[MT] The Maltese Copyright Act

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The Copyright Act, Chapter 415 of the Laws of Malta, was enacted on 14 August 2000 to make new provisions in respect of copyright, neighbouring rights and certain sui generis intellectual property rights. It also repealed the previously standing enactment on the same subject, the Copyright Act 1967. Chapter 415 of the Laws of Malta was not however the first Act in Malta to regulate copyright. Under British colonial rule, Malta applied the English law on the subject, the Copyright Act of 1911. Following independence in 1964, Malta enacted its first copyright Act, Act No. VI of 1967, in 1967. The 1967 enactment was at the time necessary because the 1911 Act did not cater for such matters as radio and television broadcasting. A new copyright act was introduced in the new millennium to take on a board variety of EU Directives on the subject. The enactment was amended in 2001 (Act No. VI of 2001), 2003 (Act No. IX of 2003) and 2009 (Act No IX of 2009). Thus, when Malta joined the European Union in 2004 the Copyright Act was in compliance with EU law.

The Copyright Act deals with various types of works which are eligible for copyright: artistic works, audiovisual works, databases, literary works and musical works. Such works have to have an original character and have to be written down, recorded, fixed or otherwise reduced to material form. Not eligible for copyright are ideas, procedures, methods of operation and mathematical concepts. The Act accepts cases of joint authorship.

Copyright expires seventy years after the end of the year in which the author died in the case of literary, musical or artistic works and databases, whilst in the case of audiovisual works copyright ceases seventy years after the end of the year in which the last of the following people died: the principal director, the author of the screenplay, the author of the dialogue and the composer of music specifically created for use in the audiovisual work. In the case of copyright works owned by the Government and international bodies, the seventy year prescriptive period comes to an automatic end at the end of the year in which the work was first published.

Copyright allows the author of the works mentioned above to enjoy the exclusive right to authorise or prohibit any or all of the following actions with regard to a work that is subject to copyright: reproduction by any means and in any form, whether directly or indirectly, temporarily or permanently, in whole or in part;

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rental and lending; distribution; translation into other languages, including different computer languages; adaptation, arrangement and any other alteration and reproduction, distribution, communication, display or performance to the public of the results thereof; broadcasting, rebroadcasting, communication to the public or cable retransmission; and display or performance to the public.

The Copyright Act also establishes copyright in works of architecture. In addition, it regulates those cases where restrictions with regard to certain rights are permissible, as well as the issue of the first ownership of copyright. Moral rights of authors, neighbouring rights, moral rights of performers, transfer of copyright and neighbouring rights, sui generis rights in respect of databases and semiconductor product topographies are also regulated by the enactment.

Infringements of the provisions of the Copyright Act relating to copyright, neighbouring rights and sui generis rights give rise to a civil action before the Civil Court, First Hall and, on appeal, before the Court of Appeal. Moral rights, when violated, are also subject to a civil lawsuit before the said courts. Finally, the Act establishes a Copyright Board, which mainly deals with setting the remuneration to be paid to the copyright holder by any person requiring copyright permission and grants the parties a right of appeal for all decisions of the Board.

Att dwar id-Drittijiet ta' l-Awtur

http://docs.justice.gov.mt/lom/legislation/maltese/leg/vol_13/kap415.pdf

Maltese Copyright Act, Chapter 415, Laws of Malta

http://docs.justice.gov.mt/lom/legislation/english/leg/vol_13/chapt415.pdf

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