

ANNEXURE A

Response Matrix: ELP Submission Keyed to the Consultation Document

To: Submission of Edwin Lee & Partners on the Proposed Amendments to the Copyright Act 1987 (Act 332)

Reference: Cadangan Pindaan Akta Hak Cipta 1987, Dokumen Konsultasi Awam (the "Consultation Document")

Purpose and how to read this Annexure

The Consultation Document does not pose numbered consultation questions. This matrix therefore keys each element of ELP's submission to the section of the Consultation Document it responds to, so that our responses can be located and tabulated efficiently. Column three points to the paragraphs of the Core Submission; column four lists the relevant numbered recommendations.

ELP's submission is confined to the intersection of artificial intelligence, copyright and personal data. Consultation Document sections outside that scope (the treaty accessions, enforcement measures other than as context, economic value creation, and governance and administration other than the CVN proposals) receive no response, and no inference should be drawn from our silence.

The matrix

#	Consultation Document reference	What the Document raises	ELP response (Core Submission paragraphs)	Recommendations
1	Stakeholder Feedback on AI & Copyright (section 6A)	Creative, media and publishing sector calls for consent, compensation and transparency, including licensing-based solutions and an opt-in approach to training datasets	We engage the opt-in position directly rather than dismiss it: an opt-in rule binds only developers who ask; the hybrid protects emerging licensing markets through the unreasonable-prejudice limb and delivers transparency that opt-in does not supply (paras 2.7 to 2.8)	1, 4, 5
2	Malaysia's Policy Considerations (section 6B)	Five considerations: legal certainty, innovation, creator protection, investment confidence, balanced regulatory framework	The hybrid is the only model that satisfies all five; full permission fails innovation and investment, Japan unmodified fails creator protection on sourcing, Singapore unmodified fails it on market harm (para 2.6)	1

#	Consultation Document reference	What the Document raises	ELP response (Core Submission paragraphs)	Recommendations
3	How Japan Approaches AI Training (Article 30-4 two-filter explanation)	Purpose test plus market-harm proviso	Accurate framing; we adopt the proviso as the safety valve but identify the absence of a lawful-access condition as the model's defect, one Japan has had to patch through administrative guidance (para 2.4)	2, 4
4	How Singapore Approaches Thought Permits (lawful access; the express policy question: Japan, Singapore or hybrid)	Computational data analysis for any purpose, conditional on lawful access	Direct answer to the express question: hybrid. We adopt the lawful-access gate and its non-excludability by contract, and identify the absence of a market-harm backstop as the model's defect (paras 2.1, 2.3, 2.5 to 2.6)	1, 2, 3
5	AI and Copyright: the subsistence question ("sufficient human creativity", subsistence before ownership)	Whether AI-generated output qualifies for protection where human contribution is limited or absent	We agree with the Document's framing and recommend codifying it: a human-authorship threshold in sections 3 and 7, technology-neutral as to instrument, informed by the convergence across the US, PRC, Korea and the UK's proposed repeal of its deeming provision (Part 4)	8, 9
6	Pillar 1: Future-Ready Copyright Framework (transparency and disclosure obligations; consent and fair compensation)	Framework components for the AI era	We give the transparency component operational shape: source records and published training-data summaries at guideline level, attaching to deployment in Malaysia so the obligation reaches models trained abroad (paras 2.8, 6.2)	5, 11
7	Copyright Voluntary Notification (section 13); section 42 evidentiary upgrade; section 26C Controller powers	CVN certificates and certified extracts admissible in evidence; Controller correction powers	We support the direction, subject to an AI-assistance declaration at notification and confirmation that the enhanced status is a rebuttable presumption, so subsistence remains examinable; Korea has operated registration scoped to declared human contribution since mid-2025 (Part 5)	10

#	Consultation Document reference	What the Document raises	ELP response (Core Submission paragraphs)	Recommendations
8	Gap identified: interface with the Personal Data Protection Act 2010	Not addressed in the Consultation Document	Copyright and personal data are separate gates; a TDM exception clears only the first. Act 709 has no legitimate-interests basis, so the lawfulness of training on personal data is an open question the amendment should acknowledge expressly (Part 3)	6, 7
9	Gap identified: foreign developers	Foreign developers did not participate in the consultation; training abroad may sit outside Act 332 while the models serve Malaysian users	Attach transparency and record-keeping obligations to the making available of AI systems in Malaysia; afford foreign developers a channel for input before the Bill is finalised (Part 6)	11

Notes on mapping

1. Section references follow the Consultation Document's own slide numbering where a number is printed (sections 6A, 6B, 8 to 14) and descriptive titles elsewhere.
2. Rows 8 and 9 respond to matters the Consultation Document does not raise. We include them because both follow directly from the AI proposals it does raise, and because the cost of addressing them at amendment stage is low while the cost of leaving them to litigation is not.
3. The Consultation Document places the summary of proposed amendments under five pillars. Our recommendations touch Pillar 1 (AI and TDM, transparency and disclosure) and Pillar 5 (CVN and copyright administration) only.