



**KNOWLEDGE AND PRACTICES OF COPYRIGHT PROTECTION
SYSTEM AND LITERACY AMONG PRACTITIONERS IN THE
CREATIVE INDUSTRY**

By

SITI FARIZA BINTI MOHAMAD ISA

**Thesis Submitted to the School of Graduate Studies, Universiti Putra
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January 2024

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Abstract of thesis presented to the Senate of Universiti Putra Malaysia in
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Faculty : Modern Language and Communication

Copyright protection in the creative industry in Malaysia is being protected by the Malaysia Copyright Act 1987. Through this study, the literacy of the copyright protection system and practices of the creative industry in Malaysia has led to new horizons and an understanding of how intellectual property in the knowledge-based economy can be expanded to a promising future and source of wealth within the creative industry. This study aims to explore the depth of understanding of copyright policy and practices literacy among the audio-visual industry practitioners that are being applied in the creative industry using the media literacy theory. Conservative media literacy theory suggests the use of media literacy is to educate the mass on how to use the

media. However this study explores another dimension of media literacy in the perspective of critical thinking that aligns with the 21st century skills that requires every individual to empower. The Creative industry practitioners suggest that literacy in copyright protection systems and practices, especially among audio-visual practitioners, needs to be improved and that this lack of literacy of copyright protection contributes to many misunderstandings in protecting copyrighted work. This situation would reduce the chances of gaining more profit in the creative industry. Academic research and government reports supported this statement and scenario claimed by the creative industry practitioners. The informants of this study were divided and designed into three (3) clusters, which were content creators (C), agencies (A), and distributors (D). The three (3) clusters here are the stakeholders in the creative industry. Questions curated for the informants were semi-structured. Additional questions related to this were asked during the interview session. Focus group interviews and one-to-one interviews were conducted with purposive sampling from the C, A, and D of the study design. Twenty-seven (27) informants were interviewed in this study for about three (3) months. Thirteen (13) informants were from the content creators cluster, eleven (11) informants from the agencies cluster, and three (3) informants were from the distributor cluster and analysed using the website version of ATLAS.ti software. This qualitative study uses the case study approach and uses

thematic analysis to analyse the data. A total of one hundred eighty-five (185) codes were discovered, and twenty (20) code groups were discovered in this study. Four (4) emergent themes were identified from the study conducted. The themes were challenges in the creative industry, legislation and laws in intellectual property protection, practising business and management in the creative industry, and last but not least the challenges of content creators to sustain wealth longevity and relevance in the creative industry. From the study, the research identified that the problems confronted by the creative industry players differ regarding copyright protection. Therefore, due to these differences, their needs and demands are different. It was suggested from the study that copyright registration to the authorities of Malaysia's policymakers and caretakers and copyright protection literacy is not limited to copyright protection only but also serves as a boosting and enhancing tool to elevate the commercialisation of the copyrighted work. At the end of the study, the researcher suggested a framework that would indicate the business perspective code of conduct for protecting their copyrighted work that would benefit the creative industry stakeholders, government stakeholders, and the nation's income to commercialise their copyrighted work.

Keywords: Copyright literacy, creative industry, creative industry protection, system, practice

SDG: GOAL 8: Decent work and economic growth

Abstrak tesis yang dikemukakan kepada Senat Universiti Putra Malaysia
sebagai memenuhi keperluan untuk ijazah Doktor Falsafah

**PENGETAHUAN DAN AMALAN LITERASI SISTEM PERLINDUNGAN
HAK CIPTA DI KALANGAN PENGAMAL INDUSTRI KREATIF**

Oleh

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Literasi sistem dan amalan perlindungan hak cipta industri kreatif di Malaysia di dalam kajian ini telah membawakan pengetahuan dan pengetahuan baharu akan bagaimana harta intelek di dalam ekonomi pengetahuan mampu dikembangkan dan menjanjikan masa hadapan yang menjanjikan pulangan kekayaan di dalam industri kreatif. Kajian ini dijalankan untuk meneroka pemahaman dan literasi pemain industri kreatif audio-visual berkenaan perlindungan hak cipta. Teori media literasi yang konservatif mencadangkan kegunaan literasi media untuk mendidik massa dalam menggunakan media. Walaubagaimanapun, kajian ini membuat eksplorasi terhadap perspektif pemikiran kritis seseorang individu yang seiring dengan tuntutan kemahiran abad ke-21. Pemain industri kreatif

