

Act A306
Copyright (Amendment) Act 1975

LongTitle & Preamble

An Act to amend the Copyright Act, 1969.

BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

Section 1. Short title.

This Act may be cited as the **Copyright (Amendment) Act, 1975**.

Section 2. New section 12A.

The Copyright Act, 1969 [*Act 10*] (hereinafter referred to as the principal Act) is hereby amended by inserting immediately after section 12 the following new section 12A -

"12A. Affidavit by owner.

(1) An affidavit or statutory declaration made before any person having authority to administer oath by any person claiming to be the owner of the copyright in any of the works eligible for copyright under this Act stating that -

- (a) at the time specified therein a copyright subsisted in such work;
- (b) he is the owner of the copyright; and
- (c) a copy of the work annexed thereto is the true copy thereof,

shall be admitted in evidence in any criminal proceeding under this Act and shall be *prima facie* proof of the facts contained therein.

(2) If the ownership of the copyright is claimed by a company or any other body of persons, the affidavit or statutory declaration shall be made by any responsible officer of that company or body of persons."

Section 3. Amendemnt of section15.

Section 15 of the principal Act is hereby amended -

(i) by inserting immediately after paragraph (c) of subsection (1) the following new paragraph (d) -

"(d) possesses, otherwise than for his private or domestic use, any infringing copy;"

(ii) by relettering the existing paragraphs (d), (e) and (f) of subsection (1) as paragraphs (e), (f) and (g);

(iii) by substituting for the words "two hundred" appearing in subsection (1) the words "two thousand",

(iv) by substituting for the words "(subject to a maximum of fifty thousand dollars in respect of any one offence)" appearing in subsection (1) the words "or one hundred thousand dollars, whichever is the lower"; and

(v) by inserting immediately after subsection (5) the following new subsection (6) -

"(6) For the purpose of paragraphs (d) and (f) of subsection (1) any person who has in his possession three or more infringing copies shall, unless the contrary is proved, be presumed to be in possession of or to import such copies otherwise than for private or domestic use."