



MINISTRY OF INTERNATIONAL TRADE AND INDUSTRY

**STANDARDS**  
MALAYSIA

**POLICY FOR THE PUBLICATIONS, DISTRIBUTION, SALES,  
REPRODUCTION OF PUBLICATIONS AND COPYRIGHT PROTECTION OF  
MALAYSIAN STANDARDS  
(POMS)**

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**JABATAN STANDARD MALAYSIA  
DEPARTMENT OF STANDARDS MALAYSIA**

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## 1.0 INTRODUCTION

This document outlines the policy for the publications, distribution, sales, reproduction of publications and the copyright protection of Malaysian Standards.

As the National Standards Body, Standards Malaysia is the custodian of MS and responsible for the governance of the entire value chain which include development and promotion, systematic review, withdrawal, publication and protection of MS for distribution, sales, reproduction of publications and the protection of copyright. For its intellectual and creative contents and to avoid any unnecessary commercial exploitation, MS is subjected to copyright protection under the provisions of the Standard Malaysia Act 1996 (Act 549)

MS is available for sale, both in hard and soft copy format in accordance to Standards of Malaysia (Fees) Regulation 2018 (P.U. (A) 75) that has set out the price of published MS based on the document's number of pages.

Malaysia, through Standards Malaysia is a member to International Organization for Standardization (ISO) since 1969 and a member to International Electrotechnical Commission (IEC) since 1991. The membership to ISO and IEC enables Standards Malaysia to actively participate in ISO/IEC standards development activities. As a full member, Standards Malaysia is eligible to adopt the international standards as MS subject to copyright policy imposed by ISO and IEC. Standards Malaysia is also eligible to sell ISO/IEC standards and is fully responsible on the management of any third-party distribution on ISO/IEC standards for the country.

This document corresponds to the Protection of ISO's Distribution, Sales and Reproduction of ISO Publications and the Protection of ISO's Copyright (ISO POCOSA 2017) and IEC's Policies on Sales and Copyrights or documents which supersede these documents in the future.

The document is applicable to the relevant parties involved in publication, distribution, sales, reproduction of publications and the protection of copyright of MS.

## 2.0 TERMS AND DEFINITIONS

For the purpose of this document, the following terms and definitions shall apply. Other definitions are as in ISO/IEC Guide 2.

### 2.1 active sales

feedback from cust

sales resulting from **active marketing** by approaching End Users inside or outside Malaysia (e.g. by direct mail or email, unsolicited visits, advertisements in the media or on the internet, such as paying a search engine to show adverts to End Users, or through other specifically targeted promotions).

Note 1 to entry Active Sales outside Malaysia is only applicable for indigenous MS.

### 2.2 copyright

rights owned by authors to exploit their literary, scientific and artistic works.

Note 1 to entry It is mentioned in **Standard Malaysia Act** that copyright of all MS developed **belongs to Standards Malaysia**. However, for **national adoptions of ISO or IEC** standards, the **copyright is remained by ISO and IEC**.

Note 2 to entry **Translation of ISO publication** by Standards Malaysia is considered as **shared copyright** between ISO and Standards Malaysia.

### 2.3 distribution

distribution of Malaysian Standards includes supplying to internal member, third party distributors or to the end users.

### 2.4 End User

any company, organisation or person **using MS** and its **drafts** for its **own benefit**.

### 2.5 Licensee

Third-Party distributors and end users authorised by Standards Malaysia to distribute or use MS and its drafts.

### 2.6 list price

the price for a particular Malaysian Standard as displayed in the current MS Catalogue which is available on the Malaysian Standards Online system, MySOL. The price of MS is as in accordance to **Standards of Malaysia (Fees) Regulation 2018 (P.U. (A) 75)**.

### 2.7 Malaysian Standard

a standard declared in accordance with the section 15 of the Standards Malaysia Act 1996 (Act 549)

## **2.8 national adoption**

publication of MS that are based on International Standard/ASTM/EN/equivalent standard and other regional standards/national standards. Degree of correspondence of adoption includes Identical (IDT) and Modification (MOD).

## **2.9 passive sales**

sales resulting from passive marketing, namely responding to unsolicited requests from End Users wherever they are located.

Note 1 to entry General advertising or promotion which is a reasonable way to reach End Users in a Member's National Territory but also reaches End Users in other National Territories is passive marketing.

Note 2 to entry Advertising or selling MS and ISO/IEC Publications on an internet website is also passive marketing, except where it falls within the definition of Active Sales.

## **2.10 publication**

the act of making MS available to the public in a printed or electronic form.

## **2.11 reproduction**

act of copying MS.

## **2.12 return policy**

return policy established by Standards Malaysia is aimed to manage the process by which customers return or exchange unwanted or defective MS that they have purchased previously.

## 3.0 COPYRIGHT OF MS AND ITS DRAFT

### 3.1 Objectives

The objectives of the copyright protection are to eliminate exploitation and to prevent from unauthorized reproduction or distribution of Malaysian Standard and also to ensure appropriate use of MS. All Malaysian Standards are copyright protected document in accordance with the section 18A, Standard Malaysia Act 1996 (Act 549) which stipulated that all MS are owned by the Government of Malaysia and no part of an MS can be reproduced in any form without the written permission of the Director General.