mencadangkan bahawa literasi di dalam, perlindungan hak cipta terutamanya di kalangan penghasil kandungan audio-visual perlu ditambah baik kerana kekurangan literasi dalam perlindungan hak cipta telah menyebabkan banyak salah faham dalam amalan tidak betul dalam melindungi harta intelek. Situasi ini menyebabkan peluang untuk menjana pendapatan di dalam inudstri kreatif secara berterusan adalah rendah. Informan kajian ini telah dibahagikan dan dilabelkan kepada tiga (3) kluster iaitu pencipta kandungan (C), Agensi (A) dan Pengedar (D). Ketiga-tiga kluster ini dibahagikan seumpama itu kerana mereka adalah pihak berkepentingan yang menjadi nadi penggerak kepada industri kreatif itu sendiri. Soalan yang dibina untuk untuk sesi temu bual bersama para informan kajian oleh penyelidik yang telah dikenalpasti adalah separa berstruktur. Soalan tambahan yang dianggarkan bertepatan dan mempunyai kesinambungan dengan keseluruhan sesi temubual itu telah ditanya semasa sesi itu. Kajian ini menggunakan sesi temu bual secara berkumpulan dan individu dengan menggunakan persampelan bersasar daripada C, A dan D. Seramai dua-puluh tujuh (27) informan telah ditemu bual selama tiga (3) bulan dalam merealisasikan kajian ini. Tiga belas (13) orang informan dari kajian ini adalah dari kluster pencipta kandungan, manakala sebelas (11) informan adalah daripada kluster agensi. Kluster terakhir iaitu pengedar terdiri daripada tiga (3) orang. Hasil dapatan data kualitatif daripada sesi

temu bual ini telah dianalisa menggunakan perisian laman sesawang Atlas.ti. Kajian kualitatif ini adalah kaedah kajian kes dan menggunakan analisis tematik untuk menganalisa data. Sebanyak seratus lapan puluh lima (185) kod telah dikenalpasti dalam kajian ini, dan dua puluh (20) kumpulan kod telah dikumpulkan mengikut tema yang bersesuaian. Empat (4) tema berjaya dikenalpasti daripada kajian ini. Tema yang pertama adalah cabaran yang terdapat di dalam industri kreatif, tema kedua adalah perundangan dan akta yang terdapat di dalam perlindungan hak cipta, tema ketiga adalah mengamalkan pengurusan perniagaan di dalam industri kreatif dan yang terakhir sekali adalah kekayaan mampan dan mengekalkan kerelevanan di dalam industri kreatif. Berdasarkan kajian yang telah dilakukan, kajian ini telah mengenalpasti masalah yang telah dihadapi oleh pemain industri kreatif berkenaan perlindungan hak cipta adalah berbeza. Atas perbezaan ini, keperluan dan permintaan mereka adalah tidak sama. Inisiatif kajian ini telah mencadangkan pendaftaran perlindungan hak cipta di Malaysia kepada pihak bertanggungjawab adalah tidak hanya terhad kepada penyimpanan atau repositori harta intelek sahaja tetapi juga untuk aktiviti pengkomersilan. Di hujung kajian ini, penyelidik mencadangkan sebuah kerangka kerja tentang bagaimana sebuah perniagaan berasaskan penghasilan kandungan kreatif mampu memberi manfaat kepada pemain industri, pihak kerajaan

serta menjana kewangan untuk mengkomersilkan produk harta intelek mereka.

Kata Kunci: Literasi hak cipta, industri kreatif, perlindungan industri kreatif, sistem, amalan

SDG: MATLAMAT 8: Pertumbuhan ekonomi dan pekerjaan yang baik



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5.1 Conceptual framework of the study after the findings and data were analysed

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LIST OF ABBREVIATIONS

ASTRO	All Asian Satellite Television and Radio Operator
CE	Creative Economy
CI	Creative Industry
DCMS	Department of Digital, Culture, Media and Sport of United Kingdom
DIKN	<i>Dasar Industri Kreatif Negara</i>
FINAS	National Film Development Corporation Malaysia
IP	Intellectual Property
MyIPO	Intellectual Property Corporation of Malaysia
OECD	Organisation for Economic Co-operation and Development
RTM	Radio Television Malaysia
UNESCO	The United Nations Educational, Scientific, and Cultural Organisation
UNCTAD	The United Nations Conference on Trade and Development
UNIDO	The United Nations Industrial Development Organisation
WIPO	World Intellectual Property Organisation
UNHR	United Nations Human Rights

