

A Study on Digital Copyright Infringement in Malaysia

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Abstract

The rapid advancement of digitalization, coupled with the growing trend of industries transitioning to digital platforms, has resulted in a significant upsurge in the number of copyrighted materials available in digital formats. Consequently, this has heightened the susceptibility of digital products to infringement. This article presents the findings of a study that thoroughly examined and probed into issues related to copyright infringement. The study also assessed the awareness of respondents regarding digital copyright infringement. Employing a quantitative survey approach, this research involved participants from local districts situated within one of the states in Malaysia. The research outcomes underscored that a notable portion of copyright infringement instances can be attributed to a lack of awareness regarding copyright among individuals.

Keywords: Intellectual Property, Digital Copyright, Infringement

Introduction

Copyright infringement occurs when a copyrighted work is copied, distributed, performed, publicly displayed, or adapted without the explicit consent of the copyright holder (Greco, 2023). In light of the progression of digital technology, particularly within the context of the Fourth Industrial Revolution (4IR), most products are now created and disseminated in digital formats (Park, 2018). Given this circumstance, it is almost inevitable that such products will face issues related to copyright infringement. The primary sources of this problem can be traced back to the virtual nature of networks, their openness, and the absence of appropriate regulations. The first two factors are inherent characteristics of networks, which can be both advantageous and problematic. However, the third factor can be mitigated through government intervention, including the enhancement of regulatory frameworks and the promotion of public awareness to safeguard digital copyrights.

In the context of a computer network environment, all information is conveyed in a virtual and immaterial manner. Despite the tangible existence of the information carrier, the network itself remains in the realm of virtuality (Luketina, 2019). The Internet is a virtual

entity, an extension of reality, where virtual identity information is commonly employed for online communication, leading to a natural decrease in the moral constraints that govern it. Issues such as copyright infringement, manipulation, and misuse have become prevalent with the weakening of moral guidelines.

Considering the recent rapid growth of Internet application and utilisation, certain information and copyrighted contents are openly accessible. Consequently, to some extent, it is inherently susceptible to risks. Restricting its openness would diminish its interconnected nature and undermine its purpose (Ben-Ze'ev, 2003). The Internet is an open platform, accessible to people from different countries at any time and from anywhere, transcending space and time boundaries. The challenge lies in the difficulty of achieving uniform network management. Just as in Malaysia, where various ethnic groups possess distinct customs, beliefs, and even moral values Bojic (2022), it becomes complex to enforce unified management plans, relying more on the influence of education to shape behavior.

The advancement of information technology has exacerbated copyright concerns. Additionally, the management of digital copyright varies among countries, with differences in legal frameworks making it challenging to establish a precise standard for digital copyright (Bakar, 2021).

In 2022, digital piracy became classified as a criminal offense following the enactment of the Copyright (Amendment) Act 2022 on February 10, 2022. Despite Malaysia's early efforts to protect digital copyright, it has taken considerable time to refine its legal provisions. Consequently, in cases where the law is not universally applied, moral considerations continue to play a significant role in constraining digital copyright infringement, indicating that there is still much progress to be made in addressing this issue.

Literature Review

Digital copyright represents a progression in technological evolution, transitioning from physical products to digital ones, such as music. It encompasses the extension of copyright protection to various digital media (Azeez et al., 2021). This form of copyright ensures that creative works in digital format receive the same level of protection as their physical counterparts. Digital technology has enabled the consolidation of content into a single digital format accessible through digital platforms, such as the Internet (Geçer & Topal, 2019).

