

Intellectual Property

Innovation Management

Topic 6 B

LDCW6113 | LDCW6123

Objectives



Protection

patent, trademark, industrial design, copyright, plant variety, integrated circuit



Exploitation

licensing & technology transfer, patent & technology brokerage, IP audit, due diligence and valuation



Dispute

investigation, infringement, watching services, enforcement and litigation

COPYRIGHT 101

What You Should Know?

Copyright is the exclusive right granted to the copyright owner to control a creative work for a certain period of time based on the Copyright Act 1987. The copyright owner can be the author of the creative work or any person who has the legal interest in to that creative work.

Copyright protection **extends only to expressions**, and **not to underlying ideas, procedures, methods of operation or mathematical concepts as such.**
(idea-expression dichotomy)



Requirements

**There must be
sufficient effort or
skill applied to
the work to
render it original,
relates to the
originality
requirement**

**Reduced to
material /
tangible form**

**Belongs to the
categories of
protected works**

did you know?

Copyright Doesn't Need a Symbol to Be Valid!

While many people think you need the © symbol or a registration to claim copyright, you don't actually need to register your work for it to be protected by copyright law, it's automatic as soon as you create it.

However, registering your work helps if you ever need to take legal action!



Requirements for AUTOMATIC protection, what?!

Copyright protection arises automatically upon creation in Malaysia, no registration is required.

Author must be a citizen or PR of Malaysia, OR a citizen/resident of a Berne Convention member country.

Work must be: First published in Malaysia, OR First published in a Berne Convention member country.