CHAPTER 1

INTRODUCTION

1.1 Background of Study

The creative visual industry has emerged from Cultural Industry to Creative Industry as the contribution of the creative industry towards the nation's economic growth (Garnham, 2005). In Malaysia, *Dasar Industri Kreatif Negara* (DIKN) announced that the creative industries have become a part of the policy focus for the Malaysian government in preparing for *Wawasan 2020* (Barker and Lee, 2017). DIKN was to ensure that creative industries that were based on creativity and innovation would eventually maintain to strive and continue to contribute to the economy by sustaining the rich history and cultural heritage of Malaysia (Rais, 2011).

Referring to the United Kingdom's Department of Culture Media and Sports (DCMS, 1998), defined and stratified the definition of creative sectors and has since been used by governments and academia from all over the world. DIKN listed the clusters within the creative industry into ten (10) groups which were performing arts, visual arts, music, literature, digital content, design and fashion, cultural arts, creative education, creative technology, and finally culinary arts. Each of these clusters upholds distinctive characteristics, output, and attraction that in a way gives a promising future in bringing Malaysia's

name to the vertex of the world. It is inevitable to discuss the creative economy whenever we discuss about the creative industry, especially in the context of the audio-visual industry. There is a distinctive link of connection between the creative economy (CE) and the creative industry (CI). Due to the connection between two (2) of the terms, there is a need to understand the differences between Creative Economy (CE) and Creative Industry (CI) in this study. The term creative economy was first introduced and coined by John Howkins (2001) in his book: *The Creative Economy. How People Make Money from Ideas*. In his book, he mentions that the creative economy was worth 2 trillion dollars in January 2000 and is growing by 5% every year (Marta-Christina Suciu, 2008). However, this was a report done more than 20 years ago. Malaysia is experiencing a below-average share of GDP economic growth imputed in the copyright industries (Au Yong, 2019). Given the definition of creative economy by John Howkins, United Kingdom's Department of Culture Media and Sports (DCMS, 2001) creative industry means "those of the practitioners in the industry that are based on individual creativity, skill and competencies".

With so much attention from many perspectives of other studies and understanding of the creative industry, a lot of other terms and meanings of creative industry (CI) were being introduced to the masses. According to Nielson (2004), the Swedish government recognises the creative industry as an experienced industry. While other organizations such as UNESCO identify

as cultural industries, The European Commission as cultural sector and cultural industries, China as cultural industry, and the United States as entertainment and media industries or copyright industries. Creative industry was also termed by scholars as contributing to a term called *"Weightless Economy"*, or *Modern Knowledge-Based Economy* (Quah, 2011). A weightless economy according to Quah consists of four parts of knowledge which are Information and Technology (ICT), Intellectual Property, Electronic Media & Libraries, and Biotechnology.

Interdisciplinary in diverse fields of study requires knowledge, respect, and different perspectives from other scholars to contribute new knowledge (Urbanska et al. 2018). However, even though there is so much involvement of the creative industry and significance to one another of other industries, the creative industry is still lacking in the contribution of academic studies from other scholars from other disciplines, except for scholars that are already from the culture and media studies (Herwina and Zarith, 2012). This is a big loss to the contribution of knowledge and data collection of the development of the industry towards the nation's economic growth. This statement is supported by Siti Salwa et., (2011) stating that due to the novelty of the creative economy in the developed countries, specifically Malaysia, data on the progress and growth of the creative industry is appallingly recorded. Malaysia's creative industry evolves within the multimedia, innovation, and knowledge economy

as the local government invested millions of MYR to ensure the development of these sectors is aligned with other developed countries. The emergence of technologies such as the non-fungible token or NFT which is embedded in the blockchain system to store non-replaceable artworks has in a way solve the dilemma that the creative industry practitioners have been through for a long while especially in protecting their creative work (Clark, 2021). NFT is a system that protects the copyrighted work of the creative producers, and they are to be able to generate income from the work. Copyright protection towards the creative content produced is the focus of this study. In Malaysia, with so much creative work produced and involvement of the practitioners in the industry, not much of preservation or copyrighted protection towards the work produced were given by authorities although Malaysia is part of so many international treaties and conventions that practices international common law in protecting intellectual property.

