

THE LEADERSHIP ROLE OF CREATIVE GUILDS IN PROTECTING INTELLECTUAL PROPERTY TO SUSTAIN THE MALAYSIAN CREATIVE INDUSTRY

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ABSTRACT

Malaysia have witnessed the rise and downfall of the nation's beloved singer, song writer, composer and actor, Tan Sri P. Ramlee that passed away in 1973. Year 2023 marks the end of the 50 years of copyright protection of the late Tan Sri P. Ramlee where his copyrighted works which was previously being granted royalty to the remaining family members will now be opened to the public domain. However, many legislative bodies and entities have initiated to extend the duration of copyright protection to 70 years as practiced in Singapore and the United States. The objectives of this study are firstly, to explore the leadership role of the creative guilds in Malaysia and secondly, to understand the advantages of copyright literacy among the stakeholders in the creative industry. This study uses a qualitative method by analysing a webinar of three panellists of representatives from different guilds in Malaysia discussing on the 50 Years of P. Ramlee copyrighted works. The webinar recorded were transcribed verbatim and analysed using the website version ATLAS.ti. This study as such brings to the fore the following emerging themes. The first theme discovered is the importance of unifying the creative guilds in Malaysia and have a powerful leadership to spearhead the direction of copyright protection and benefits to elevate the creative economy. The second theme that emerged is the lack of legal understanding of contract produced among the creative industry players which contributed to the limited monetary return in the long run in Malaysia.

Keywords: *Malaysia, creative guilds, creative industry, creative economy, intellectual property, leadership, COVID-19*

ABSTRAK

Malaysia telah menyaksikan kebangkitan dan kejatuhan penyanyi, penulis lagu, komposer dan pelakon kesayangan negara, Tan Sri P. Ramlee yang meninggal dunia pada 1973. Tahun 2023 menandakan berakhirnya 50 tahun perlindungan hak cipta Allahyarham Tan Sri P. Ramlee di mana karya berhak ciptanya yang sebelum ini diberikan royalti kepada ahli keluarga yang tinggal kini akan dibuka kepada domain awam. Walau bagaimanapun, banyak badan perundangan dan entiti telah memulakan untuk melanjutkan tempoh perlindungan hak cipta kepada 70 tahun seperti yang diamalkan di Singapura dan Amerika Syarikat. Objektif kajian ini adalah pertama, untuk meneroka peranan kepimpinan persatuan kreatif di Malaysia dan kedua, untuk memahami kelebihan literasi hak cipta dalam kalangan pihak berkepentingan dalam industri kreatif. Kajian ini menggunakan kaedah kualitatif dengan menganalisis

webinar tiga ahli panel wakil daripada persatuan yang berbeza di Malaysia bagi membincangkan tentang 50 Tahun P. Ramlee karya berhak cipta. Webinar yang dirakam telah ditranskripsikan secara verbatim dan dianalisis menggunakan versi laman web ATLAS.ti. Kajian ini dengan itu mengetengahkan tema-tema seperti berikut. Tema pertama yang muncul ialah kepentingan menyatukan persatuan kreatif di Malaysia dan mempunyai kepimpinan yang berkuasa untuk menerajui hala tuju perlindungan hak cipta dan faedah untuk memartabatkan ekonomi kreatif. Tema kedua yang timbul ialah kekurangan pemahaman undang-undang kontrak yang dalam kalangan pemain industri kreatif yang menyumbang kepada pulangan kewangan yang terhad dalam jangka panjang di Malaysia.

Kata kunci: Malaysia, persatuan kreatif, industri kreatif, ekonomi kreatif, harta intelek, kepimpinan, COVID-19

Introduction

Cultural Economy Development Agency or CENDANA's 2016 report, highlighted that there are distinctive features of activities that either fall under the pillars of creative arts or creativity in the creative industry. It is critical to identify those distinctions due to the differences in the product output and economic landscape. The distinction is based on the United Kingdom (UK) Industrial Strategy & Department for Culture and Sport (DCMS) that lists various industries within arts and culture and creativity. The typologies identified by DCMS can be seen as in Table 1.