Categories of protected works



Literary work



Films



Musical work



**Sound
recording**



Artistic work



Broadcast

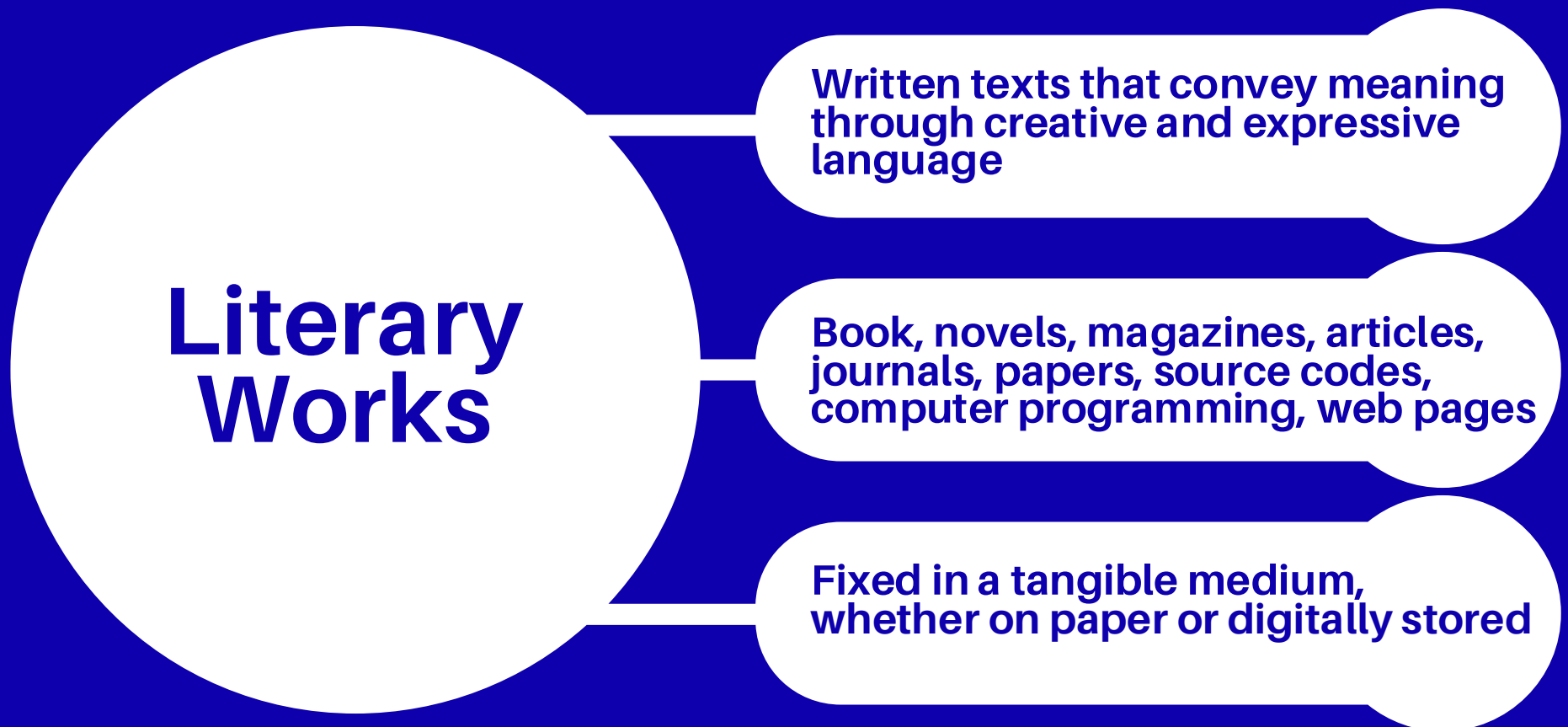


**Published
edition**



Derivatives

Categories of protected works



Categories of protected works

Films



```
graph LR; Films((Films)) --- Def1(Audiovisual works that combines visual images with sound (or sometimes silent visuals) fixed in a tangible medium); Films --- Def2(Movies, TV shows, documentaries, web series, short films, corporate and educational videos); Films --- Def3(Fixed in a form that can be perceived, reproduced, or communicated such as MP4, DVDs, digital files, or film reels);
```

Audiovisual works that combines visual images with sound (or sometimes silent visuals) fixed in a tangible medium

Movies, TV shows, documentaries, web series, short films, corporate and educational videos

Fixed in a form that can be perceived, reproduced, or communicated such as MP4, DVDs, digital files, or film reels

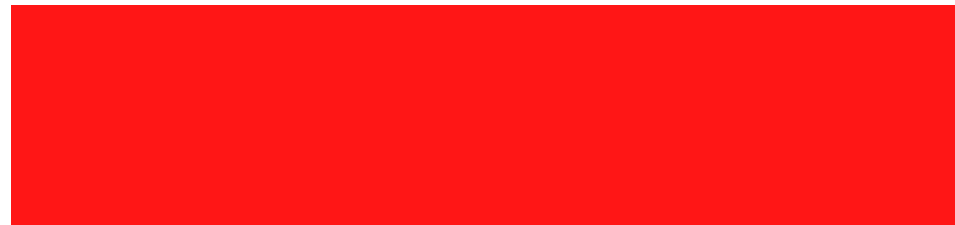


did you know?