Three (3) top nations: United States (USA), United Kingdom (UK), and Australia are the leading countries that are the main players in the creative industry sector (Siti Salwa et.al, 2011). Due to the high benchmark and requirement that is put on to standard by the advanced creative industry countries as stated above, developing countries such as Asia and African regions are being left behind in accommodating the standards of the leading countries. Previous scholars indicate that less-developed countries such as

Asian countries like India have emerged as major film producers. India for instance has become the world's largest film producer, by producing about one thousand (1000) films annually which surpasses Hollywood productions (UNCTAD, 2008). Meanwhile Asia countries such as China and South Korea film industries are among the victorious countries contributing to their nation's economic growth (Plate, 2002; Jin, 2006; Herwina et al., 2012). The success of these nations in uplifting their creative economy and being successful in promoting their product and culture proves that these are the results of their government support (Herwina et al., 2012). Nevertheless, Malaysian government introduced various initiatives and incentives to support the creative industry to be able to compete and produce better and greater volumes of creative content. Many other ministries and organisations were established and appointed to be caretakers of the creative industry (Alavi and Azmi, 2019).

From the enhancement of the creative industry, shifting agencies and roles in the Malaysian scenery, policy makers realize the importance to protecting and assisting the creative producers so that their productivity has the potential to flourish and improvise in the near future by initiating injections of up-skilling and reskilling programs, internship schemes, attachment schemes, and certifications for creative competencies to the creative industry practitioners (Barker and Lee, 2017). State of the art technologies and digitisation have great

impact in generating creative output that has the ability to transcend to other parts of the world. Historically, copyright policy was aimed at addressing incentives Merrill and Raduchel (2013), but today's digital content is being monetised on a different fundamental basis (Sarikakis and Rodrigues-Amat, 2015). UNCTAD (2008) has mentioned that creativity and technology both work hand in hand and have the potential to shape the cultural production, application, and how it is transformed into monetary gains to generate sustainable income for its practitioners. It is suggested that it is significant to study moral and economic rights among the film, television and social media content creators in this study due to copyright law provides the content creators with exclusive right in their artistic work produced. Within these rights, it enables the content creators to obtain financial reward over their work (Ku, Sun and Fan, 2009). Copyright issues are mainly studied in the area of digital piracy (Cho et al., 2015). However, this study uncovers issues revolving the moral and economic rights protection of Malaysian film, television and social media content creators.

1.2 Statement of the Problem

Malaysia's television programmes especially teledrama or movies are produced upon commission, and it is mandatory for the copyright transfer of the artistic work to be given to the media outlets or distributors who purchase and invest in the production (Alavi and Azmi, 2019). As producers are only

paid one payment for the drama that was produced, there were no allowances or royalties granted in the event the drama was re-aired, what more for the payment of residuals to the actors and actresses (Alavi and Azmi, 2019). Without any form of economic rewards, people would not have laboured in producing or inventing ideas or products (Gallini and Scotchmer, 2002). The foundation and references of this study derive from copyright protection of content produced in Malaysia's creative industry and also media literacy theory that would uncover another discovery within the traditional understanding of the theory. The globalisation of creative industry has evolved and increased the chances of international trade of film products (Herwina and Zarith, 2012). However, the great movement of global film trade are dominated by the American film products with \$60 billion annually (UNCTAD, 2008). Third world countries like Malaysia is struggling to compete with such competition to be able to sell and trade their content internationally especially to sell indigineous films (Herwina and Zarith, 2012). And to add to the wealth evolution in the Holywood industry, most of the film produced were The *Dasar Industri Kreatif Negara* (DIKN), a policy curated by the Malaysian government proposed that the National Film Development Corporation Malaysia (FINAS) should spearhead the way forward and well-being of the audio-visual industry. Among the role of the creative industry is to promote Malaysia's identity and cultural diversity to the eyes of the world through the dissemination of audio-visual products (DIKN, 2009). This study

focusses on the issue that is being a major concern to the creative industry is the injustice of the copyright and ownership within the system and practices in the audio-visual industry. Landes and Posner (1989) states that the increase of copyright protection should generally increase the number of works produced. However, this is not the case in the Malaysian content industry (Alavi and Azmi, 2019). The first Malayan Filming Studio that was established in *Jalan Ampas* located in Singapore was marked the early introduction of the audio visual industry in the modern days of Malaysia in the early 1940's.

