

A BILL

i n t i t u l e d

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 2019.

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

Amendment of section 28

2. The Copyright Act 1987 [*Act 332*], which is referred to as the “principal Act” in this Act, is amended in paragraph 28(2)(*d*) by substituting for the words “section 31” the words “sections 31 and 59c”.

Amendment of section 35

3. Section 35 of the principal Act is amended—

- (a) in paragraph (a), by inserting after the words “referred to” the words “, or any dispute may be heard by,”; and
- (b) in paragraph (b), by inserting after the words “referred to it” the words “, or hearing any dispute,”.

New section 59c

4. The principal Act is amended by inserting after section 59B the following section:

“Dispute relating to royalties

59c. (1) The Tribunal may hear any dispute relating to royalties arising between a licensing body and any of its members subject to the agreement of such licensing body and such member.

(2) The Tribunal shall determine the dispute under subsection (1) and make an order accordingly.

(3) An order under subsection (2) may be made so as to be in force indefinitely or for such period as the Tribunal may determine.”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Copyright Act 1987 (“Act 332”).

- 2. *Clause 1* contains the short title and provision on the commencement date of the proposed Act.
- 3. *Clause 2* seeks to amend paragraph 28(2)(d) of Act 332 to enable the Tribunal to hear any dispute relating to royalties arising between a licensing body and any of its members.

4. *Clause 3* seeks to amend paragraphs 35(a) and (b) of Act 332 to enable the Minister to make regulations in respect of the manner in which any dispute relating to royalties may be heard by the Tribunal and the procedure to be adopted by the Tribunal when hearing such dispute, respectively.

5. *Clause 4* seeks to introduce a new section 59c into Act 332 to provide that the Tribunal may hear and determine any dispute relating to royalties arising between a licensing body and any of its members such as an author, a composer and a performer subject to the agreement of such licensing body and such member. Examples of dispute relating to royalties would be the issue of entitlement to, and apportionment and distribution of, royalties.

Hearing before the Tribunal provides an alternative dispute resolution option for a licensing body and any of its members to settle a dispute relating to royalties.

FINANCIAL IMPLICATIONS

This Bill will not involve the Government in any extra financial expenditure.

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