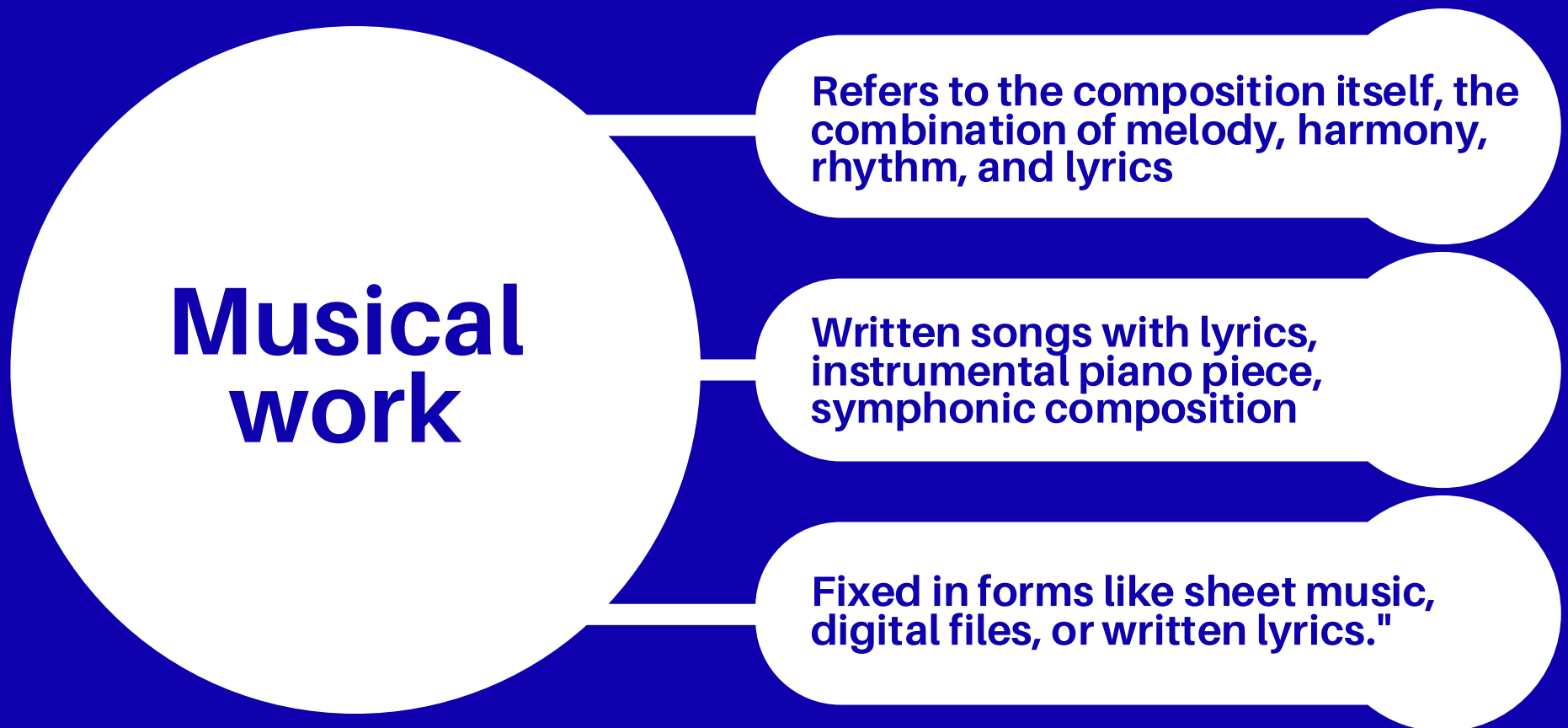
Disney Owns Marvel, But Not Spider-Man (on Screen)!

Even though Disney owns Marvel that has control on artistic right of Spider-Man, Sony still holds the films rights to Spider-Man, meaning Disney must negotiate every time it wants Spidey to appear in the MCU movie.

Yep, your friendly neighborhood hero is still legally swinging between studios!



Categories of protected works



Categories of protected works

Sounds recording

```
graph LR; A((Sounds recording)) --- B(Fixed capture of sounds regardless of how it was made or distributed, protects the performance or production of a work); A --- C(Studio recording of songs, a podcast episode, an audiobook, a live concert); A --- D(Stored in tangible formats like CDs, digital files (MP3), or streaming copies)
```

Fixed capture of sounds regardless of how it was made or distributed, protects the performance or production of a work

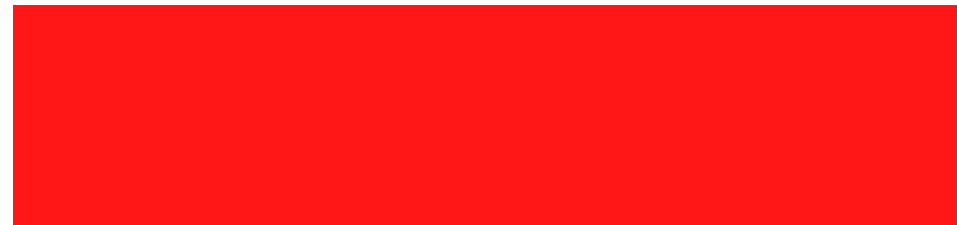
Studio recording of songs, a podcast episode, an audiobook, a live concert

Stored in tangible formats like CDs, digital files (MP3), or streaming copies

did you know?

“**HAPPY BIRTHDAY**” song is the most recognized song in the English language and was once copyrighted?

For years, the song was under copyright, and anyone using it in films, shows, or performances had to pay licensing fees. It wasn't until **2016** that a court ruled it was in the public domain.



