



17 Mac 2022
17 March 2022
P.U. (A) 61

WARTA KERAJAAN PERSEKUTUAN
*FEDERAL GOVERNMENT
GAZETTE*

PERATURAN-PERATURAN HAK CIPTA
(ORGANISASI PENGURUSAN KOLEKTIF) 2022

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ORGANIZATION) REGULATIONS 2022*

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AKTA HAK CIPTA 1987

PERATURAN-PERATURAN HAK CIPTA (ORGANISASI PENGURUSAN KOLEKTIF) 2022

PADA menjalankan kuasa yang diberikan oleh seksyen 27A dan 59 Akta Hak Cipta 1987 [Akta 332], Menteri membuat peraturan-peraturan yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Hak Cipta (Organisasi Pengurusan Kolektif) 2022.**

(2) Peraturan-Peraturan ini mula berkuat kuasa pada 18 Mac 2022.

Permohonan bagi perisyntihsaran

2. (1) Suatu permohonan bagi perisyntihsaran hendaklah dibuat kepada Pengawal dalam Borang CMO-1 Jadual Kedua bersama dengan fi yang dinyatakan dalam Jadual Pertama.

(2) Suatu permohonan di bawah subperaturan (1) hendaklah disertakan dengan—

(a) sijil pemerbadanan syarikat berhad menurut jaminan pemohon;

(b) dokumen konstituen pemohon yang mengandungi objektif utamanya sebagaimana yang dinyatakan dalam perenggan 27A(2)(a) Akta;

(c) senarai pemunya hak cipta, pencipta atau pelaku atau ejennya;

(d) dokumen konstituen pemohon yang berhubungan dengan kutipan dan pengagihan skim pelesenan;

(e) bukti skim pelesenan dijadikan tersedia kepada awam; dan

(f) dokumen atau maklumat lain sebagaimana yang diarahkan oleh Pengawal.

Pengeluaran perisyiharan

3. (1) Selepas mempertimbangkan permohonan yang dibuat di bawah peraturan 2, jika Pengawal berpuas hati bahawa pemohon layak dan sesuai untuk menjadi organisasi pengurusan kolektif di bawah subseksyen 27A(4) Akta, Pengawal boleh mengeluarkan perisyiharan kepada pemohon.

(2) Tertakluk kepada subperaturan (1), perisyiharan yang dikeluarkan oleh Pengawal hendaklah sah bagi tempoh dua tahun dari tarikh perisyiharan.

Pembaharuan perisyiharan

4. (1) Suatu permohonan bagi pembaharuan perisyiharan hendaklah dibuat kepada Pengawal dalam Borang CMO-2 Jadual Kedua tidak lewat daripada enam puluh hari sebelum tarikh habis tempoh perisyiharan itu dan disertakan dengan fi yang dinyatakan dalam Jadual Pertama.

(2) Jika suatu permohonan bagi pembaharuan dibuat selepas habis tempoh perisyiharan itu, pemohon hendaklah dikenakan bayaran surcaj sebagaimana yang dinyatakan dalam Jadual Pertama.

Pembatalan perisyiharan

5. (1) Pengawal boleh membatalkan perisyiharan yang dikeluarkan di bawah peraturan 3 atas alasan yang dinyatakan dalam subseksyen 27A(6) Akta.

(2) Mana-mana organisasi pengurusan kolektif yang terkilan dengan keputusan Pengawal berhubung dengan pembatalan perisyiharan boleh meminta alasan pembatalan itu daripada Pengawal bagi maksud rayuan kepada Tribunal.

(3) Organisasi pengurusan kolektif hendaklah, dalam tempoh empat belas hari dari tarikh keputusan Tribunal, menyampaikan suatu salinan keputusan itu kepada Pengawal.

Fi

6. (1) Fi yang dinyatakan dalam Jadual Pertama hendaklah dibayar kepada Pengawal mengikut apa-apa cara sebagaimana yang diarahkan oleh Pengawal.

(2) Apa-apa fi yang dibayar di bawah Peraturan-Peraturan ini tidak boleh dibayar balik.

Pembatalan

7. Peraturan-Peraturan Hak Cipta (Badan Pelesenan) 2012 [P.U. (A) 159/2012] dibatalkan.

Kecualian dan peralihan

8. Mana-mana permohonan bagi perisytiharan yang dibuat di bawah Peraturan-Peraturan Hak Cipta (Badan Pelesenan) 2012 yang belum selesai sebelum tarikh permulaan kuat kuasa Peraturan-Peraturan ini hendaklah, pada tarikh permulaan kuat kuasa Peraturan-Peraturan ini, diuruskan mengikut peruntukan Peraturan-Peraturan ini.

