

GUIDELINES TO APPLICATION FOR STATUTORY DECLARATION (SD) OF MMU COPYRIGHTED MATERIALS

Disclaimer: The authors believe all information provided hereforth is correct. The related Copyright Act 1987 and Malaysia Law must be referred to, should there exist any discrepancy in this document.

BACKGROUND

All copyrightable materials are automatically protected under Malaysian Copyright Act 1987. However, it is highly encouraged to execute a Statutory Declaration (SD) stamped by the Commissioner of Oath for the copyrighted materials as the SD can become admissible as evidence in any infringement proceedings in the court and shall be prima facie proof of the facts contained therein. It is advisable to have a SD for copyrighted material which is **useful, appealing** and has the **potential to generate revenue**, as the copyrighted material is likely to be commercialised or draw copyright infringement.

MMU IPMC may only process copyrighted materials which are owned (wholly or partially) by MMU as those prescribed in MMU Intellectual Property and Commercialisation Policy, as well as Malaysia Copyright Act 1987. All MMU Citizens are bound to these Policy and Act, and thus any isolated execution of SD of copyright materials owned by MMU that is not correctly declaring MMU as the rightful owner shall be invalid by law.

Note that if the copyright materials are jointly owned by MMU and a third party, the following supporting document is necessary: (1) Declaration of joint ownership of copyright, together with permission to execute the SD from the authorised personnel of the third party, OR (2) Memorandum of Agreement (MoA) stipulating the Intellectual Property Right (IPR) sharing.

[Note: Copyright protects the expression of the idea and not the idea in the mind.]

CRITERIA

Below are some criteria (including without limitation) for some common copyrightable materials worth executing a SD.

[Definitions: (1) "Original" means sufficient skill and effort must have been expended by the author in creating the work. (2) "Material form" means any form (whether visible or not) of storage from which the work can be reproduced, e.g. written down or recorded.]

Painting and Artworks:

1. Original work in material form.
2. Exceptional artistic or aesthetic appeal.
3. Potential for participating in exhibition, event or sale gallery.
4. Has the potential to generate revenue.

Product Design:

1. Original work in material form.
2. Design for a working and market ready product.
3. Has the potential to generate revenue.

Video or Animation:

1. Original work in material form.
2. All third party materials are permitted to be used either through written permission, proper licensing, or creative common licence, which must be clearly indicated.
3. Appealing characters in terms of quality and design.
4. Potential for participating in exhibition, event or pitching session.

5. Complete trailer or storyline.
6. Has the potential to generate revenue.

[Note: Only one SD shall blanket video, audio, characters, and storyboard.]

Website:

1. Original work in material form.
2. All third party materials are permitted to be used either through written permission, proper licensing or, creative common licence, which must be clearly indicated.
3. Appealing or unique look-and-feel.
4. Has the potential to generate revenue.

[Note: Only one SD shall blanket all the materials and design within the copyrighted website]

Computer Programme, Software or Apps

1. Original work in material form.
2. Appealing solution/functionality to public or industries.
3. Additional features, enhanced performance, or unique functionality.
4. Working and market ready product.
5. Has the potential to generate revenue.
6. All third party materials are permitted to be used either through written permission, proper licensing or open source licence (OSL), which must be clearly indicated. *[Note: The OSL terms must be carefully read. Some OSL may impose copyleft licence (e.g. GNU, Mozilla, Eclipse, etc) and some may impose permissive licence (e.g. MIT, BSD, Apache, etc). Modification to the original code covered by a permissive licence can be released under any licence, open source or not. Notwithstanding the foregoing, releasing MMU-owned copyrighted materials under OSL without MMU-IPMC's written consent is not permitted.]*

[Note: Only one SD shall blanket the software and related user manual.]

Game:

1. Original work in material form.
2. Appealing characters in terms of quality and design.
3. Addictive gameplay.
4. Has the potential to generate revenue.

[Note: Merely leaning on applied technological (e.g. wifi, NFC, kinect, leap motion controller, etc.), enticement without design appeal is inadequate.]

Book:

1. Original work in material form.
2. All third party materials are permitted to be used either through written permission, proper licensing or, creative common licence.
3. Related to authors' expertise and jobscopes.
4. Unpublished.
5. Has the potential for extensive readers.

Note: The above is a non-exhaustive list. Inventions that are not stated above will be evaluated along the same principles/ criteria.