Categories of protected works

Artistic work

```
graph LR; A((Artistic work)) --- B(Refer to original creations that have aesthetic value, primarily focusing on visual art); A --- C(Painting, drawing, sculpture, picture, photos, graphic design, street art); A --- D(Stored in tangible formats like canvas, digital files, or prints.)
```

Refer to original creations that have aesthetic value, primarily focusing on visual art

Painting, drawing, sculpture, picture, photos, graphic design, street art

Stored in tangible formats like canvas, digital files, or prints.

Categories of protected works

Broadcast



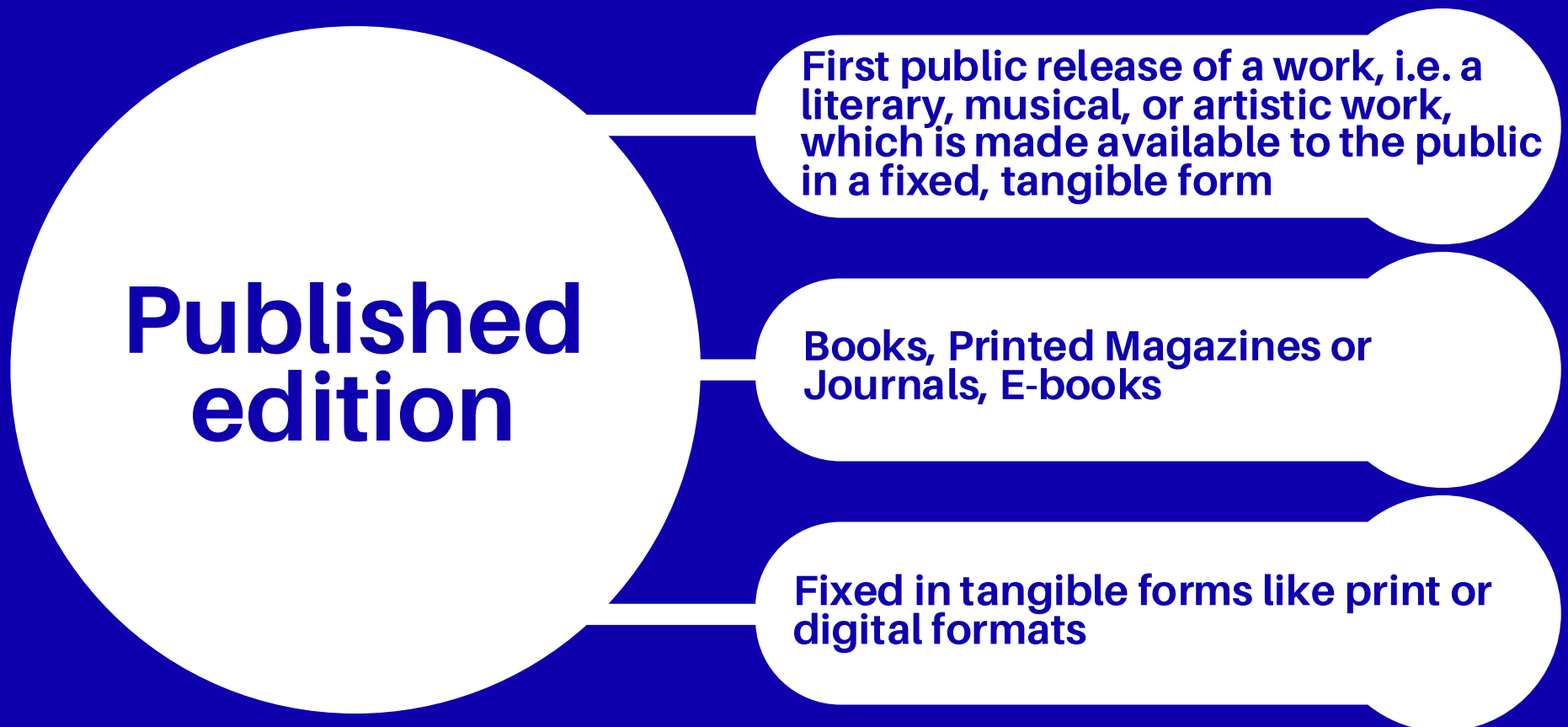
```
graph LR; A((Broadcast)) --- B(Live or real-time transmission of a work to the public by means of radio waves, cable, satellite, or the internet.); A --- C(Television shows, radio programs, live streaming, live podcast); A --- D(Does not necessarily have a physical form because it is transmitted in real time, but can be in recordings, digital files, or transcripts)
```

Live or real-time transmission of a work to the public by means of radio waves, cable, satellite, or the internet.