Later in 1963, Malaysia later then initiated their television era in the year of the 1960s that was known as *Televisyen Malaysia* in a temporary studio in *Dewan Tuanku Abdul Rahman, Jalan Ampang* (Dawam, Sareya, Bianus and Hisham, 2015). However, as years passes by. There are insignificant changes and advancement of wealth longevity over the artistic produce among the creative industry practitioners. The practitioners in the creative industry in Malaysia are facing struggles and problems to maintain their income over the work they produced. Dawam, Sareya, Bianus and Hisham (2015) also mentioned that the film business in Malaysia does not meet the breakeven investment return which results to the film making industry as a risky venture compared to the television content business whereby the producing of the content is agreed upon contract negotiations by the broadcasters or distributors. Studies by previous scholars studying the economic area of the

audio-visual industry suggested that with the increase of network in television broadcasts would eventually increase the size of the market in order to fulfil the demand of content production. Herwina and Zarith (2012) stated that in the present global business scenario presents the new trend of economic activities that comes along with service industries is gaining its popularity. This new evolution has opened up new sectors within the creative industry itself such as new media content creation and digital marketing. This signifies the evolvement of in particular the audio-visual industry itself that is very much engaged to the new media and digital marketing sector (UNCTAD, 2008; UNESCO, 2006).

All of the said scenarios and evolvement of the audio-visual industry in other parts of the continent that involves technological enhancement and young skills, mainly from Generation Y (millennials) and Generation Z, high income and high demand for content creation do not occur in the Malaysia audio-visual industry. This is due to the increase of establishments of the production companies reducing opportunities to produce content, and the market has become smaller due to competition among the industry players, be it freelancers or work-for-hires (Dawam, Sareya, Bianus and Hisham, 2015).

The TV Producers Association (PTVM) president mentioned that there were seven hundred twenty-five (725) production companies competing with one

another to produce content in the television industry (Rahman, 2012). The abundance of content producers in Malaysia but limited sources of content purchasing has led to the monopolisation of copyright ownership, predatory pricing, unfair negotiation, refusals of deals, and misconduct of contract production between the distributors and the content creators. Rosli (2012) mentioned that the audio-visual produce by the content creators is to comply to the mandatory transfer of copyright to the broadcasters. Broadcasters and distributors possess full control and domination over the content created and being involved in the market decision of the creative content produced.

In the Malaysian audio-visual scenario, the famous singer song-writer, actor, director late Tan Sri P. Ramlee royalty claim in the fifty (50) years of duration had come to an end on the 29th May 2023. The royalties were given to his beneficiaries (New Strait Times, 2022). Music Author's Copyright Protection (MACP) who was in charge and responsible of distributing the monies to the family members of the late singer has taken action to prolong the receiving of royalties for another twenty (20) years. Tan Sri P. Ramlee's songs and movies were highly regarded as national treasure due the content of the copyright work reflects Malaysian identity and history.

It has become a culture and common practice of abuse of domination in the audio-visual industry in Malaysia to determining the creative and economic

conduct by the distributors and broadcasters through mutual consent on contract and negotiations. This occurrence is in a way taxing the industry practitioners to adhere the unjust dealing due to lack of knowledge and understanding of copyright protection that consists of both moral and economic rights. The monopolisation of copyright over the audio-visual content by the distributors contributes to the cause-and-effect situation where the content industry is not being able to enhance their creativity and losing their moral rights. Moral rights or commonly known as *droite-de-suite* is a French term that defines the motivation and personal recognition that an author pose in producing their work. Without proper and adequate recognition over the work produced, chances of lower productivity may occur (Flew, 2015).

Due to the mentioned practice and occurrence above in the creative industry regarding the copyright system and practices literacy, media literacy theory in the communication field of study was deemed by the researcher can support the exploration of this study. Intellectual property policies and practices would undergo ever-changing changes in time (Consortium for Media Literacy, 2018). Implying intellectual property within the media literacy field is no exception for technology has played a big role in changing this landscape. Therefore, the media literacy theory framework suggested by

scholars Celot and Perez Tenero (2009) was adopted in this study that proposes the conceptual map of media literacy as a system of competency. The conceptual map proposed by the scholars were using European Commission definition as a basis that would integrate different concepts of media literacy in a systematic manner to magnify the explicitly the media literacy skills that would be acquired and measured at both individual and mass level (Perez Tornero, 2009). The individual skills that relates to media literacy were identified according to the following components:

- i. Use skills: A component centred on the relationship between the person consuming the media as a platform (the ability to use the media). This component is the largest competencies that all individuals would acquire.
- ii. Critical Understanding competences: a component that is centred on the relationship between the individual and the content of the information delivered that is also the attribution of the individual.
- iii. Communicative and participative abilities: This component is related to the technical and cognitive abilities in other fields such as social relations, creation, and the production of content, as well as civic and social participation, which also involves personal responsibility.

