same meaning as is assigned to that expression in the Intellectual Property Corporation of Malaysia Act 2002;’;
Act 617. and

- (f) by inserting after the definition of “Corporation” the following definition:

‘ “Deputy Controller” means the person appointed or deemed to have been appointed to be a Deputy Controller under subsection (2) or (3) of section 5;’.

Amendment of section 5

- 3.** The principal Act is amended by substituting for section 5 the following section:

“Controller, Deputy Controllers and Assistant Controllers. 5. (1) The Director General of the Corporation shall be the Controller of Copyright.

(2) The Corporation may appoint, on such terms and conditions as it may determine, from amongst any public officers and persons in the employment of the Corporation, such number of Deputy Controllers of Copyright, Assistant Controllers of Copyright and other officers as may be necessary for the proper administration of this Act, and may revoke the appointment of any person so appointed or deemed to have been so appointed under subsection (3).

(3) The persons holding office as Deputy Controllers, Assistant Controllers and other officers under this Act before the appointed date shall on the appointed date be deemed to have been appointed as Deputy Controllers, Assistant Controllers and such other officers under subsection (2).

(4) Subject to the general direction and control of the Controller and to such conditions or restrictions as may be imposed by the Controller and subject to section 41A, a Deputy Controller or an Assistant Controller may exercise any function of the Controller under this Act, and anything by this Act appointed or authorized or required to be done or signed by the Controller may be done or signed by any Deputy Controller or Assistant Controller and the act or signature of a Deputy Controller or an Assistant Controller shall be as valid and effectual as if done or signed by the Controller.”.

Amendment of section 22

4. Section 22 of the principal Act is amended by deleting the words “or first made available to the public or made, whichever is the latest”.

Amendment of section 41A

5. Section 41A of the principal Act is amended—

(a) in subsection (1), by substituting for the words “may compound” the words “or any person authorized in writing

by the Controller may with the written consent of the Public Prosecutor compound”; and

(b) by deleting subsection (3).

Substitution of section 53

6. The principal Act is amended by substituting for section 53 the following section:

“Institution of prosecution. 53. No prosecution for any offence under this Act shall be instituted except by or with the consent in writing of the Public Prosecutor.”.