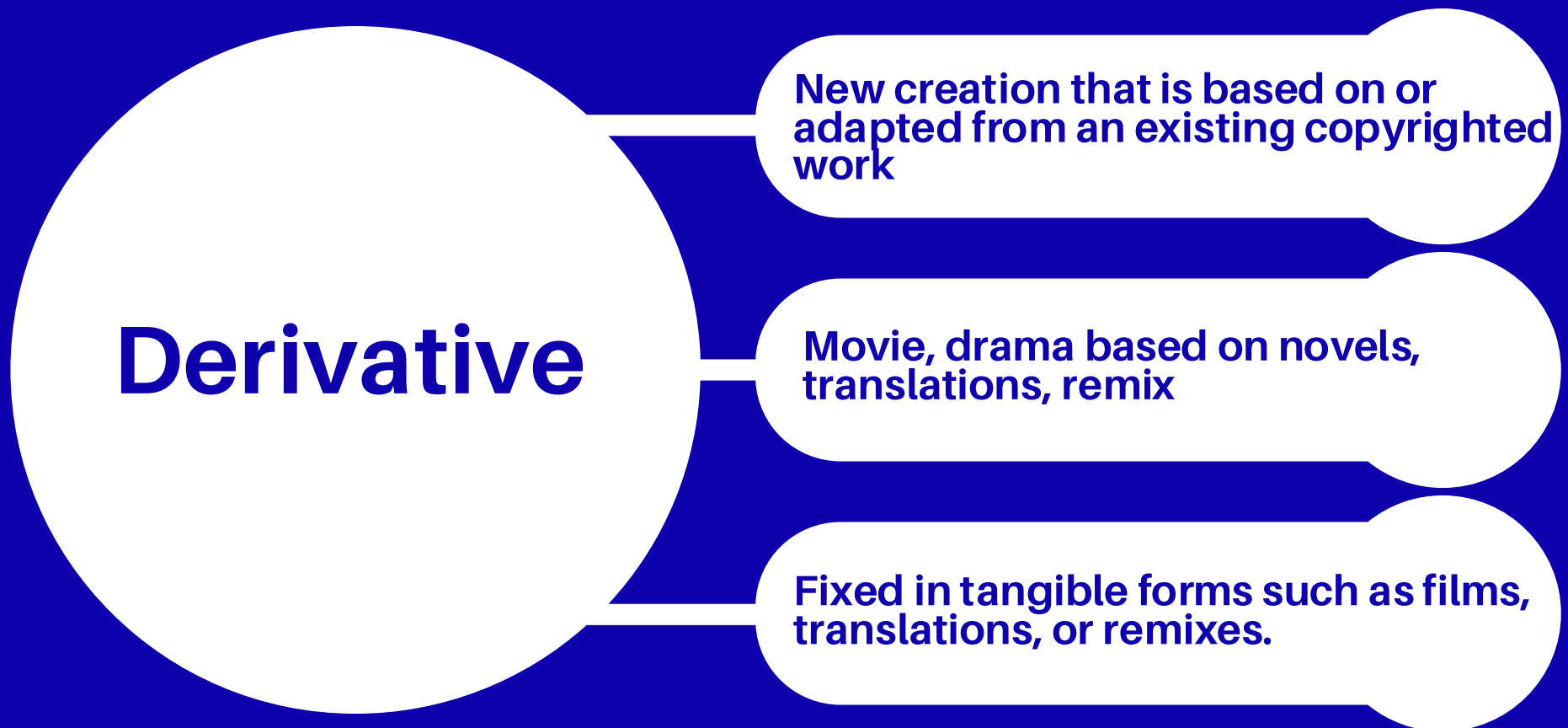
Television shows, radio programs, live streaming, live podcast

