

## **Trade Descriptions (Optical Disc Label) Order 2010**

In exercise of the powers conferred by section 11 of the **Trade Descriptions Act 1972[Act 87]**, the Minister makes the following order:

### **1. Citation and commencement**

- (1) This order may be cited as the **Trade Descriptions (Optical Disc Label) Order 2010**.
- (2) This Order comes into operation on 7 May 2010.

### **2. Interpretation**

In this Order, unless the context otherwise requires:-

"content" includes any sound, text, still picture, moving picture or other audio-visual representation or any combination of the preceding or that are of a similar nature;

"optical disc" means the optical disc as specified in the First schedule; and

"optical disc label" means any label as may be prescribed by the controller in paragraph 3.

### **3. Optical disc label**

An optical disc label may contain the following information:

- (a) the national emblem;
- (b) serial number;
- (c) the words "Original" and "tulen"; and
- (d) hidden security features.

### **4. Use of optical disc label**

- (1) Every optical disc embodied with content, supplied or offered for supply in the course of trade or business, shall be affixed with an optical disc label.
- (2) The optical disc label shall be affixed in a conspicuous place, either:-
  - (a) to the optical disc; or
  - (b) to any container in which, or to any other material with which, the optical disc is supplied.
- (3) Notwithstanding subparagraph (2), the optical disc label shall not be affixed to any disposable wrapper.
- (4) Any person, other than a body corporate, but including a director, manager, secretary or other similar officer of a body corporate who:-

- (a) in the course of any trade or business, supplies or offers to supply an optical disc without an optical disc label;
- (b) in the course of any trade or business, supplies or offers to supply an optical disc affixed with a counterfeit optical disc label;
- (c) in the course of any trade or business, supplies or offers to supply an optical disc affixed with an optical disc label, other than those titles granted in the approval under paragraph 5;
- (d) produces, supplies or offers to supply or possesses a counterfeit optical disc label;
- (e) has been granted approval for an optical disc label, but supplies the optical disc label to persons not approved under paragraph 5;
- (f) has in his possession an optical disc label without the approval of the controller; or
- (g) fails to comply with subparagraph 4(3),

is guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both and, for a second or subsequent offence, to a fine not exceeding two hundred thousand ringgit or to imprisonment for a term not exceeding six years or to both.

(5) Any person being a body corporate who:-

- (a) in the course of any trade or business, supplies or offers to supply an optical disc without an optical disc label;
- (b) in the course of any trade or business, supplies or offers to supply an optical disc affixed with a counterfeit optical disc label;
- (c) in the course of any trade or business, supplies or offers to supply an optical disc affixed with an optical disc label, other than those titles granted in the approval under paragraph 5;
- (d) produces, supplies or offers to supply or possesses a counterfeit optical disc label;
- (e) has been granted approval for an optical disc label, but supplies the optical disc label to persons not approved under paragraph 5;
- (f) has in his possession an optical disc label without the approval of the controller; or
- (g) fails to comply with subparagraph 4(3),

is guilty of an offence and shall, on conviction, be liable to a fine not exceeding two hundred and fifty thousand ringgit and, for a second or subsequent offence, to a fine not exceeding five hundred thousand ringgit.

## **5. Application and approval for optical disc label**

- (1) An application for optical disc label shall be made to the controller in Form ODL-1 of the second schedule and shall be enclosed with such information or documents as specified in the Form.
- (2) An application under subparagraph (1) shall be made by the owner of the content embodied in the optical disc or any other person authorized in writing by him.
- (3) At any time after receiving an application under subparagraph (1) and before it is determined, the controller may, by written notice, require the applicant to provide additional information or documents.
- (4) Where any additional information or documents required under subparagraph (3) is not furnished by the applicant within the period as specified in the notice or any extended period as may be granted by the controller, the application shall be deemed to have been withdrawn, but without prejudice to a fresh application being made by the applicant.
- (5) The controller may grant or refuse the application under subparagraph (1).
- (6) An approval for the application under subparagraph (1) shall be issued in Form Odl-2 of the third schedule.
- (7) The fee payable for each unit of an optical disc label approved in subparagraph (6) shall be sixteen point three sen.
- (8) In granting the approval, the controller may impose any condition as he deems fit.
- (9) Any person, other than a body corporate, but including a director, manager, secretary or other similar officer of a body corporate who provides false and misleading information or documents for the purposes of paragraph 5 is guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both and, for a second or subsequent offence, to a fine not exceeding two hundred thousand ringgit or to imprisonment for a term not exceeding six years or to both.
- (10) Any person being a body corporate who provides false and misleading information or documents for the purposes of paragraph 5 is guilty of an offence and shall, on conviction, be liable to a fine not exceeding two hundred and fifty thousand ringgit and, for a second or subsequent offence, to a fine not exceeding five hundred thousand ringgit.