Table 1: Typologies of creative activities according to UK Industrial Strategy & Department for Culture and Sport (DCMS).

Arts and Culture		Creative	
Heritage	Conservation	Film	Virtual Reality (VR)
Literary Arts	Visual Arts	Television (TV)	Augmented Reality (AR)
Museums	Performing Arts	Media	Computer Gaming
Archives	Crafts	Music	Digital media
Galleries	Architecture	Digitalisation	
Libraries			

Malaysia is rich with diversity of multicultural identity, and it contributes towards a dynamic creative economy. Even though the creative industry is popular, it is saddled with problems (Markusen, Wassell, DeNatale and Cohen, 2008) which requires attention. Nevertheless, there are many incentives given to the creative industry which is part of the wider gig economy. A study done by Burch, Carnahan and Greenwood (2018) stated that even though the gig economy supports the economic growth of a nation with more job opportunities, there also some negative elements to it. The ecosystem of the gig economy nature of work is short-termed and provides inadequate monetary resources which hampers the entrepreneurial efforts.

In addition to that, absence of leadership in creative industry can distort the growth of the industry. According to Hargreaves and Fink (2004), leadership happens when people have the potential to impact their decision making when they build relationship together over a certain period. As the nature of work within the creative industry or gig economy is short, it is challenging to create close relationship between the stakeholders of the creative industry.

Understanding the nature of gig economy allows trade unions across the world that is known to be the ‘big brother’ of the creative industries to represent the voice of its members which plays significant roles in improving their working and living conditions, fortifying the worker’s right, and promoting social justice (Banks and Hesmondhalgh, 2016). According to Banks and Hesmondhalgh (2016), establishments of unions and guilds protects workers functions such as increasing the income of its members and to campaign for intellectual property enforcement. Therefore, among the causes that the unions and guilds may fight for their members is the high price of purchasing of content creation for freelancers in order to protect their economic well-being in the long run.

This paper aims to analyse the “Who Owns 50 Years of P. Ramlee’s Copyrighted Work” webinar that was aired in 2020 on Facebook Live of Faculty of Communication and Modern Languages, Universiti Putra Malaysia (UPM). Three panellists were interviewed through the 1 hour 51 minutes webinar. This webinar was conducted to acquire a documented academic discussion between the academics, legislation, and the creative industry in Malaysia with the ending of the copyright protection of late Tan Sri P. Ramlee’s content creation. The panellists were chosen from various expertise of backgrounds such as creative guilds representatives and copyright protection caretakers. Within the context of copyright protection, this study attempts to achieve the following objectives: (1) to explore the leadership role of the creative guilds registered in Malaysia; and (2) to understand the advantages of copyright literacy among the stakeholders in the creative industry.

LITERATURE REVIEW

Post COVID-19 Reviving Plan of the Creative Industry: United Kingdom Vs. Malaysia

The significance of comparing the creative industry in United Kingdom and Malaysia is that both of these countries share almost similar values and guidelines. The Department for Culture, Media and Sport (DCMS) in United Kingdom has been the pioneer in empowering the creative industry and coining terms such as the ‘creative industry’ and has since been the source of reference for other countries which Malaysia can benchmark itself with. Rishi Sunak the current ruling Prime Minister of United Kingdom stated in the DCMS (2023) report that even aftermath the COVID-19 pandemic, the creative economy in United Kingdom has potentials to be the best in the world.