Does not necessarily have a physical form because it is transmitted in real time, but can be in recordings, digital files, or transcripts

Categories of protected works



Categories of protected works



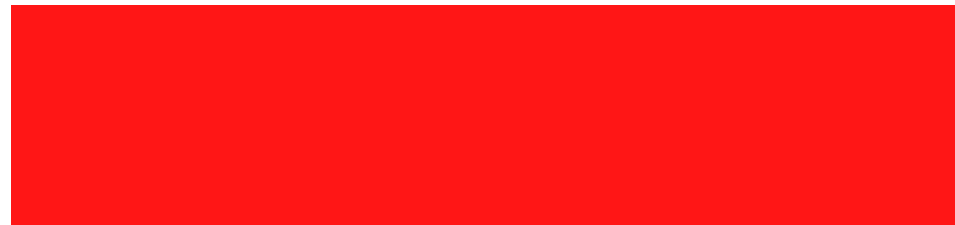


did you know?

Fantastic Beasts is a "**Derivative Prequel**" to Harry Potter!

The Fantastic Beasts film series, which is set in the same magical universe as Harry Potter, is a **derivative work** that explores the backstory of the wizarding world. Based on J.K. Rowling's book "Fantastic Beasts and Where to Find Them", the films expand on characters like Newt Scamander and Albus Dumbledore, offering new lore and magical creatures.

Though it's a prequel, it still builds upon the events and characters of the original Harry Potter series, making it a perfect example of a successful derivative work!



Duration of copyright

Literary, musical or artistic works

Copyright protection will be in effect for the duration of the author's life and will last for 50 years following his passing. When a work is co-authored, the 50 years start after the LAST author's death.

Duration of copyright

Films, sound recordings, broadcasts,
published editions or works of
Government or international bodies

The 50 year duration was calculated starting from the first day of the calendar year after the date on which the work was created or published.

Duration of copyright

Performers' rights or equitable remuneration

The 50 year duration was calculated starting from the first day of the calendar year after the date on which the performance was fixed in a sound recording or the sound recording is published.

did you know?

P. Ramlee, Malaysia's legendary singer, actor, and composer, passed away in **1973**, and under Malaysian copyright law, his creative works (like his timeless songs and films) were protected for **50 years after his death**.

→ That means in **2023**, his works have officially entered the public domain!



Legal rights - Author

The owner of the copyright may be the author, who has both moral and exclusive rights. Usually, the author's moral rights are retained while the exclusive right is transferred to the new copyright owner. These moral rights are limited to the right to be identified or protest any act that affects their work or reputation.

Legal rights - Owner

The Copyright Act of 1987 gives the owner of the copyright the rights to prevent unauthorized use, reproduction or any acts of their works. A civil or criminal court may charge person responsible for any copyright infringement if they perform any act related to the works without the license, authority, or consent of the copyright owner.

Legal rights - Performer

The performers have the right to stop any acts that are connected to their fixation of performance, including unlawful use and reproduction. If someone violates their rights without permission, they could face legal action in a civil or criminal court. They also have the same moral rights as authors, which include the right to recognize and object any actions that harm their reputation.

what if someone infringe ?

The copyright owner or performers may file a lawsuit against them by:

- **In a civil litigation, the court may issue an order for statutory damages, an account of profits, an injunction, damages, or any other order it thinks appropriate; or**
- **Criminal action by reporting the offender to the Ministry of Domestic Trade and Cost of Living's Enforcement Division or the Royal Malaysian Police, which could result in a fine, jail imprisonment, or both.**

what is CMO ?

