

ANNEXURE B

Statutory Cross-Reference

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

Purpose

This Annexure sets out the provisions of Malaysian law on which the Core Submission relies, with a short note on the role each plays in the analysis, followed by the foreign provisions referred to comparatively. Foreign law is cited for comparison only and is not relied on as authority.

Part 1: Copyright Act 1987 (Act 332)

Provision	Substance	Role in the submission
Section 3, "author"	Defines the author by category of work: the writer or maker (literary works), the composer (musical works), the artist (artistic works), the person by whom arrangements were undertaken (photographs, films, sound recordings), the broadcaster, and residually the person by whom the work was made	Every limb assumes a human being. Foundation of the position that a work generated without meaningful human creative contribution has no author (paras 4.2 to 4.3); target of the definitional confirmation in Recommendation 8
Section 3, "computer program"	An expression, in any language, code or notation, of a set of instructions intended to cause a device to perform a particular function	Confirms that protection attaches to expression; relevant to the vocabulary of Recommendation 8
Section 3, "literary work", paragraph (h)	Literary works include computer programs	Context for the CVN and subsistence analysis as applied to software and text outputs
Section 7(1)	Works eligible for copyright: literary, musical and artistic works, films, sound recordings, broadcasts	Frames the subsistence analysis in Part 4
Section 7(2A)	Copyright does not extend to ideas, procedures, methods of operation or mathematical concepts as such	The statistical patterns extracted in training sit closer to unprotected subject matter than to protected expression (para 2.2)
Section 7(3) (a)	A literary, musical or artistic work is not eligible unless sufficient effort has been expended to make the work original in character	The originality threshold. Recommendation 8 codifies that the requisite effort must be human creative effort

Provision	Substance	Role in the submission
Section 13(1)	The exclusive rights of the copyright owner, including reproduction and communication to the public	Assembling and processing a training corpus involves reproduction; the reason AI training engages copyright at all (para 2.2)
Section 13(2) (a) and 13(2A)	Fair dealing for research, private study, criticism, review and news reporting, weighed against purpose and character of the dealing, nature of the work, amount and substantiality used, and market effect	The existing exception was not designed for corpus-scale computational analysis; the source of the present uncertainty (para 2.2)
Section 26(1)	Copyright vests initially in the author	If no author exists, there is no initial vesting; consequence of the Part 4 analysis for wholly AI-generated works
Section 26B	Establishes the Register of Copyright and the voluntary notification system	The infrastructure the CVN proposals would enhance (Part 5)
Section 42	Affidavits, statutory declarations and certified extracts of the Register admissible as prima facie evidence of copyright subsistence and ownership	The provision the Consultation Document proposes to amend for CVN certificates; Recommendation 10 asks that the enhanced status remain a rebuttable presumption, consistent with the section's existing prima facie architecture

Part 2: Personal Data Protection Act 2010 (Act 709), as amended by Act A1727

Provision	Substance	Role in the submission
Section 6(1)(a)	A data controller shall not process personal data about a data subject unless the data subject has given consent	The default rule of Malaysian data protection; the second gate for AI training on personal data (para 3.2)
Section 6(2)	Exceptions to consent: performance of a contract with the data subject, compliance with a legal obligation, vital interests, the administration of justice, exercise of functions conferred by law	Contains no general legitimate-interests basis. None of the exceptions plausibly covers commercial model training, which makes the two-gates point operative (para 3.2)
Section 5(2), as amended by section 4(b)(ii) of Act A1727	Contravention of the Personal Data Protection Principles: fine up to RM1,000,000, imprisonment up to three years, or both	The penalty exposure that makes the interface question practical rather than theoretical (para 3.3)
Act A1727 generally	2024 amendments, including data controller terminology, data processor obligations, breach notification and data protection officer requirements	Context for reading Act 709 in its current form throughout Part 3

Part 3: Foreign provisions referred to comparatively

Provision	Substance	Where referred to
Copyright Act of Japan, Article 30-4	Exploitation permitted where the purpose is not enjoyment of the expressed thoughts or sentiments, including data analysis, unless the use would unreasonably prejudice the copyright owner's interests	Paras 2.3 to 2.4; source of the unreasonable-prejudice safety valve in Recommendation 4
Copyright Act 2021 (Singapore), sections 243 and 244; section 187	Computational data analysis exception conditional on lawful access; excluded from contractual override	Paras 2.3, 2.5; source of the lawful-access gate in Recommendation 2 and the non-contractibility rule in Recommendation 3
Copyright, Designs and Patents Act 1988 (United Kingdom), sections 9(3), 178 and 12(7)	Deemed authorship of computer-generated works; definition; 50-year term	Paras 4.2, 4.5; the model Recommendation 9 declines, and which the UK Government's report of 18 March 2026 proposes to repeal
Interim Measures for the Administration of Generative Artificial Intelligence Services (People's Republic of China), Articles 7 and 20	Lawful-source requirements for training data as a condition of providing generative AI services; extension to services supplied into China from abroad	Para 6.2; comparative support for deployment-linked obligations in Recommendation 11

Note on verification

The Malaysian provisions in Parts 1 and 2 were checked against the consolidated text of Act 332, the consolidated text of Act 709 and the text of Act A1727 before this Annexure was settled. The foreign provisions in Part 3 are cited from the sources footnoted in the Core Submission.