### 3.2 Communication on Copyright

End Users and Third-Party Distributors, where possible and appropriate, must be informed that MS and its drafts are protected by copyright and that this copyright will be enforced, if necessary, by legal means. All legislative and regulatory authorities should be informed that MS and its drafts are developed through a voluntary, consensus-based process and that their use is also intended to be voluntary. As and when required, MS may be used as reference to technical regulations and acts with the intention for enforcement by the regulators. Any parties may refer to MS and its drafts, but this does not extinguish the copyright asserted by Standards Malaysia.

### 3.3 Copyright Notices

All MS and their drafts shall carry a copyright notice in a suitable place that is clearly visible, together with an abbreviated copyright notice on each page as in Annex 1. This will continually remind users that these documents are copyright-protected and shall not be reproduced without proper authorisation. At the same time, the copyright notice will inform users how this authorisation may be obtained.

### 3.4 Protection Measures

- 3.4.1 All users shall make all reasonable efforts as may be appropriate to protect and prevent the unauthorized use of any content of MS and its drafts.
- 3.4.2 Each page of PDF versions and its drafts shall be watermarked to identify the actual purchaser or End User. MS and its drafts distributed in other electronic formats (e.g. HTML, ePub) shall also be watermarked in a similar way.
- 3.4.3 When using Public Networks for any MS and its drafts for the development of standards, Standards Malaysia shall take appropriate measures to make sure that the MS and its drafts are only distributed and used in accordance with **Annex 2**.

## 4.0 DISTRIBUTION OF MS PUBLICATIONS

Standards Malaysia is the main distributor of MS. Distribution of MS is applicable through hardcopies and softcopies. Standards Malaysia may appoint third party distributor to assist in the sales of MS subject to the terms and conditions agreed upon by both parties.

### 4.1 Appointment of Third-Party Distributor

4.1.1 Standards Malaysia may appoint third party distributor based on needs or based on request received by interested organisation. Appointment of third-party distributor is subjected to the agreement established between Standards Malaysia and the third party distributor. **The validity of the agreement is no more than 3 years.**

4.1.2 The **appointed third-party distributors should** be given the exclusive right to promote active sales of MS in Malaysia as well as passive sales outside Malaysia. They shall adhere to the terms and conditions imposed by Standards Malaysia. The selection of third-party distributors shall fulfil but not limited to the following criteria:

- a) Be an organisation registered with Suruhanjaya Syarikat Malaysia (SSM). Distribution rights will not be offered to individuals.
- b) Have reliable financial reputation without any related undue pressure; and
- c) Have experience and knowledgeable in sales both in physical and online platforms (if applicable). The third-party distributor shall ensure that the online platforms used are reliable and secured.

### 4.2 MS Distribution to Third Party Distributor

4.2.1 Standards Malaysia shall make MS Publications available to any appointed Third-Party Distributors in accordance with the terms and conditions specified in the agreement. Standards Malaysia reserves the right to appoint any qualified publisher.

4.2.2 Third-Party Distributors may market and sell MS Publications in accordance with the agreement established with Standards Malaysia. Third-Party Distributors will benefit 30% of sales revenue based on the established MS price.

4.2.3 Any order of MS made by third party distributor shall be paid in full before the documents are delivered or collected. Handling charges shall be borne by third party distributor.

4.2.4 Standards Malaysia shall not be responsible for any damage caused during delivery/ shipments or postage.



## **5.0 RETURN POLICY**

Standards Malaysia shall not entertain any cancellation, refund, exchange of products due to purchaser's change of mind once payment is accepted. Standards Malaysia shall only receive return of damaged documents due to publication or printing default. Standards Malaysia shall not receive return of damaged documents due to mishandling or damages due to natural disasters at purchaser's premises or care.

## **6.0 COMPLIMENTARY COPY**

6.1 All MS are copyright protected and not for free distribution. However, complimentary copy of MS may be given to any party upon approval by the Director General of Standards Malaysia. Any request for the complimentary copy of MS shall be made in writing to the Director General. Only indigenous MS and a maximum of 10 copies of each MS title requested for is allowed for complimentary distribution. Complimentary copy may also be given to following recipients:

- a) Members of standard development committees involved in the development of MS;
- b) Government agencies using MS as needed for the purpose of realising the national agenda.

6.2 National Adoptions can be provided as a complimentary copy to government agencies if they require them as a reference to develop regulation or to establish other documents. However, if the purpose is for implementation, the National Adoptions cannot be given as complimentary copy.

## **7.0 DISCOUNT**

Discount of MS may be applied as in **Annex 3**.