A Collective Management Organization (CMO) or Royalty Collecting Body is an organization that has been given a mandate by the Copyright Owner to administer their rights in the use of their copyrighted works by the users. The CMO administers the following arrangements:

- **Licensing of copyright work;**
- **Collecting royalty on the license issued;**
- **Distributing the royalty to the copyright owners;**
- **Initiate enforcement action on behalf of the owner of the copyright based on rights given.**

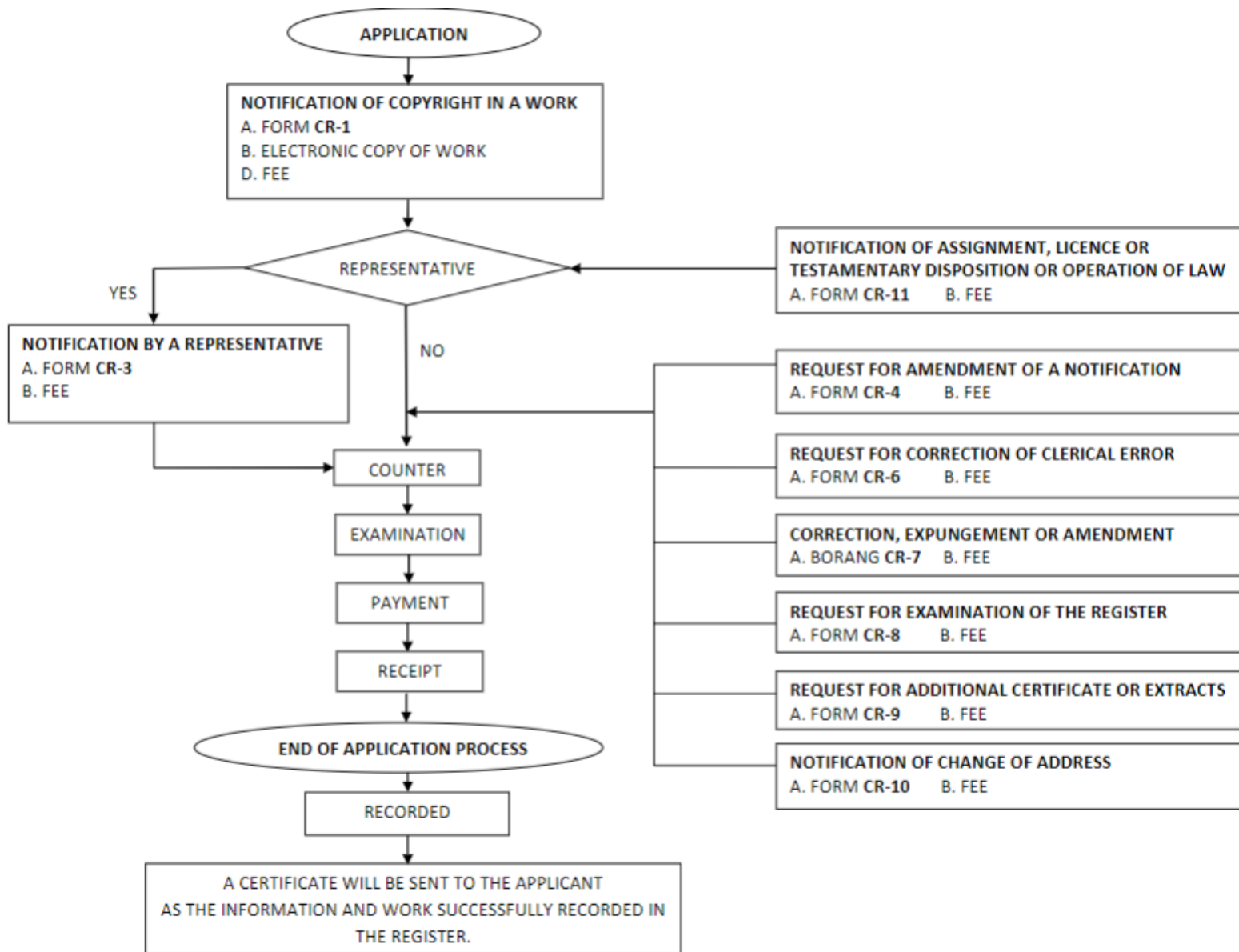
use of copyright via CMO .

The users (individual/ commercial premises organization) intended to use any copyrighted work shall obtain authorization from the copyright owner.