A significant concern and ethical dilemma related to digital copyright pertain to copyright infringement. This occurs when an individual attempts to duplicate, replicate, or distribute another person's original work without the creator's consent (Salsabila, 2021). In the United States of America, the Digital Millennium Copyright Act (DMCA) of 1998 governs copyright law, responding to substantial demands from organizations and advocacy groups (Bello & Aufderheide, 2021). Notably, U.S. copyright law addresses internet-related challenges more effectively than many other countries. In fact, only the United States and the Chinese government have been actively developing strategies for digital copyright. Currently, China has digitized its intellectual property and patent databases, shifting the processing from offline to online methods. So we can find that most countries in the world are planning the development of digital copyright. This can be regarded as a necessary trend for future development. As a country that attaches great importance to digital development, Malaysia's digital copyright protection is also very critical. Whether it is in line with the strategic deployment of Malaysia's Multimedia Super Corridor 2.0 or in line with world development trends, laws related to digital copyright are very important.

In Malaysia, the Copyright (Amendment) Act of 2022, officially enacted on February 10, 2022, marked a significant milestone by criminalizing digital piracy. This legal reform, enforced by the Minister of Domestic Trade and Consumer Affairs on March 18, 2022, represents a transformative moment in the realm of Malaysian copyright protection (Chai, 2022).

The Malaysian government has entrusted the Intellectual Property Corporation of Malaysia (MyIPO) with the development and administration of the nation's intellectual property framework. In addition to these responsibilities, MyIPO is charged with overseeing and enforcing Intellectual Property Legislation, including the Trademarks Act of 2019, Patents Act of 1983, Copyright Act of 1987, Industrial Designs Act of 1996, Layout Designs of Integrated Circuits Act of 2000, Geographical Indications Act of 2000, and related regulations (MyIPO, 2010).

On the international stage, Malaysia is a member of the World Intellectual Property Organization (WIPO) and has signed the Paris and Berne Conventions that govern intellectual property rights (Abdullah & Nawang, 2021). Furthermore, Malaysia is a signatory to the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) under the World Trade Organization (WTO) (Dharmawan, 2023).

While Malaysia's journey in shaping digital copyright laws began relatively late, it is worth noting that the intricate nature of the digital landscape and the absence of a universally established management system worldwide contribute to this. Malaysia's digital copyright-related legislation serves as a promising signal and holds significant importance for future development in alignment with global trends. Furthermore, Malaysia's robust legal foundation provides valuable support for the ongoing enhancement of relevant laws. It is anticipated that the issue of digital copyright infringement will be effectively managed in the near future.

Research Methodology

A. Data Collection

For this study, the primary method of data collection involved utilizing online surveys as the principal data source. The research aimed to address its questions and objectives by analyzing responses obtained from anonymous individuals residing in local districts within a specific state in Malaysia. The population was categorized based on various demographic factors, including gender, age, and occupational sector.

To conduct the survey, a digital approach was adopted, and it was distributed through WhatsApp groups established within the targeted study environment. A viral message was circulated, encouraging the public to participate in the survey. This message was accompanied by a cover text and contained a hyperlink leading to a designated cloud storage system used for the study. Respondents were invited to complete the questionnaire by accessing it through this provided online link. Additionally, they were kindly asked to share the cover text and the attached link with their network on WhatsApp, particularly targeting potential respondents residing in the study area.

To enhance response rates, reminder messages were regularly sent within the WhatsApp groups, urging the public to take part in the survey. Research indicates that sending reminders substantially increases the likelihood of survey completion, effectively doubling the initial response rate (Sundermann & Leipnitz, 2019).

The online surveys were based on a set of structured questions organized into four sections. This structured approach ensured consistency in the questions, providing reliability

for both the current study and potential future research. The questionnaire used in this study was adapted from the work of Geçer and Topal (2019) to maintain empirical consistency.

All responses collected through the survey were kept anonymous. On average, participants spent approximately 8 minutes completing the entire questionnaire. The online questionnaire comprised 30 questions distributed across four sections: Section 1 - Demographic Information; Section 2 - Knowledge Levels Regarding Copyright Concepts; Section 3 - Copyrights in the Use of Digital Products; and Section 4 - Copyright Infringements. The data collected were stored using the online Google Form platform and securely stored on Google Drive in cloud storage.