However, during COVID-19 pandemic in Malaysia, there was an erosion of the economic well-being of the creative industry stakeholders. The British Prime Minister also added that the aftermath of the pandemic was a period of recovery for most countries in the world, however, United Kingdom managed to protect 5,000 organisations and support two hundred twenty thousand 220,000 jobs due to the success of initiatives of Culture Recovery Plan that was introduced with the budget of 1.57 billion pounds. Among the future aspiration of DCMS is to expand the new centres to empower the excellence in areas such as film and television, design and video games. DCMS also aims to create a pipeline of talent and opportunity for the young stakeholders within the creative industry. In Malaysia even though various initiatives were undertaken as efforts to empower the creative industry, it requires other aspects of development elements too. The Malaysian creative industry is in critical need of leadership and the right facility. Leadership has effects on many aspects within an organisation be it leadership that influences managers, communities, partners, and employees within the

circle of interaction (Walzer, 2020). Comparatively, the creative industry in the United Kingdom is an indication of success and brings significant income to the country with legendary star-studded stars such as Ed Sheeran and Adele and world-class cultural facility such as the National Theatres.

As DCMS has been reported to be performing well and contribute towards the expansion of the creative industry into greater heights in the United Kingdom, it is essential to highlight various initiatives taken by the Malaysia towards reviving the creative industry aftermath the pandemic. Among the initiatives undertaken within the audio-visual industry is the developmental programme: Creators Studio. This facility furnishes Malaysian-based studios to have access to the possibility of hiring Malaysians and prepare the stakeholders to real job trainings and prepare them to the real world (Bernama, 2022). Adding on to the quote from a report released by Bernama (2022), another initiative undertaken under the auspice of the education system is MDEC @Creativity Schools which was first introduced in 2016. As of 2022, the programme has reached its pinnacle with 3,400 participants registered from primary to high schoolers between the age of 7-17. As a result of the success of the program in exposing entrepreneurship in the digital economy, the Ministry of Education adopted the model and officially embedded it in the curriculum that caters for four million schoolers. As other greater and existing initiatives such as *Dasar Industri Kreatif* Negara (DIKN), Creative Industry Development Funds (CIDF) and CENDANA has already been introduced in Malaysia, the government has yet to boost the growth of the creative economy. United Nations Conference on Trade and Development (2008) essentializes the need for a paradigm shifts within the economy, where multiple initiatives need to be undertaken to transform Malaysia's creative industry landscape into a high growth contributing sector.

Leadership in the Creative Industry Model

Banks and Hesmondhalgh (2016) stated that there is a tension between organisations representing above-the-line and below-the-line workers within the media industry's guild. These terms are derived from Hollywood industry. Above-the-line refers to workers that are involved in creative talent jobs while below-the-line refers to craftsmen or technical support group of workers. Such tensions can be divisive and requires good leadership.

Walzer (2020) stated that the creative industries faced significant challenges with the rise of unemployment and scarce of job opportunities during pandemic. This situation is made worse with the recession that started in the beginning of 2020 where a lot of workers were laid off from work (Centre on Budget and Policies Priorities, 2023). With such setbacks and challenges faced by the creative industries stakeholders, leadership, and new approach in leveraging the creative economy is needed. Burn (1978) described that the leadership in creative economy portrays the need for mutual consensus between the leader and follower that would overlap to one another in making decisions by sharing motivation and values in the context of competition and conflict.

Walzer (2020) proposed the theory of Creative Industry Leadership based on four (4) areas which are:

I. Community

In creative industry, the stakeholders' functions better in a big communal environment where they will each execute their deliberate expertise and contribute

to the development of ecosystem. Leaders have the power to attach and glue people in order and see the best in them according to their talents.

II. Vision

In the creative industry, vision brings meaning to artistry and entrepreneurship. A robust vision is not only sustained but it is also collaborative and innovative. Leaders are supposed to acknowledge failures and rejection within the core business of creativity due to the subjectivity perception of art, and understand how failure can actually motivate the stakeholders in the longer run with a positive attitude.

III. Sustainability

Sustainability takes place when an organization or stakeholder within the industry have the ability to stay afloat while enduring the downturn within the economy (Walzer, 2020). Therefore, as leadership is being deeply discussed in this study, sustainability also carries many definitions and is subjective. For an entrepreneur to stay relevant in his or her industry, one must be able to control and see the time needed for investment and expansion. Walzer (2020) also added that successful companies or any appointed leader of an organisation blends these ingredients together: communication, personal traits stakeholder mutual consensus, collaboration and innovation.