If the use of copyrighted work is for commercial purposes / in public places / at commercial premises, the users shall obtain a license for such use through a Collective Management Organization which has been appointed by the copyright owner. An example of such is as follows:

- a. One-off Licence/ Single Event (Wedding ceremony, concert, dinner, etc)**
- b. Annual License (retail, shopping complex, karaoke box, hotel management, etc)**

voluntary notification



form CR-1



INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA

An agency under the Ministry of Domestic Trade and Cost of Living

COPYRIGHT ACT 1987

NOTIFICATION OF COPYRIGHT IN A WORK

[subregulations 5(2) and 5(3)]



CR - 1

Application No:

Applicant :

* Title of work (Original language) :

Translation (If the title of work is
neither in Bahasa nor English) :

Transliteration (If the title of work is :
neither in Bahasa nor English)

Name of the Language :
(Language use in the work)

*** Section A : Category of Works** (Please tick **ONE** only)

☐

Literary

☐

Musical

☐

Artistic

☐

Film

☐

Sound Recording

☐

Broadcast

('broadcasting
service' only)

☐

Derivative

Date of Creation / Fixation :

DD

MM

YYYY

Section B : Publication

The Work is

☐

Published

☐

Unpublished

If published

☐

DD

MM

YYYY

(Date of first publication)

(Country)

form CR-1

* Section C : Author (To add additional Authors, please attach separate sheet)

Name (as per NRIC/Passport) : _____

NRIC / Passport No. : _____

Nationality : _____

DD	MM	YYYY
----	----	------

(Date of Death (if applicable))

* Section D : Owner (To add additional Owners, please attach separate sheet)

Name (as per NRIC/Passport) or : _____
Company Name : _____

NRIC / Passport / Company No. : _____

Nationality : _____

Address : _____

Postcode : _____ **City** : _____

State : _____ **Country** : _____

Telephone No. : _____ **E-mail:** _____

* Required to be filled in

form CR-1

Section E : Licensee (If applicable)

Name (as per NRIC/Passport) or	:									
Company Name	:									
NRIC / Passport / Company No.	:									
Nationality	:									
Address	:									
	:									
Postcode :		City :								
State :		Country :								
Telephone No.	:	E-mail:								
Date of Agreement	:	<table border="1"><tr><td>DD</td><td>MM</td><td>YYYY</td></tr></table>	DD	MM	YYYY	Please provide copy of agreement(s) (mandatory)				
DD	MM	YYYY								
Duration of Agreement	:	<table border="1"><tr><td>DD</td><td>MM</td><td>YYYY</td></tr></table>	DD	MM	YYYY	until	<table border="1"><tr><td>DD</td><td>MM</td><td>YYYY</td></tr></table>	DD	MM	YYYY
DD	MM	YYYY								
DD	MM	YYYY								

* Section F : Contact Person

Name (as per NRIC/Passport)	:			
NRIC / Passport No.	:			
Address	:			
	:			
Postcode :		City :		
State :		Country :		
Telephone No.	:	E-mail:		

form CR-1

* Section G : Declaration

I/We hereby declare that the applicant is the owner of the copyright in the work.

Signature,

(_____)

Name :

Date :

* Section H : Language of Certificate

☐

Malay

OR

☐

English

(Please tick ONE only)

* Section I : Mode of Delivery for Certificate

☐

Self-Collection

OR

☐

By Post

(Please tick ONE only)

Section J : Official Use

Payment Received :

☐

YES

☐

NO

Date :

DISCLAIMER : Applicant are reminded to give full and accurate information while filling in the particulars in this form. Any inaccuracy in the information given is on the applicant's own volition. MyIPO cannot be held responsible or held liable for the wrong information recorded.

All correspondence should be addressed to :

Copyright Division

Intellectual Property Corporation of Malaysia (MyIPO)
Level 13, Menara MyIPO, PJ Sentral
Lot 12, Persiaran Barat, Seksyen 52
46200 Petaling Jaya, Selangor, MALAYSIA.

Telephone : +603 - 7496 8900

Fax : +603 - 7496 8999

Website : <http://www.myipo.gov.my>

E-Mail : infocopyright@myipo.gov.my

** Required to be filled in*

PAGE 2 OF 2

Important Keynotes



**copy
right**

**Automatic protection,
no registration required**



Must be original, creative



Understand types of work



Legal rights



Duration of protection





The End