B. Instrumentation

Instrumentation was adapted from work of (Geçer & Topal, 2019) from Türkiye. The descriptive statistics of respondents of the study were adapted partially. In addition, only some of the construct's sections were adapted, vic., knowledge levels on concepts regarding copyright, copyrights in the usage of digital products, and copyright infringements.

C. Data Analysis

In order to have a better picture of the population, descriptive data were statistically analyzed for each group in the sample. The percentile is used to describe the outcome of the analyzed data. The descriptive graphs were used to project the outcomes of the data analysis.

Results and Discussions

Out of 80 participants who were provided with questionnaires, we received responses from 34 individuals, accounting for a response rate of 42.5 percent. The questionnaire is divided into four sections: Demography, Knowledge Levels on Copyright Concepts, Usage of Digital Products and Copyright, and Copyright Infringements.

The section related to awareness is designed to assess the level of knowledge among our respondents regarding Copyright Infringements. We will subsequently discuss the analysis of the collected data and our findings.

A. Research Design

Most of the respondents fall within the 21 to 30 age range. Figure 1 shows the age distribution for the respondents.

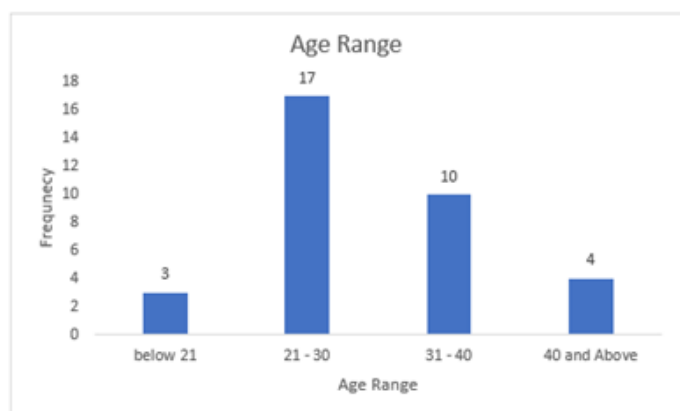


Figure 1. Age Distribution for Respondents

Based on the information provided by our respondents, the largest group, consisting of 14 individuals, are employed in the public sector. There are 10 respondents employed in the private sector, while 8 individuals are currently not employed. Additionally, three respondents work in the civic sector. Figure 2 depicts the employment status of the respondents.

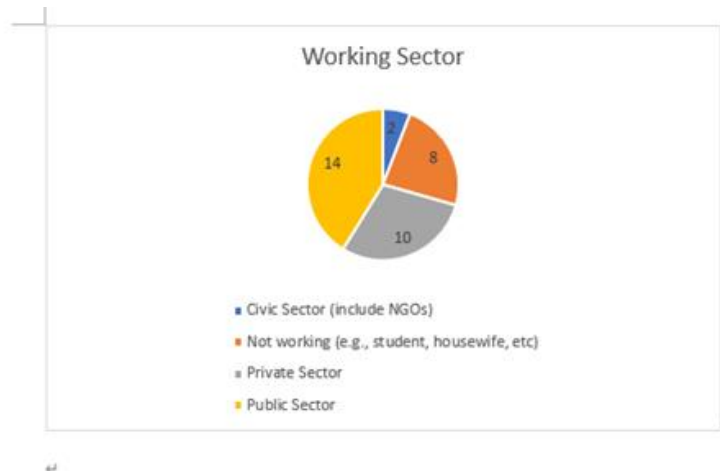


Figure 2. Working Sector

B. Research Design Knowledge Levels on Concepts Regarding Copyright

This section aims to determine how knowledgeable our respondents about the concept of copyright. Our 34 respondents answer seven questions to test their knowledge level on concept regarding copyright. The summary for the respondents can be found in the figure below. This section aims to determine how knowledgeable our respondents about the concept of copyright. The 34 respondents answer seven questions to test their knowledge level on concept regarding copyright. The summary for the respondents can be found in the Figure 3.