IV. Creativity

One must consider the merits of service and project-based learning to teach creative leadership. Process orientation and small incremental changes leading to insights is the essence of creativity.

In the creative industry, the learning curve ecosystem would take place formally and informally. Robertson (2008) also added that the most effective way to build relationships and peer-to-peer relationship is by coaching. Chen et., al. (2018) stated that the start-ups in the creative industry relies on artistry, originality, and uniqueness. Sarros and Santora (2001) stated that leadership is an important factor that can control change in organisation with the act of aligning, understanding, and changing.

Creative Guilds Role in the Creative Industry

As guilds and unions co-exist within the workforce, there are other related issues to different sets of workers and requirements that need to be understood by the policymakers and caretakers. Taking Hollywood as example, Banks and Hesmondhalgh (2016) stated that in 2007 a group of writers gathered at the streets of Los Angeles fighting for their rights of labour and rates of compensation. For the first time in 19 years, professional film and television writers

from Writers Guild of America (WGA) started the protest negotiations against the Alliance of Motion Picture and Television Producers (AMPTP). After weeks of negotiations between parties involved, a poll was conducted and the results of the poll showed that 63% of Americans made their choice on siding with the protestors.

In Hollywood, writers that has acquired certain quantity of work with a company that has signed as a contractual partner on the guild's collective bargaining agreement must join the guild (Banks and Hesmondhalgh, 2016). The Writers Guild of America (WGA) was originally established in the name of Screen Writers Guild in 1933, but was not officially contracted until 1942. WGA was the bargaining agent for professional writers who assign writing jobs for film, television, animation, news media streaming, video game contents and many other scripts writing activities in America. WGA was recorded to have gone through strikes six times from the years of 1959-2008. The latest strike that was done by WGA lasted from May to September 2023 in fighting for their labour rights and was repeatedly done every three years as they representing 11,500 writers of TV and film in efforts to negotiate and renew their contracts with major Hollywood production houses (New York Times, 2023). The 2023 strike was deemed as the second biggest strike ever done since 1988 (The Hollywood Reporter, 2023). WGA in the Hollywood industry basically is a guild that caters union-like services such as mobilizing its registered members, taking into concern the guild members needs and demands, lobbies and negotiate on behalf of them too with other organisations (Banks and Hesmondhalgh, 2016).

In relations to the above, it is also important to look into the roles of creative guilds Malaysia's creative industry. Recently, it was announced in Malaysia's 2024 Budget that a total of MYR393.8 billion is allocated for development expenditure, and this marks the highest budget to be announced in Malaysian history (The Edge Malaysia, 2023). With the announcement too, *Gabungan Persatuan Perfileman Malaysia* (GAFEMA) which consists of eight other guilds responded positively to the announcement where MYR60 million is allocated under the *Dana Kandungan Digital* (DKD) and MYR90 million under the Malaysian Film Producer Incentive (FIMI) which eventually will contribute towards the production of world-class content creation (Malaysiakini, 2023). GAFEMA involves the collaboration of eight major guilds in Malaysia as follows:

- I. *Persatuan Penerbit Filem Malaysia (PFM)*
- II. *Persatuan Seniman Malaysia (SENIMAN)*
- III. *Persatuan Pekerja Profesional Filem Malaysia (PROFIMA)*
- IV. *Persatuan Kebajikan Penghibur-Penghibur India Malaysia (MEWA),*
- V. *Persatuan Kandungan Kreatif Malaysia (CCAM)*
- VI. *Persatuan Pasca Produksi*
- VII. *Animasi Dan Kandungan Kreatif Malaysia (POSTAM)*
- VIII. *Persatuan Animasi Malaysia (ANIMAS)*

Adding on to the advancement of the creative industry in Malaysia with the incentives in monetary form introduced for 2024, ex-minister of Ministry of Communication and Multimedia in Astro Awani (2022) stated that there is a need for the creative industry to be administered in a professional manner which would enable monetary and leadership opportunities to leverage the economy as practiced in advanced countries.