JADUAL PERTAMA
[Subperaturan 2(1) dan peraturan 4]

(1) Butiran	(2) Perihalan	(3) Fi (RM)
1.	Permohonan bagi perisyiharan [subperaturan 2(1)]	20,000.00
2.	Permohonan bagi pembaharuan perisyiharan [peraturan 4]	
	(a) Fi pembaharuan	2,500.00
	(b) Surcaj	3,800.00

JADUAL KEDUA
[Subperaturan 2(1) dan 4(1)]

BORANG

(1) Butiran	(2) Perihalan	(3) Borang
1.	Permohonan bagi perisyiharan [subperaturan 2(1)]	CMO-1
2.	Permohonan bagi pembaharuan perisyiharan [subperaturan 4(1)]	CMO-2

Dibuat 15 Mac 2022
[KPDNKK.100-1/4/17; PN(PU2)457/V]

DATO SRI ALEXANDER NANTA LINGGI
Menteri Perdagangan Dalam Negeri dan Hal Ehwal Pengguna

COPYRIGHT ACT 1987

COPYRIGHT (COLLECTIVE MANAGEMENT ORGANIZATION) REGULATIONS 2022

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 (Collective Management Organization) Regulations 2022**.

(2) These Regulations come into operation on 18 March 2022.

Application for declaration

2. (1) An application for a declaration shall be made to the Controller in Form CMO-1 of the Second Schedule together with the fee specified in the First Schedule.

(2) An application under subregulation (1) shall be accompanied with—

(a) the certificate of incorporation of a company limited by guarantee of the applicant;

(b) the applicant's constituent document which contains its main object as specified in paragraph 27A(2)(a) of the Act;

(c) the list of copyright owners, authors or performers or their agents;

(d) the applicant's constituent document relating to the collection and distribution of licensing scheme;

(e) proof of licensing scheme is made available to the public; and

(f) other documents or information as the Controller may direct.

Issuance of declaration

3. (1) After considering the application made under regulation 2, if the Controller is satisfied that the applicant is fit and proper to be a collective management organization under subsection 27A(4) of the Act, the Controller may issue a declaration to the applicant.

(2) Subject to subregulation (1), the declaration issued by the Controller shall be valid for a period of two years from the date of declaration.

Renewal of declaration

4. (1) An application for a renewal of the declaration shall be made to the Controller in Form CMO-2 of the Second Schedule not later than sixty days before the date of expiry of the declaration and accompanied with the fee specified in the First Schedule.

(2) Where an application for renewal is made after the expiry of the declaration, the applicant shall be subject to a payment of surcharge as specified in the First Schedule.

Revocation of declaration

5. (1) The Controller may revoke the declaration issued under regulation 3 on the grounds specified in subsection 27A(6) of the Act.

(2) Any collective management organization which is aggrieved by the decision of the Controller in relation to the revocation of declaration may request for grounds of the revocation from the Controller for the purpose of appeal to the Tribunal.

(3) The collective management organization shall, within fourteen days from the date of the decision of the Tribunal, serve a copy of such decision to the Controller.

Fees

6. (1) The fees specified in the First Schedule shall be paid to the Controller in such manner as the Controller may direct.

(2) Any fee paid under these Regulations shall not be refundable.

Revocation

7. The Copyright (Licensing Body) Regulations 2012 [P.U. (A) 159/2012] are revoked.

Saving and transitional

8. Any application for declaration made under the Copyright (Licensing Body) Regulations 2012 which is pending before the date of coming into operation of these Regulations shall, on the date of coming into operation of these Regulations, be dealt with in accordance with the provision of these Regulations.

FIRST SCHEDULE
[Subregulation 2(1) and regulation 4]

FEES

(1) Item	(2) Description	(3) Fee (RM)
1.	Application for declaration [<i>subregulation 2(1)</i>]	20,000.00
2.	Application for renewal of declaration [<i>regulation 4</i>]	
	(a) Renewal fee	2,500.00
	(b) Surcharge	3,800.00

SECOND SCHEDULE
[Subregulations 2(1) and 4(1)]

FORMS

(1) Item	(2) Description	(3) Form
1.	Application for declaration [<i>subregulation 2(1)</i>]	CMO-1
2.	Application for renewal of declaration [<i>subregulation 4(1)</i>]	CMO-2

Made 15 March 2022
[KPDNKK.100-1/4/17; PN(PU2)457/V]

DATO SRI ALEXANDER NANTA LINGGI
Minister of Domestic Trade and Consumer Affairs