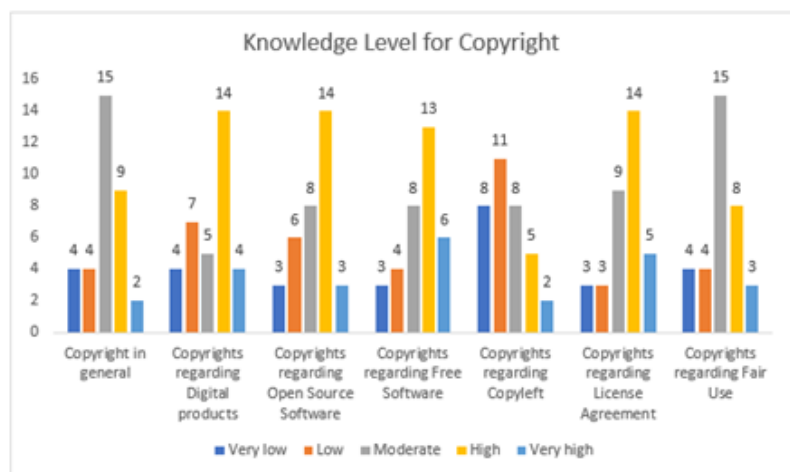


Figure 3. Knowledge Level for Copyright

According to Figure 3, it can be inferred that a significant proportion of our survey participants possess a moderate to high level of understanding regarding copyright. This inference is drawn from the observation that the majority of respondents fall within the 21-

30 age group. Given the prevalence of digital technology in this era, individuals within this age bracket are expected to have a fundamental grasp of copyright principles.

C. Research Design Knowledge Levels on Concepts Regarding Copyright

This section aims to determine the level of awareness among our respondents regarding copyright issues in the usage of digital products. The bar chart presented below illustrates the responses to questions related to copyright considerations in the usage of digital products. The data reveals that a significant portion of the respondents admit to occasionally using software downloaded from the internet without purchasing it. Additionally, a majority of the respondents reported using programs with serial numbers obtained from the internet.

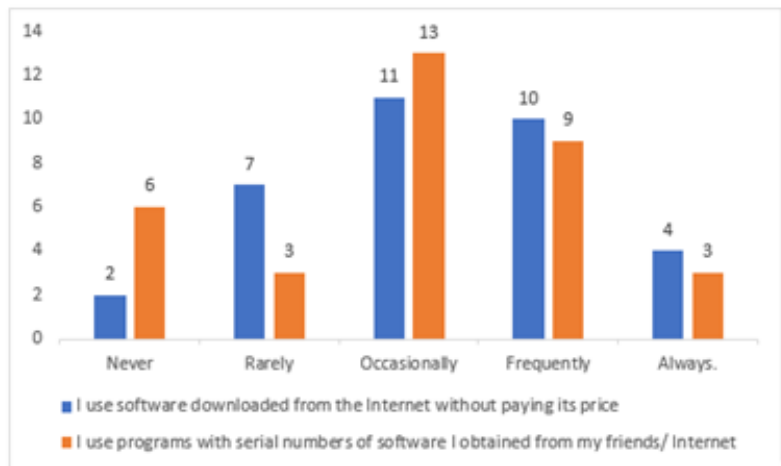


Figure 4. Use Frequency Charts

Figure 5 below show that the respondents mostly use the unlicensed software. The respondents mostly materials from Internet without the permission of the owner. Most of the respondents also download the license cracking software from the Internet. Even though our respondents aware that basic knowledge about copyright, they still unethically use some of crack software on the Internet.