Intellectual Property Significance in the Creative Industry Economic Leverage

Intellectual property works have huge potential in today's global economy (Hallenborg, Ceccagnoli and Clendenin, 2008). Hallenborg et., al (2008) added that intellectual property includes the legal rights which is a result derived from activities such as industrial design, scientific activities, literary and writings and artistic fields. Copyright consists of two types of protection towards its owner which are moral and economic rights. As moral rights provide authorship protection, a work may never be reproduced into any other form from the original version without the permission while economic rights would provide sanction to the owners to exploit monetary gains from their content creation. Therefore, copyright is the only intellectual property protection that does not require any formal registration and granted upon the creators provided the creation is original. Baldwin (2016) also asserted that copyright protection today does not only last a longer time, but the recognition of copyright is easier than how it was in the early days of its enforcement. Rakova (2020) suggests that intellectual property contributes to significant meanings of nurturing innovation. Rakova (2020) also indicated that the ability for a person to innovate provides opportunity for the small and medium enterprises (SME) to contribute to GDP growth and open more employment opportunities.

Copyright protection has the mission to enable creation and enforce law that is bestowed upon and to benefit from monetary returns (Merrill and Raduchel, 2013). Merrill and Raduchel (2013) also added that in the past few decades various efforts were taken to collect data from the economic sectors that has intellectual property related business activities. The methods of collecting data are as mentioned in WIPO (2003). Reports sponsored by two entities namely International Intellectual Property Alliance (IIPA) and Computer & Communications Industry Association (CIA) provided the much-needed data. Siwek (2011) from IIPA provided data that represents contributors from the recording, motion picture and television content, computer applications and software, publishing contents while Rogers and Szamosszegi (2011) from CCIA represent internet publishing and broadcasting, data services computer equipment and services, telecommunications, and many other industries within the advanced information technology. These data have contributed in supplying meta-knowledge of the creative economy towards national economic income.

METHODOLOGY

When World Health Organisation (WHO) announced the outbreak of the COVID-19 pandemic in 2020, many restrictions were placed by the government bringing daily activities to a halt. Citizens' movements across the world were limited under the Movement Control Order (MCO) as a preventive measure to minimise the contagious outbreak (Tiong and Sim, 2020). The Movement Control Order (MCO) has made significant disruption in the dynamism of economic activities such as the supply chain, manufacturing, and production processes as well as human resource productivity (Carnevale and Hatak, 2020). The education ecosystem is also not reserved to receive the effects of the COVID-19 pandemic, where schools and higher education institutions were closed and classes were conducted remotely from home (Walzer, 2020). Among the challenges faced during the pandemic was data collection process. Tiong and Sim (2020) proposed that the Digital Bank Study can be done in the beginning of COVID-19 pandemic to study the factors that influences and affects the user behaviour in adapting Malaysia's digital banking services via the integration of the usage of Technology Adoption Model (TAM) and the Innovation Diffusion Theory (IDT). However, the usage of these models and theories is insufficient in order to explain voluntary user acceptance of new technology in mobile banking (Xiong, 2013). The Digital Bank Study as such proposes a new data collection

method which is via webinar in obtaining quality data despite the lockdown through the usage of web-seminar (webinars). This method was said to be aligned with the global education establishments' aspiration to innovate and to adapt to newer and latest methods in shorter timeframes if the pandemic continues to take place (Tiong and Sim, 2020; United Nations, 2020).