The mentioned components in the media literacy framework by Celot and Perez Tenero (2009) aligns with the 21st Century Learning that involves the 4 C's learning and innovation skills such as critical thinking, communication, collaboration and creativity (Battelle for Kids, 2019). European countries have

implemented media literacy in their curriculum in schools (Lin and Wang, 2013). Many of the curriculum standards were also dedicated for children to have early intervention in becoming literate in using the media. In conjunction to that, the 21st century mastery key subjects include English reading, language arts, world languages, arts, mathematics, economics, geography and sciences, history, government policies and civics (Battelle for Kids, 2019).

1.3 Research Questions (RQ)

Studies and arguments were being done by the creative producers in fighting and sustaining their moral and economic rights over their creative content being produced. These content creators involve script writers, production house owners, actors, and many more. Alavi and Azmi (2019) stated that Malaysia too is no exception in realising the importance and contribution of the local creative creation to the nation's economic growth. This study intends to answer five (5) research questions which are labelled as RQ are indicated below:

- RQ 1 : How copyright protection literacy among practitioners in the creative industry in Malaysia impact their work?
- RQ 2 : How is the current practice of copyright protection in the Malaysia creative industry?

- RQ 3 : Why does the content creators lack of literacy of policies within the copyright system?
- RQ 4 : How would contract negotiation contributes to the development of a copyrighted work?
- RQ 5 : How does intellectual property protection literacy sustain the creative industry economic returns and quality of produce?

1.4 Purpose of Study (POS)

In order to achieve the above-mentioned general objective, the specific objectives of this study are as follows:

1.4.1 General purpose of study

The purpose of this study is to explore the impacts of the literacy of copyright protection systems and practices among the creative industry practitioners using media literacy theory as the founding theoretical references.

1.4.2 Specific Purpose of Study

- i. The purpose of this study is to explore the amount of understanding of copyright literacy among the practitioners in the Malaysian creative industry.
- ii. This study is to investigate how the practitioners in the creative industry conduct effective negotiation to ensure they commercialise their copyright work.

- iii. This study is to explore the possibilities of sustaining economic returns within the creative industry by copyright literacy.

1.5 Definition of Operation

There are several terms and special terms of reference (TOR) that are used for the purpose of this study. The terms are being listed as below:

Table 1.1 : The table indicates the term of references being used in this study along with the explanation

Term of references (TOR)	Explanation
Intellectual property rights:	Patents, designs, copyright, trademarks, and trade secrets – which has become world-wide global economic assets (OECD, 2015; Hallenborg, Ceccagnoli and Clendenin, 2008).
Copyright :	Copyright is one of the pillars within the intellectual property system where it protects the original works of authorship in a form that is evidentially substances (U.S Copyright Office).
Moral rights:	Moral rights refer to the acknowledgement and recognition given of the artistic content created, whereby the creator ensures their names are connected to the work (Urs, 2004; Basek, 2003).
Economic rights:	Economic rights bring the meaning of the ability to exploit monetary gains from the artistic work created (Urs, 2004) and (Basek, 2003). Without established rewards and monetary compensation after artistic work being produced, there is nothing to engage and sustain the content producers Gallini and Scothmer (2002) to his/her work for a sustainable source of income.
Neighbouring Rights:	Rights that are given as the copyright rights were granted upon to other parties other than the original owner (Pandey, 2005; WIPO, 1998).
Exclusive Rights:	The rights to control and obtain beneficial profit as the owner (copyrightalliance.org)

Table 1.1 : Continued

Content creators:	Content creators are people who produce content in the creative industry. The creative economy is an ecosystem that comprises a wide range of occupations distinguished by the generation of wealth and jobs through individual creativity driving the generation and use of intellectual property by (Deloitte, 2021). It includes both: - The creative industries, including film and TV; publishing; museums; music and the performing arts; computer programming; crafts; and architecture and design; and - Those working outside those creative industries, but still working in creative occupations. The term creative industries comprise a wide range of creative activities such as traditional arts and crafts, publishing, music, film, television and radio broadcasting, new media and design (United Nations Conference on Trade and Development, 2008).
Media Literacy:	The skills acquired to get access, fathom and conduct communication in many medium, have the ability to access the information and be critical about it (Celot dan Tornero Perez, 2009; Ofcom, 2004).