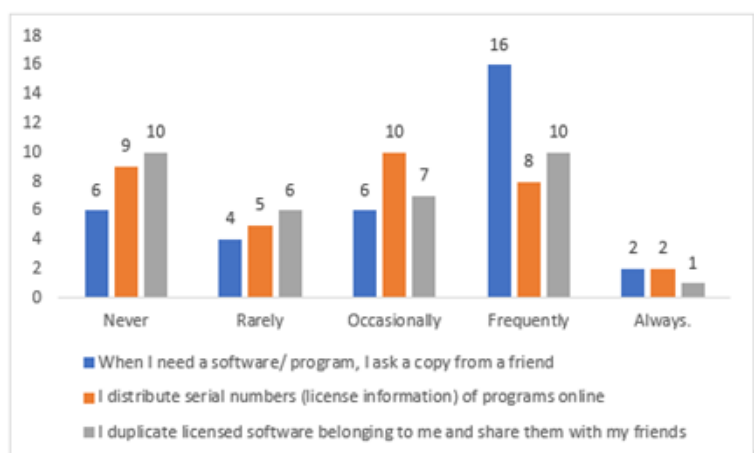


Figure 5. Use the Unlicensed Software Chart

Figure 6 shows consistent pattern emerges among our respondents. The majority of them admit to occasionally or even frequently engaging in unethical usage of internet materials. 16 of the respondents reported frequently copying software or programs from

their friends whenever they require them, which is not only unethical but also illegal. The bar chart also illustrates that a significant proportion of respondents do not pay for the software or programs they utilize.

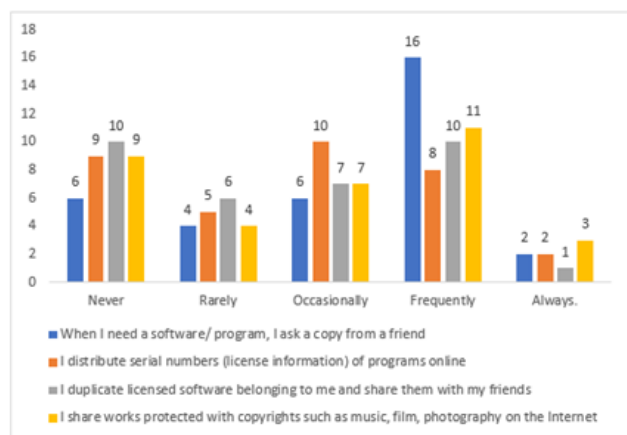


Figure 6. Unethical and Illegal Behaviour from Respondents

D. Copyright Infringements

In this section, we analysed the responses based on the Copyright Infringements. Figure 7 shows the respondents perception in term of their awareness with the Copyright Infringements issues. The figure also shows that most of our respondents feel guilty when download digital content from Internet by infringing copyright. Apart from that, majority of them agree that there is no difference between downloading music or film by infringing copyrights on the Internet and stealing a CD/DVD from a store. They also feel that, downloading digital content should be free. Even though they agree that by downloading digital content freely, they ware that it will cause the damages in socioeconomic system.

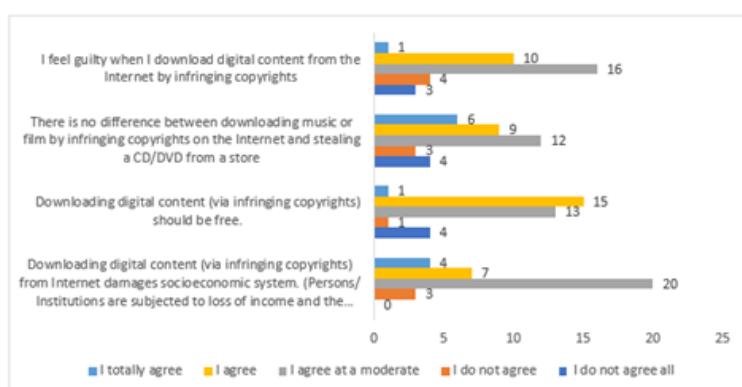


Figure 7. Reactions to their Own Copyright Infringement

Figure 8 depicts that majority of our respondents agree on the element of Copyright Infringements. The respondents possessed an understanding of the repercussions associated with using programs without proper licensing. Moreover, the respondents also expressed feelings of guilt when downloading digital content from the internet in a manner that infringes upon copyrights. Additionally, there is a prevalent fear among them that they may be apprehended while engaging in such copyright-infringing activities. Furthermore, the

prevailing sentiment is that the current policies for preventing copyright infringements related to digital products are inadequate.