Webinar is a digital platform that collaborates two elements which are web and seminar that works as a two-way communication for interactions between the participants and the moderator (Tiong and Sim, 2020; Verma and Singh, 2010). During COVID-19, many organisations made use of webinars as a tool to disseminate information to mass audience on a digital platform. This study is conducted using qualitative method where it analyses the interview data acquired from a webinar called "*Hak Cipta 50 Tahun Karya P. Ramlee Milik Siapa?*" that was aired live on the Faculty of Modern Languages and Communication, Universiti Putra Malaysia Facebook during the pandemic in 2020. The webinar consists of three panellists and one moderator. The details of the panellists are as below:

Table 2: The table below indicates the participant matrix and profile of the "*Hak Cipta 50 Tahun Karya P. Ramlee Milik Siapa?*" webinar.

Role in the Webinar	Position / Affiliation	Gender	Experience in the respected industry
Moderator (M)	Senior Lecturer Faculty of Modern Language and Communication	Male	>10 years
Panel 1 (P1)	MyIPO Senior Officer in Copyright	Male	>10 years
Panel 2 (P2)	President of <i>Persatuan Karyawan Malaysia</i>	Male	>10 years
Panel 3 (P3)	Vice President of Film Director Association Malaysia (FDAM)	Male	>10 years

Table 2 above indicates the participant matrix and profile of the participants in the webinar. The participants were chosen based on their expertise within their respected field, and is considered as an expert as they have 10 years or 10,000 hours' worth of experience (Malcolm Gladwell, 2008). The webinar lasted for a duration of 1 hour 51 minutes and live broadcasted on the Faculty's Facebook on the 11th June 2020 during the first wave of movement control order (MCO). The conventional method to conduct a qualitative data collection involves interviews that would acquire certain depth of understanding of a topic to be discussed. The interview methods must be accompanied with consent forms that needs to be signed by the participants. This form would acknowledge the participants rights that they will be protected during data collection. This requires the researcher to adhere certain code of conduct and the consent form would contain 10 elements as stated below (Creswell, 2009; Sarantakos, 2005):

- I. Researcher's identification
- II. Institution involved identification
- III. Indication of the participant selection
- IV. Objectives of the research
- V. Benefits of participating in the research
- VI. Identification of level of involvement of the participant in the study

- VII. Risks that would the participant face
- VIII. Confidentiality of personal data
- IX. Assurance that the participant can revoke their participation at their pleasure
- X. Provision of names of person in charge if any matters raised regarding the study

However, with the usage of webinars as a tool of collecting rich qualitative data, the said elements above are not applicable due to the nature of the public dissemination of information on social media platforms. Qualitative data can also be obtained through observation, which contributes to the meaning of 'systematic description of events, patterns of attitude and behaviours, videos and photos that was used to amplify research done as an interpretation of in-person utterance' (Tiong and Sim, 2020; Paterson et al., 2003). The participant of the study was also chosen through purposive sampling where their backgrounds and affiliations were identified earlier prior to the webinar.

The interview questions that were asked in the webinar were semi-structured interviews. Semi-structured interview by nature is to provide the interviewees or participants in focus group discussions of their views, personal or professional opinions regarding the issue to be discussed and observed by the researcher (Wahyuni, 2012). Boeije (2010) also stated that during the interview sessions, the participants interviewed are practitioners from their fields and would exchange valuable information to the interviewer. The video of the live show was then downloaded in a mp4 format and transcribed verbatim using the Microsoft Word software. The challenge of transcribing this webinar audio to document was that the webinar was conducted in dual languages – Malay and English. Most of the audio dictate software and apps does not support Malay language. Due to this limitation, this study proceeded with transcribing the audio files manually, word by word. After the transcribing process was completed, the transcriptions were then handed back to the participants of the webinar for validity checking of the dialogue they had in the webinar.

The documents were then analysed thematically using the computer-assisted qualitative data analysis software or CAQDAS of ATLAS.ti. The version of ATLAS.ti used was the website version. The advantages of using the website version of ATLAS.ti for qualitative data analysis is that it enables researchers to work and collaborate the data acquired with many other parties and work across many types of machines and gadgets, given the availability of internet access. The qualitative data in the document forms were then proceeded to line-by-line coding, which interpreting the meaning behind every conversation.

