COPYRIGHT ACT 1987

COPYRIGHT (COPYRIGHT TRIBUNAL) REGULATIONS 2012

IN THE MATTER OF CASE NUMBER CTLS2025001

AND

IN THE MATTER OF REFERENCE OF A PROPOSED LICENSING SCHEME TO TRIBUNAL UNDER SECTION 27B OF THE COPYRIGHT ACT 1987

AND

IN THE MATTER OF REGULATION 29(1) OF COPYRIGHT (COPYRIGHT TRIBUNAL) REGULATIONS 2012

BETWEEN

MALAYSIAN ASSOCIATION OF HOTELS (MAH) ……APPLICANT

(Registrar of Society No.: PPM0091428051975)

AND

MUSIC AUTHORS COPYRIGHT PROTECTION (MACP) BERHAD ……RESPONDENT

(Company No.: 198901009102 (186403-X))

BEFORE

ROHAZAR WATI ZUALLCOBLEY

NAZURA ABDUL MANAP

WONG JIN NEE

DECISION

A. Preliminary Matter

1. The Tribunal has reviewed and carefully considered the pleadings, written submissions and all relevant documents filed by the Applicant and the Respondent in Case No. CTLS2025001.

2. Having considered the preliminary objections raised by the Respondent dated 6.5.2026 (Enclosure 10) together with the Applicant's response thereto dated 12.5.2026 (Enclosure 11), the Tribunal notes that although the Applicant filed the prescribed application form, which makes general reference to various provisions of the Copyright Act 1987, including sections 27B and 27C, the Applicant's pleadings, written submissions and supporting documents are founded exclusively on section 27B of the Act, which relates to a proposed licensing scheme.

3. Upon reviewing the Applicant's case, the Tribunal is of the view that the relief sought extends beyond matters concerning a proposed licensing scheme and requires consideration of an existing licensing scheme. In those circumstances, section 27B does not provide the proper statutory basis for the application as presently framed. While the Tribunal makes no definitive determination as to the appropriate statutory provision for any future proceedings, it observes that section 27C is the provision which addresses disputes relating to existing licensing schemes.

4. Accordingly, the Tribunal is unable to proceed with the present application in its current form.

5. The Tribunal therefore orders as follows:

    i. The Applicant's application is struck out without any determination of its substantive merits.

    ii. Such striking out is without prejudice to the Applicant's right to commence a fresh application under the appropriate provision of the Copyright Act 1987, if so advised.

    iii. There shall be no order as to costs, with each party bearing its own costs.

6. For the avoidance of doubt, the Tribunal has neither considered nor determined the substantive merits of the parties' dispute. The present application is struck out solely because it has been commenced on a statutory basis which, in the Tribunal's view, is not the proper basis for the relief sought. As no adjudication has been made on the merits, this decision shall not operate as a bar to any fresh application that may properly be brought in accordance with the Copyright Act 1987.

ROHAZAR WATI ZUALLCOBLEY

(CHAIR)

NAZURA ABDUL MANAP

(MEMBER)

WONG JIN NEE

(MEMBER)

Date: 30th June 2026

Representative/s for:

APPLICANT	:	P. Rajasundram (Messrs Raja S Devan & Veni)

Representative/s for:

RESPONDENT	:	Cheah Sin Chin Gan Yu Lin (Messrs Azwar & Associates)

REPORTED BY	:	Mohd Syaufiq bin Abdul Latif (Secretary, Copyright Tribunal) Nor Ruzanna binti Razali (Secretary, Copyright Tribunal)