

I assent.

(L.S.)

GEORGE HYZLER
Acting President

19th June, 2009

ACT No. IX of 2009

AN ACT to amend the Copyright Act, Cap. 415

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

1. The short title of this Act is the Copyright (Amendment) Act, 2009, and this Act shall be read and construed as one with the Copyright Act, hereinafter referred to as “the principal Act”.

Short title.

2. Article 2 of the principal Act shall be amended as follows:

Amendment of article 2 of the principal Act.

(a) for the words “In this Act, unless the context otherwise requires -” there shall be substituted the words “(1) In this Act, unless the context otherwise requires -”;

(b) subarticle (1) thereof as renumbered shall be amended as follows:-

(i) in the definition “communication to the public”, in the first paragraph thereof, for the words “a work by wire or wireless means and” there shall be substituted the words “a work or performance or sound recording by wire or wireless means to the public and”, and for the second paragraph thereof, there shall be substituted the following:

“Provided that the mere provision of physical facilities for enabling or making of a communication does not in itself amount to an act of communication to the public:

Provided further that for the purposes of article 19, communication to the public also includes making the sounds or the representations of sounds fixed in a sound recording audible to the public;”;

(ii) in the definition “performers”, for the words “includes singers, musicians, actors or other artists who sing, deliver, declaim, play in, act in or otherwise” there shall be substituted the words “includes singers, musicians, dancers, actors or other artists who sing, deliver, declaim, play in, act in, interpret or otherwise”;

(iii) immediately after the definition “prescribed”, there shall be inserted the following new definition:

“ “producer of a sound recording” means the legal entity who or which takes the initiative and has the responsibility for the first fixation of the sounds of a performance or other sounds or the representation of sounds”; and

(c) subarticle (2) thereof shall be amended as follows:

(i) in subparagraph (a) thereof, for the words “a work shall be” there shall be substituted the words “a work or a sound recording shall be” and for the words “to the public;” there shall be substituted the words “to the public:” and immediately thereafter there shall be added the following proviso:

“provided that in the case of a work, the making available to the public had taken place with the consent of the author or other owner of copyright, and in the case of a sound recording, with the consent of the producer of the sound recording or his successor in title;”;

(ii) paragraphs (b) and (c) thereof shall be renumbered as paragraphs (c) and (d) respectively;

(iii) immediately after paragraph (a) thereof there shall be inserted the following new paragraph:

“(b) for the purposes of article 19, a sound recording made available to the public by wire or wireless means in such a way that members of the public may access it from a place and at a time individually chosen by them, shall be considered as if it had been published for commercial purposes;”.

3. Immediately at the end of subarticle (2) of article 3 of the principal Act, there shall be added the following words:

Amendment of article 3 of the principal Act.

“Furthermore, copyright protection shall not extend to ideas, procedures, methods of operations or mathematical concepts as such.”.

4. In paragraph (c) of subarticle (1) of article 9 of the principal Act, for the word “nore” in the English text only there shall be substituted the word “nor”, and the words “referred to in article 42(3) and (4)” shall be deleted.

Amendment of article 9 of the principal Act.

5. For paragraph (b) of article 15 of the principal Act, there shall be substituted the following:

Amendment of article 15 of the principal Act.

“(b) the rental and lending, even after their distribution, or pursuant authorization, by the producer;”.

6. For the words “to the performers.” in article 19 of the principal Act, there shall be substituted the words “to the performers:” and immediately thereafter there shall be added the following proviso:

Amendment of article 19 of the principal Act.

“Provided that for the purpose of this article, sound recordings made available to the public by wire or wireless means, in such a way that members of the public may access them from a place and at a time individually chosen by them, shall be considered as if they have been published for commercial purposes.”.

Passed by the House of Representatives at Sitting No. 129 of 16th June, 2009.

LOUIS GALEA
Speaker

PAULINE ABELA
Clerk to the House of Representatives