## **6. Maintenance of record**

- (1) Every person to whom an approval is granted under paragraph 5 shall keep and maintain a proper record of the use of the optical disc label and such other information in Form Odl-3 of the Fourth schedule and the records shall be:-
  - (a) available at all times for examination by the controller;
  - (b) kept up to date and in good order and condition; and

(c) submitted upon request by the controller.

(2) Any person, other than a body corporate, but including a director, manager, secretary or other similar officer of a body corporate who:-

(a) provides false and misleading information or documents for the purposes of paragraph 6; or

(b) fails to comply with paragraph 6,

is guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both and, for a second or subsequent offence, to a fine not exceeding two hundred thousand ringgit or to imprisonment for a term not exceeding six years or to both.

(3) Any person being a body corporate who:-

(a) provides false and misleading information or documents for the purposes of paragraph 6; or

(b) fails to comply with paragraph 6,

is guilty of an offence and shall, and on conviction, be liable to a fine not exceeding two hundred and fifty thousand ringgit and, for a second or subsequent offence, to a fine not exceeding five hundred thousand ringgit.

#### **7. Carrying out the functions of the Controller by the Deputy Controller or Assistant Controller**

Where a deputy controller or an Assistant controller carries out any functions of the controller under this Order, the deputy controller or Assistant controller shall carry out such functions on behalf and in the name of the controller.

#### **8. Revocation and transitional provisions**

(1) The **Trade Description (Original Label) Order 2002**[*P.U. (A) 518/2002*] is revoked.

(2) Notwithstanding subparagraph 8(1), any approval of an original label given or any original label issued under the Order revoked under subparagraph (1) shall continue to be in force and have effect as if such approval or original label had been given or issued under this Order.

## FIRST SCHEDULE

### **OPTICAL DISC**

*[Paragraph 2]*

1. Compact Disc-Audio (CD-A)
2. Compact Disc-Video (CD-V)
3. Compact Disc-read only memory (CD-rom)
4. Compact Disc-interactive (CD-I)
5. Compact Disc-photo (CD-p)
6. Digital versatile Disc (DVD)
7. Blue-ray Disc (B-RD)
8. Laser Disc (LD)
9. Mini Disc (MD)

**SECOND SCHEDULE**

**FORM ODL - 1**

**TRADE DESCRIPTIONS ACT 1972**

**TRADE DESCRIPTIONS (OPTICAL DISC LABEL) ORDER 2010**

*[Paragraph 5]*

**APPLICATION FOR OPTICAL DISC LABEL**

To:

Controller of Trade Descriptions  
Ministry of Domestic Trade,  
Co-operatives and Consumerism

.....  
.....

Sir,

1.  
I/We .....  
.....

(name of company or organisation or individual)

apply for an approval to obtain ..... units of optical disc  
labels to be affixed to the following optical disc:

| No. | Titles of optical disc applied for | Amount |
|-----|------------------------------------|--------|
|-----|------------------------------------|--------|

(If the space provided is not sufficient, please attach annexure. Each annexure shall be signed by the applicant.)

**2. PARTICULARS OF APPLICANT**

Please Specify:

\_\_\_\_\_ Owner of the content of the optical disc  
\_\_\_\_\_ Person authorized by the owner of the content embodied in the optical disc.

Name of  
company/organisation/individual .....  
.....

Company/organisation registration  
number .....

