

A black and white photograph of a person sitting at a desk in a recording studio, looking at a computer monitor. The person is wearing a dark shirt and is seen from the side. The monitor displays a software interface with various data points and graphs. In the background, there are studio monitors and other equipment. A large, stylized blue graphic element is overlaid on the right side of the image.

macp

Music Authors' Copyright Protection
(MACP) Berhad

Membership Guidelines

Updated 16th May 2024



Revision History

Rev	Revision Date	Description	Reviewed By	Approved By
001	01.11.2022	Initial Release	MACP Management	Board of Directors
002	08.03.2023	1 st Revision	MACP Management	Board of Directors
003	16.05.2024	2 nd Revision	MACP Management	Board of Directors



1. Background

This Guidelines (and amendments or revisions thereof) contain terms and conditions which are supplemental to the terms and conditions contained in the Membership Application Form and shall form part of the membership terms of MACP Membership.

For the avoidance of doubt, these terms and conditions may be subject to revision from time to time and shall come into binding effect upon notification to Members.

2. Eligibility

2.1 Local Writer

A citizen of Malaysia with an Identity Card (MyKad), that satisfies the following conditions:

- 2.1.1 Possesses one (1) song, with a minimum length of two (2) minutes per song and fulfil any of the following: -
 - a) Commercially performed for at least three (3) times in the last twelve (12) months in any premise, venue or event;
 - b) Recorded as part of a commercially-released movie or film;
 - c) Broadcasted on any TV, cable or radio station for at least three (3) times in the last twelve (12) months; or
 - d) Commercially released or published on one (1) digital streaming/ video platform and has a minimum of 1000 streams/ views.
- 2.1.2 For Jingle Writer, possesses one (1) or more jingles, with a minimum of 60 seconds used in advertising or for other commercial uses;
- 2.1.3 For any Writer assigned to a Publisher, MACP shall reserve the right to request for a copy of the publishing agreement between the Writer and the Publisher whenever there is a dispute or query as to the works ownership or for any other purpose related thereof.

2.2 Foreign Writer

A non-Malaysian citizen with a valid passport, that satisfies the following conditions:

- 2.2.1 Possesses one (1) song, with a minimum length of two (2) minutes per song and fulfil any of the following: -
 - a) Commercially performed for at least three (3) times in the last twelve (12) months in any premise, venue or event;
 - b) Recorded as part of a commercially-released movie or film;



- c) Broadcasted on any TV, cable or radio station for at least three (3) times in the last twelve (12) months; or
 - d) Commercially released or published on one (1) digital streaming/ video platform and has a minimum of 1000 streams/ views.
- 2.2.2 For Jingle Writer, possesses one (1) or more jingles, with a minimum of 60 seconds used in advertising or for other commercial uses
- 2.2.3 Resides in Malaysia for more than last five (5) years prior to application, either married to a Malaysian OR working in Malaysia;
- 2.2.4 Possesses a local address with proof of a tenancy agreement or utility bill;
- 2.2.5 Possesses a local bank account; and
- 2.2.6 For any Writer assigned to a Publisher, MACP shall reserve the right to request for a copy of the publishing agreement between the Writer and the Publisher whenever there is a dispute or query as to the works ownership or for any other purpose related thereof.

2.3 Publishers

A locally registered music publishing company with the Companies Commission of Malaysia, that satisfies the following conditions:

- 2.3.1 Possesses ten (10) songs, with a minimum length of two (2) minutes per song and fulfil any of the following: -
- a) Commercially performed for at least three (3) times in the last twelve (12) months in any premise, venue or event;
 - b) Recorded as part of a commercially-released movie or film;
 - c) Broadcasted on any TV, cable or radio station for at least three (3) times in the last twelve (12) months; or
 - d) Commercially released or published on one (1) digital streaming/ video platform and has a minimum of 1000 streams/ views.
- 2.3.2 For Jingle Publisher, possesses fifty (50) or more jingles, with a minimum of 600 seconds in total, used in advertising or for other commercial uses;
- 2.3.3 Submits company documents as proof of ownership in Company;
- 2.3.4 Possesses a locally registered office address; and
- 2.3.5 Possesses a local bank account.