1.6 Significance of Study

Among the greatest intellectual achievement of a human can acquire in the modern world is to be literate. The ground of this study is to explore the literacy of the creative industry players of the copyright system and practices of moral and economic rights. With that as a ground and vision to explore the study, the researcher applies the media literacy theory to understand of the literacy that creative industry has. The National Association for Media Literacy Education (NAMLE) has stated that media literacy traditionally practices the competences of speaking in public in consuming and

communicating through the media usage. As media students and practitioners, it is always crucial that the basis of education and learning is by being literate. By being literate, it gives access to be part of any culture, social interaction and literature (MESVTEE, 2013). In order to achieve the highest understanding and literacy of an issue, that drives a person's ability to react and respond, one must be able to have access to the knowledge that is surrounding the issue. This study was also able to contribute to the body of knowledge and share a glimpse of how, why and what the scenarios are happening in the creative industry involving the copyright systems and practices in Malaysia through the importance of intellectual property literacy by producing two (2) suggested conceptual frameworks. The first conceptual framework that would be illustrated later in Chapter 2 suggests the initial understanding of the researcher of how copyright protection were done in the creative industry over the work produced. The second conceptual framework depicts a suggested model of business plan for the creative industry practitioners especially for the content creators to benefit and exploit monetary gains from the work they produced. This model would be explained in Chapter 5 of this study.

Table 1.2 : The table below states the contribution of the study towards the policy, practice, theoretical, and methodological

Contribution	Explanation
Policy:	Contributing problem solving suggestions to the existing policy makers of copyright protection acts for the film, television and social media content creators in Malaysian creative industry.
Practice:	Propounding a constructive apprised data collective from the film, television and social media content creator regarding the compromised scenario involving moral and economic rights in Malaysian creative industry.
Theoretical:	Conferring key information from film, television and social media content creators that could contribute to the enhancement and improvisation of copyright protection of system and practices over the artistic work produced in Malaysian creative industry according to the existing media literacy theory framework.
Methodology:	Proffering a critical and academic in-depth study of the issues suggested in the study through qualitative methods.

The table above describes the contribution of this study to four (4) elements which are to the policy, practice, theoretical and methodological. This study signifies the role of policy in shaping the creative industry into an organised ecosystem that would benefit the practitioners and also the mass. Many other industries were governed with dedicated acts that would protect their stakeholders. The creative industry relies heavily on intellectual property protection due to their production of products are intangible and cannot be measured using conventional methods. According to UNCTAD (2008), there are five (5) conceptual models of definition which are:

- i. The DCMS model that was based on individual creativity that signifies the relevance of using technological advancement in the creative industry rather than the conservative cultural industries.

- ii. The symbolic texts model, that focuses on the core features of the cultural industry and it focusses on how culture and creativity are produced, disseminated and transmitted.
- iii. The concentric circle model assumes that the differentiation of the content industry.
- iv. The copyright model of the World Intellectual Property Organisation (WIPO) and the International Intellectual Property Alliance (IIPA) at identifies which industry produces the most of intellectual property content, which industry would most likely be in the intellectual property industry but have minor portions of it.
- v. And last but not least, the UNCTAD model which classifies the industries into clusters and groups according to their domains, groups,
- vi. subsectors by distinguishing their core business such as heritage, arts, and functional creations.

Quoting back to the fourth (iv) model by WIPO above, this study heavily studies and explore the policies that is governed by the organisation to protect the copyrighted industry. With adequate and clear understanding of the policy within the copyright proception, the practice within the creative industry would have the potential to improvise. Within the copyright protection, moral and economic rights are in existence to protect the original authors of the copyrighted work where they have the power to exploit and gain monetary returns. Therefore, Unger (2019) stated that the knowledge economy may in need of certain education that would bind the legal and

market arrangements and decentralised access to productive resources and opportunities.