## **8.0 SUBSCRIPTION**

Yearly subscription is applicable for online viewing of MS developed by five (5) National Standards Committee (NSC). Should a copy of MS be required in the form of hardcopy or pdf, End User may buy the required MS from Standards Malaysia. Reproduction of MS shall comply with clause 10.0 of this document. Yearly subscription fee is as stipulated in the Standards of Malaysia (Fees) Regulation 2018 [P.U (A) 75].

## **9.0 PURCHASE OF NATIONAL ADOPTION BY FOREIGNER**

Purchase of National Adoption by foreigner is allowable under passive sales by Standards Malaysia as prescribed in this document. However, MS EN shall not allowed to be sold outside Malaysia.

## **10.0 REPRODUCTION OF MALAYSIAN STANDARDS (MS)**

### **10.1 Reproduction of MS**

10.1.1 Permission for reproduction shall be obtained from the Director General of Standards Malaysia. Reproduction of MS through hard copy and soft copy without Standards Malaysia's permission is considered as infringement on copyright and legal actions will be imposed on individuals or organizations responsible for the act. Sharing of MS on the internet and social media platforms are strictly prohibited.

10.1.2 No part of MS shall be reproduced or utilised in any form or by any means, electronic or mechanical, including photocopying and microfilm, without permission in writing from the Department of Standards Malaysia. Reproduction of MS for the purpose of standard development should be in accordance with **Annex 2**.

### **10.2 Reproduction by Other National Standards Bodies (NSB) or Standards Development Organization (SDO)**

#### **10.2.1 Reproduction of MS by other NSB/SDO for sale or license:**

NSB/SDO can reproduce MS, or parts of them, for sale in hard copy, or subject to a license in electronic formats, but they must comply with the agreements established between Standards Malaysia and the related parties. Unauthorised reproduction is prohibited

#### **10.2.2 Reproduction of MS as National Standard:**

Any NSB/SDO may adopt MS as National Standard or translate MS to a required language. An indication of the origin of the document/text must be included in accordance with Copyright Notices in **Annex 1**.

### **10.3 Penalty**

Penalty on infringement of copyright due to reproduction will be subjected to the Copyright Act 1987.

## **11.0 REPORTING**

Third Party distributors or NSB/SDO shall report on sales of MS to Standards Malaysia by quarterly basis.

## ANNEX 1 - COPYRIGHT NOTICES FOR MS AND ITS DRAFT

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MS and its drafts shall not be circulated without a proper Copyright notice. The Copyright notice to use depends on the type of publication and its status. The acceptable abbreviated & copyright notices are as follows:

### i) **Abbreviated Notice on MS**

- a) For indigenous MS, adoption of IEC standard and its drafts, an abbreviated copyright notice shall be on each page as follows:

© STANDARDS MALAYSIA [year] – All rights reserved

- b) For adoption of ISO standard, an abbreviated copyright notice shall be on each page as follows;

© ISO [year] – All rights reserved  
© STANDARDS MALAYSIA [year] for national adoption

### ii) **Copyright Notice on MS**

The following copyright notice shall appear on each published MS:

© STANDARDS MALAYSIA [year]

All rights reserved. Unless otherwise specified, or required in the context of its implementation, no part of this publication may be reproduced or utilized otherwise in any form or by any means, electronic or mechanical, including photocopying, or posting on the internet or an intranet, without prior written permission.

### iii) **Copyright Notices on Adoptions Or Translations of MS**

When an NSB/SDO adopts or translate a MS, the origin of the work shall be acknowledged in the Foreword page of the National Standard.

## **ANNEX 2 - DIRECTIVES FOR DISEMINATING MS IN THE DEVELOPMENT PROCESS**

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This annex explains the rules for distributing MS at all stages of their development, as well as other documents produced during the process of developing standards.

Standards Malaysia allow for the dissemination, reproduction and complimentary distribution of MS and its drafts for further standardisation related activities such as for the preparation of standards or other related documents. However, MS Copyright must be respected, and documents should only be disseminated to:

- a) standards development committee; and
- b) nominated expert.

The use of public networks, such as the Internet, when developing standards, is encouraged as long as that use is strictly limited to identified users and follows the rules in this document.

The rules to be followed when distributing MS and its drafts are as follows:

### **i) Dissemination for developing standards**

As explained above, MS and their drafts may be reproduced and distributed for the purpose of further standardisation. However, the Copyright shall be respected and restrictions on further dissemination shall be specified, in particular through using a watermark.

### **ii) Distribution for public comment**

The standardisation process may include a public-enquiry stage where MS and its draft need to be made available for all interested parties to comment on. In all cases, the copyright shall be respected and restrictions on further dissemination shall be specified through using a watermark.

### ANNEX 3 - DISCOUNT RATES FOR MS PURCHASED

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Discounted rates of MS for bulk purchases are provided by Standards Malaysia for the benefit of all End users. The discounted rates are applicable for both hardcopy and softcopy format as the following table;

<b>Number of MS purchased</b>	<b>DISCOUNT RATES (%)</b>
1-49	No discount
50-99	10%
above 100	15%

However, Standards Malaysia reserved the rights to provide discount at our discretion other than listed above, wherever deemed appropriate.