2.3.6 For any Writer assigned to the Publisher, MACP shall reserve the right to request for a copy of the publishing agreement between the Writer and the Publisher whenever there is a dispute or query as to the works ownership or for any other purpose related thereof.

3. Category of members

3.1 According to Article 5 of the Articles of Association, all eligible person shall be admitted as Associate Member.

3.2 For admission to Full Member, only writer members and publisher members are eligible.

Table below summarize the category of members for admission as MACP Member.

Category	Associate member	Full Member
Who can be member?	1. Local writer 2. Foreign writer 3. Publisher 4. Successors 5. Proprietor	1. Writer associate member 2. Publisher associate member
Qualifying criteria	Based on the eligibility criteria above as local/ foreign writer and publisher. For Successor member application, refer Clause 7 below.	Writer/ Publisher associate members who receives royalty of any amount will automatically become a Full Member.
Attend AGM	Yes	Yes
Vote	No	Yes
UPA	Yes	Yes

4. Multiple Membership

Members of other collecting societies or organisations of which the administration or management of rights is similar to or identical to MACP shall not be accepted as Members, as MACP does not practice multiple memberships.

5. Unlogged Performance Allocation (UPA)

5.1 Eligibility of UPA

UPA to be allocated only to members who has earn any performing royalty in the distribution year and must be a continuous member for at least 2 years from date of admission.



6 Inspection of Documents

6.1 General Conditions during inspection:

- 6.1.1 Members are not allowed to make copy(ies), photography and extract of the documents.
- 6.1.2 Members are not allowed to bring any electronic gadgets during the inspection of the documents in the inspection room.
- 6.1.3 Prior to initiating an inspection, a designated compliance officer will review the nature of the inspection is to be conducted. It is important that the designated compliance officer adequately prepare for each inspection of all the books that is being open for inspection.

6.2 Eligibility

The Inspection is entitled to be exercised by Full Members of MACP only as defined under Article 5(i)(i) of the Articles.

6.3 Notice

Members may, by giving a notice in writing to MACP in at least three (3) working days to make an appointment for an inspection of documents.

An inspection of document request shall describe specifically what items to be inspected by the member making the request.

Notice given by the member is only meant for the member who requested to do inspection. The notice is not transferable to another member.

6.4 Venue for Inspection

Unless otherwise specified, the Inspection shall be at the MACP office at the address of Unit 8, Level U2, Block D4 (D4-U2-08), Solaris Dutamas, No. 1, Jalan Dutamas 1, 50480 Kuala Lumpur, Malaysia.

6.5 Time for Inspection

The time for Inspection is permitted to be carried out, by appointment, at the MACP office between the hours of 2 p.m. and 5 p.m. on every Monday to Friday pursuant to Article 61(b) of the Articles of Association.

MACP reserved the rights to propose for another time and date for Inspection to take place in the event where the proposed time is not suitable.

6.6 Scope of Access of documents:

In summary, the documents that MACP's Members entitled to inspect are as follows:-

- (i) Books of Association, and
- (ii) Books of Accounts



Particulars of the Books of Association & Books of Accounts open for inspection are as follows:-

Article of Association	Books/documents by the Association	Eligibility
Article 61	<u>Books of Association</u> 1. Minutes of the Annual General Meeting 2. Minutes of the Board (Formal Minutes that is minuted by the Company Secretary)	Full Members
Article 70	<u>Books of Accounts</u> Annual Report Audited Financial Statements	Full & Associate Members

6.7 Presence of the Representative from MACP's Management

During the inspection, the presence of the representative from MACP's Management is required for the purpose of facilitating and to answer any queries raised by the Members.