1.7 Scope and Limitation of the Study

A qualitative method will be used in this study by applying the case study approach. The scope of study of this research will be discussed as in the following details:

1.7.1 Scope of the Study

This study covers samplings from the creative industry stakeholders. They are the practitioners in the creative industry that produces contents, agency and regulator representatives and also distributors that comes from the television stations. Studies in copyright and intellectual property are usually conducted to study in regards of piracy in the digital era, but this study is intended to study within the rights of the creative industry players of what they have access to over the content creation. In order to answer the research questions and objectives that was elaborated earlier, in-depth interviews with the informants were conducted. However, not only interviews were the source of information and data. In addition, for the source of data that was gained in this study, other sources of data that derives from webinar videos that was organized in collaboration of the Department of Communication, Faculty of

Modern Language and Communication, Universiti Putra Malaysia were analysed too. Four (4) webinar videos, with an average of duration of one (1) hour each were then transcribed verbatim.

1.7.2 Limitation of the Study

The period of duration when the data collection procedure was executed was during the month of the General Election (GE-15) in Malaysia. The researcher had submitted the interview invitations to secure dates for the sessions, which were being turned down by informants that mostly represent the television stations and legal firms that manage laws within intellectual property. Five (5) invitations were handed out to the television station representatives, and only one (1) responded to be part of the study. Another limitation was most of the content creators who were initially invited mentioned not having copyright literacy, so they had to decline the invitation. Since the pandemic of COVID-19, people are more comfortable of having meet ups via online meetings. Due to this, most of the interview sessions were conducted within google meet. As technological advancement has helped a lot in researchers to acquire knowledge and disseminate it to all around the world, the setback of having online interviews as such internet disruption. There were times when the researcher and informant had to reconnect themselves to the connection and that eventually halted the interview sessions. Other limitations and challenges

faced by the researcher throughout the study which was lack of willingness of the individuals from the design research earlier.

The informants were identified before the interview to participate as an informant and given the semi-structured questions for them to study. However, a number of the selected informants declined the proposition due to their limited knowledge and experience of copyright protection and intellectual property. The informants were also concerned of being exposed and labelled as a whistle blower if they took part in the study. The researcher then had to scout new informant that fits the initial framework of the study and this contributes to prolonged qualitative data collection processes. The sampling that was chosen in this study was also limited to the bumiputra group and creative industry practitioners who were living in the Klang Valley. Due to very limited access to meet the creative industry practitioners and COVID-19 restrictions, the ability to seek these individuals within a limited time frame appears to be slim. There were also situations where when the potential informants were approached, they were not really interested in commercialising their work, but rather be a creative creator and focus on their art only. Their expectation was hoping other parties would do the commercialisation and protection of their work.

The theoretical limitation of this study would be the informants being interviewed in this study have very limited knowledge of copyright protection literacy. Malaysia's policy in regards to the advancement of the creative industry by the name of *Dasar Industri Kreatif Negara* (DIKN) that was issued in 2009. The direction and aspiration of this policy that was also derived from the Department for Digital, Culture, Media and Sports (DCMS) were to empower the creative industries as a whole based on creativity, innovation that would contribute to the creative economy and signify the nation's cultural heritage (Barker and Lee, 2017). Therefore, with limited knowledge of the nation's creative industry policy by the industry players itself has led to misunderstanding and practice misconducts that reduces the economic advantages even though with it's debut in 2009 (Barker and Lee, 2017).

Though with so much potential that the creative industry holds, the Malaysia's creative industry still fails to contribute to the nation's GDP. DIKN's report indicated that Malaysia's creative industries only contribute 1.27% to national income, however the exact statistics for the contribution are hard to come by due to lack of data contribution (Barker and Lee, 2017). Herwina and Zarith (2012) also stated that international agencies such as UNCTAD and UNESCO has been addressing the potential of the creative industry to the contribution to the area of economics of a nation. However,

very little contribution of the research and development from other disciplines except from the culture and media studies. Though many research that concerns cultural effects on the local audience were widely done by scholars (Herwina and Zarith, 2012; Pawanteh, 2006; Rampal, 2005). The nature and landscape of the stakeholders in the creative industry that most of the practitioners that is involved in the creative activities are freelancers. Academic researchers unanimously refer the term “freelance” to the independent workers in creative and media occupations (Kitching and Smallbone, 2012). Due to the nature of freelancers that acquires no employers and no attachments to an organisation (Kitching and Smallbone, 2012), these group of workers are in need to be guided and advised of their rights. This study is expected to explore and determine the emergent factors of the occurred scenario mentioned in the problem statement that would involve the legislative, creative industry practitioners and the business perspective in regards to the copyright protection system and practices.

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