



28 Mei 2012
28 May 2012
P.U. (A) 159

WARTA KERAJAAN PERSEKUTUAN

*FEDERAL GOVERNMENT
GAZETTE*

PERATURAN-PERATURAN HAK CIPTA
(BADAN PELESENAN) 2012

COPYRIGHT (LICENSING BODY) REGULATIONS 2012



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COPYRIGHT ACT 1987
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IN exercise of the powers conferred by sections 27A and 59 of the Copyright Act 1987 [Act 332], the Minister makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the **Copyright (Licensing Body) Regulations 2012**.

(2) These Regulations come 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 Licensing Bodies referred to in subregulation 7(1);

“Copyright Office” means the office of the Corporation;

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

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

“Tribunal” 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 Controller.

Application for declaration

5. (1) An application for a declaration under subsection 27A(2) of the Act shall be made in Form LB-1 together with the prescribed fee to the Controller.

(2) The Form LB-1 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.

Declaration

6. (1) Subject to regulation 5, the Controller may issue a declaration under subsection 27A(3) of the Act declaring an applicant to be a licensing body if the Controller is satisfied that—

(a) the applicant's rules are in compliance with the provisions of the Act;

(b) information relating to the licensing scheme is available to the public;

(c) the applicant is fit and proper to be a licensing body; and

(d) the prescribed fee has been paid.

Register of Licensing Bodies

7. (1) The Controller shall keep and maintain a register called the Register of Licensing Bodies in such form and on such medium as the Controller may determine.

(2) The Register shall contain all such particulars relating to a licensing body as notified by the licensing body to the Controller.

(3) Any person may make a request to the Controller, in Form LB-2 together with the prescribed fee, to examine the Register.

(4) 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 Controller, at the Copyright Office.

Revocation

8. (1) A declaration shall be valid unless revoked by the Controller.

(2) A licensing body which is aggrieved by the decision of the Controller to revoke the declaration given to the licensing body may request from the Controller, in Form LB-3 together with the prescribed fee, for grounds of the revocation for the purpose of appealing to the Tribunal.

(3) The licensing body shall, within fourteen days from the date of the decision of the Tribunal, serve a copy of such decision on the Controller together with Form LB-4.

Obligations of a licensing body

9. (1) If a licensing body has altered its rules forming part of its constituent document referred to in paragraph 27A(2)(a) of the Act, the licensing body shall submit the altered rules in Form LB-5 together with the prescribed fee to the Controller within thirty days from the date of the alteration.

(2) If there are changes to the particulars specified in Form LB-1, the licensing body shall inform the Controller of such changes, in Form LB-6 together with the prescribed fee, within thirty days from the date of the changes.

(3) A licensing body shall provide the documents under subsection 27A(5) of the Act together with Form LB-7.

Non-refundable fees

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

FIRST SCHEDULE

FEES [Regulation 3]

| Item | Description | Fee (RM) |
|------|----------------------------------------------------------------------|----------------|
| 1. | Application for declaration [<i>subregulation 5(1)</i>] | 1,000 |
| 2. | Request to examine the Register [<i>subregulation 7(3)</i>] | 20 per hour |
| 3. | Request for grounds of revocation [<i>subregulation 8(2)</i>] | 1,000 |
| 4. | Submission of the altered rules [<i>subregulation 9(1)</i>] | 200 |
| 5. | Informing of changes to particulars [<i>subregulation 9(2)</i>] | 100 |

SECOND SCHEDULE

FORMS [Regulation 4]

| Item | Description | Form |
|------|------------------------------------------------------------------------------------------------|------|
| 1. | Application for declaration [<i>subregulation 5(1)</i>] | LB-1 |
| 2. | Request to examine the Register [<i>subregulation 7(3)</i>] | LB-2 |
| 3. | Request for grounds of revocation [<i>subregulation 8(2)</i>] | LB-3 |
| 4. | Serve a copy of the Tribunal's decision [<i>subregulation 8(3)</i>] | LB-4 |
| 5. | Submission of the altered rules [<i>subregulation 9(1)</i>] | LB-5 |
| 6. | Informing of changes to particulars [<i>subregulation 9(2)</i>] | LB-6 |
| 7. | Provision of the documents under subsection 27A(5) of the Act [<i>subregulation 9(3)</i>] | LB-7 |

Made 24 May 2012
[KPDN (PUU) (PU2)26/5/5; PN(PU2)457/IV]

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