MACP shall designate an officer as a compliance officer as the representative from MACP's management.

6.8 Capacity allowed for Inspection

A maximum of three (3) Members are allowed to be present at MACP's office for Inspection at any given time.

6.9 Non-delegation of Power

The approval, obligation, and rights of Members conferred hereunder are personal and may not be delegated, assigned or transferred to another Member in any manner whatsoever.

7. Successor Members

7.1 General

A membership automatically terminates on the death of a Member and shall not be transmitted to any other person.

Any successor of a deceased writer member is required to apply for admission as successor member within three (3) year from the date of the death certificate of writer member.



Only one successor member to be elected to receive the royalties for the deceased Member.

In the event a Successor Member is not appointed within 3 years after the demise of a Member, Art. 2.16 (ii)(a) of the Distribution Policy Rules will apply.

Note:

Art. 2.16 (ii)(a) of the Distribution Policy Rules states that –

ii) Non-member Special Account (“NM”) a) If one of the interested parties of a MACP originated work is not a member, that non-member share will be placed in this account. The royalties will be held for up to 3 years until the non-member becomes a member only then will the amount held be released. If the non-member does not become a member within the 3 years, the non-member royalties will be ploughed back into the distribution pool in the 4th year’s distribution and allocated proportionally to all parties receiving royalties in the current Distribution Year.

7.2 Muslims

The Successors need to obtain and produce to MACP:-

7.2.1 Letter of Administrator from the High Court appointing one of the successors as the Administrator; or

7.2.2 If not available, to produce the Certificate of *Faraid*.

If Certificate of *Faraid* is produced, MACP will not be responsible for the apportionment of the distribution of royalties to the beneficiaries of the deceased estate. MACP will only release the royalty entitlement to the appointed legal personal representative of the deceased member applied as the Successor Member for onward distribution to beneficiaries.

7.3 Non-Muslims

7.3.1 The Successor need to be appointed as an associate member only from the legal personal representative of the deceased Member’s estate holding;

7.3.2 The Successor must produce either a Letter of Administrator or Grant of Probate that is valid in Malaysia.

8. Veteran Members

Members shall be eligible to become Veteran Members if they satisfy the following:

- (i) Aged fifty-five (55) years above;
- (ii) Possesses at least fifty (50) registered songs with MACP;
- (iii) MACP member for more than ten (10) years.



9. Royalties Transferred to Third Party

Members are allowed to transfer their royalties to another individual's name or company provided that the following is satisfied:

- (i) Prepare a letter signed by the Member i.e. transferor to the transferee individual or company, and MACP to inform about the transfer;
- (ii) Submit a Statutory Declaration ("SD") specifying the details of the transfer, including the new bank account; and
- (iii) To submit to MACP a copy of both front and back of the Identification Card (MyKad) for individuals, and a copy of the relevant company registration documents issued by the Companies Commission Malaysia for companies.

10. Territory

The administration of rights by MACP of its members is worldwide and therefore shall not be limited to Malaysia or specific territories only, unless informed otherwise by MACP.

11. Cease of Membership

11.1 Any Member may, by giving not less than three months' written notice to the Association, terminate their Membership. Notwithstanding such notice given and the expiry of such notice:

- (i) The Membership may cease at the end of the three (3) months' notice; or on the 31st December of the year in which the notice expires; or such shorter period as determined by the Board; and
- (ii) the Members' rights pursuant to the termination shall be subject to any existing licensing agreements and related processing fees and/or costs that were in place prior to the termination of their Membership, until its expiry.

11.2 MACP will always remind members of the implications of terminating their membership. For example, terminating MACP membership could mean that a writer or composer would not receive royalties when their music is played, performed or reproduced if they have not joined another collecting society.

11.3 MACP reserves the right to terminate the membership if Members have breached the Constitution, the provisions of the Deed of Assignment, code relating to the conduct expected of Members and/or any other agreements entered with MACP.