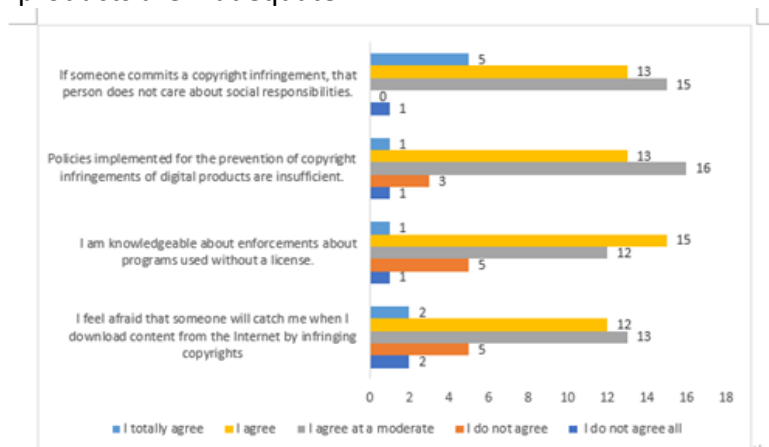


Figure 8. Concerns about Digital Copyright Infringement

Conclusions

Copyright serves as a crucial tool for safeguarding the work of creators, preventing unauthorized usage or reproduction (Kaye and Gray, 2021). In the contemporary digital landscape, there are numerous methods to combat plagiarism, website content theft, software piracy, and various other forms of infringement through copyright protection. In today's interconnected society, this issue holds paramount significance, given the vastness of online content and the continuous evolution of technology, which make copyright infringement more accessible than ever before. Consequently, the proliferation of illegal copies and unauthorized distribution of copyrighted materials has surged, along with the frequency of unlicensed use. Hence, individuals must grasp the fundamentals of copyright regulations and explore potential solutions to combat online infringement.

While most respondents demonstrate a basic understanding of copyright infringement, a paradoxical situation arises, as many of them continue to engage in copyright violations. Several factors contribute to this phenomenon. One prominent factor is the prohibitive cost associated with obtaining licenses for online products. Consequently, a significant portion of respondents opts for free versions of online products that, albeit functioning similarly to licensed versions, do not require payment. However, it's crucial to emphasize that this practice, while convenient and cost-effective, remains unethical and illegal.

Moreover, there is a prevailing sentiment among respondents that the existing policies aimed at preventing copyright infringements related to digital products are insufficient. This points to a disconcerting trend wherein individuals continue to commit copyright violations despite possessing knowledge of the enforcement mechanisms governing unlicensed software usage. To address this issue, rigorous law enforcement and policy enhancement are imperative. Failure to do so could result in severe consequences for the socioeconomic system, including income loss for individuals and institutions and reduced tax revenue for the state.

In conclusion, it is feasible to mitigate copyright infringement, and a range of solutions can be employed. While the survey indicates that a significant proportion of Malaysians are aware of copyright infringement issues, there remains a disconcerting gap between awareness and action. Such problems persist even when individuals are cognizant of

copyright issues, largely due to the absence of a comprehensive and effective societal management model for addressing these concerns. Widespread education and public awareness campaigns could serve as viable tools to ameliorate this situation. Ignoring digital copyright infringement poses multifaceted problems, including stifling enthusiasm for online creativity, impeding the digitalization process, and potentially hampering future development.

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