Address .....  
.....

Telephone  
no. ....  
.....

Registered address of  
company/organisation .....

Telephone  
no. ....  
.....

3. I/We attach herewith the following documents (choose the relevant documents):

\_\_\_\_\_ Statutory Declaration or Affidavit  
\_\_\_\_\_ Letter of authorization from owner of content embodied in the optical disc;  
or  
\_\_\_\_\_ Power of Attorney  
Other Documents Attached  
\_\_\_\_\_ Others \_\_\_\_\_  
(Please specify) \_\_\_\_\_

Declaration:

I/We declare and confirm that all information in this Form and documents attached  
are true and accurate.

.....

.....

(Signature)  
Name  
Designation  
I/C No./Passport No.  
Date

(Company's/Organisation's Stamp)  
.....  
.....  
.....  
.....

**THIRD SCHEDULE**

**FORM ODL - 2**

**TRADE DESCRIPTIONS ACT 1972**

**TRADE DESCRIPTIONS (OPTICAL DISC LABEL) ORDER 2010**

*[Paragraph 5]*

**APPROVAL FOR OPTICAL DISC LABEL**

To

Sir,

Approval is hereby granted  
to .....

addressed  
at .....

to obtain optical disc labels ..... units of optical disc labels with  
the serial numbers to ..... to be affixed to ..... the  
optical disc as specified in Annexure "A".

Fee: .....

Receipt No.: .....

Date: .....

Controller of Trade Description/Deputy Controller of Trade Descriptions Ministry of  
Domestic Trade, Co-operatives and Consumerism



**ANNEXURE A**

**TRADE DESCRIPTIONS ACT 1972**

**TRADE DESCRIPTIONS (OPTICAL DISC LABEL) ORDER 2010**

*[Paragraph 5]*

**APPROVAL FOR OPTICAL DISC LABEL**

| No. | Title of Optical Disc | Type of Optical Disc | Total of Optical Disc Labels Approved | First Serial No. | Last Serial No. |
|-----|-----------------------|----------------------|---------------------------------------|------------------|-----------------|
|     |                       |                      |                                       |                  |                 |
|     |                       |                      |                                       |                  |                 |
|     |                       |                      |                                       |                  |                 |
|     |                       |                      |                                       |                  |                 |
|     |                       |                      |                                       |                  |                 |
|     |                       |                      |                                       |                  |                 |
|     |                       |                      |                                       |                  |                 |
|     |                       |                      |                                       |                  |                 |
|     |                       |                      |                                       |                  |                 |
|     |                       |                      |                                       |                  |                 |

Date: .....

Controller of Trade Descriptions/Deputy Controller of Trade Descriptions Ministry of Domestic Trade, Co-operatives and Consumerism

**FOURTH SCHEDULE**

**FORM ODL - 3**

**TRADE DESCRIPTIONS ACT 1972**

**TRADE DESCRIPTIONS (OPTICAL DISC LABEL) ORDER 2010**

*[Paragraph 6]*

**RECORD OF THE USE OF OPTICAL DISC LABEL**

| No. | Date of Approval | Title of Optical Disc | Total of Optical Disc Labels Approved | Serial No. of Optical Disc Labels Approved | Date of Affixation | Serial No. of Optical Disc Labels Affixed | Total of Optical Disc Labels Affixed | Balance of Optical Disc Labels |
|-----|------------------|-----------------------|---------------------------------------|--|--------------------|---|--------------------------------------|--------------------------------|
|     |                  |                       |                                       |  |                    |   |                                      |                                |
|     |                  |                       |                                       |  |                    |   |                                      |                                |
|     |                  |                       |                                       |  |                    |   |                                      |                                |
|     |                  |                       |                                       |  |                    |   |                                      |                                |
|     |                  |                       |                                       |  |                    |   |                                      |                                |
|     |                  |                       |                                       |  |                    |   |                                      |                                |
|     |                  |                       |                                       |  |                    |   |                                      |                                |

.....  
.....  
Name, Designation and Signature of Person Responsible  
Name and Address of Company  
.....  
.....  
.....  
Date: .....