Results and Discussion

As mentioned, the webinar transcription was analysed using the website version of ATLAS.ti. According to Yin (2018), analysing case studies data can be executed by merging any procedures such as examining, categorising, tabulating and testing. Generally, the process to acquire a certain degree of results in a qualitative data will go through three processes of extracting information.

- I. Data coding (line by line meaning identification)
- II. Group Code (Categorising)
- III. Theme (Emergent themes)

3	3	3	3
Legal	MACP	Music's Usage is wider than film	Role of FINAS
3	3	3	3
TV stations	Publisher	Author rights	Benefit of the creation to all stakeholders
3	3	2	2
CMO	Commercial rights	Content must be at par with international standards	Copyright registered locally, belongs locally
2	2	2	2
Expiration	FDAM	Family	Film industry is paid one-off
2	2	2	
Guilds in Malaysia only care about welfare	Lobbying	Music played in restaurants	Music provides value added
2	2	2	2
PPRISM	Payment Issues	YouTube	Audio-visual
2	2	2	2
Composer	Copyright sold separately	Intellectual property literacy	Lyricist
2	2	2	2
ASTRO Shaw	Best Practices	Music is not structured, but the usage is wide.	Business premisses
1	1	1	1
Broadcasted	Casts for every season of syndication is the same in overseas practice	Cinema	Copyright Act 1987
1	1	1	1
Differences Between Music and Film Industry	Elvis Presley	Great Directors in Malaysia	Hollywood
1	1	1	1
International convention	Licensing	Limited choices	Loss of reference
1	1	1	

Minimum wage	Monetary gains	Minimum wage	Moral rights are not given to directors after content is sold
1	1	1	1
Music played in hotels	Music is wide	National issue	Netflix
1	1	1	1
Over the Top (OTT)	Overseas structure in copyright protection is better	Payment	Power
1	1	1	1
Power	Production team	RPM	Rate of Salary
1	1	1	1
Replicating the music industry system of royalty	Return of investment	Royalty is not necessary for film industry	Screen creative
1	1	1	1
Shut down	Sound recording	Television	Who owns P. Ramlee's content after 2023
1	1	1	1
Auteur	Berne Convention	Copyright tribunal	COVID-19
1	1	1	1
Creative Creation	Desperate	Documentary	Economic
1	1	1	1
Financial aid	Public domain	Record label	Register copyright
1	1	1	1
Register copyright	Rights	Welfare	
1	1	1	

Table 3 above demonstrates the codes and the number of repetitions of the codes in the webinar. The top four codes that was repeated the most in the webinar are:

Table 4: Top four codes that were most repeatedly in the webinar

Guilds	MyIPO	Copyright	Royalty
14	13	12	10

The repeated codes signify the direction and theme of the discussion in the webinar which is “*Hak Cipta 50 Tahun Karya P. Ramlee Milik Siapa?*”. The webinar discusses the role of each of the stakeholders in the creative industry that has direct relationship with copyright protection. Codes guilds, MyIPO, copyright and royalty were being repeatedly mentioned due

to the theme of the webinar that discusses on the future of P. Ramlee, the Malaysian singer-songwriter after the end of the 50 years copyright protection and royalty received by the remaining family members. The codes were later being code grouped or categorised according to their similar meaning:

Table 5: Code groups / categories that was discovered by grouping the 113 codes discovered earlier.

Group Label (GL)	Code group / Category
GL1	Lack of legal understanding of contract in the creative industry ecosystem
GL2	Limited resource of monetary gain in Malaysia audio- visual industry
GL3	Powerful leadership is needed to spearhead the future and voice of the industry practitioners
GL4	No unity in the creative industry

GL1 stated that the Malaysia creative industry is lack of legal understanding of contract produced in the creative industry ecosystem.

“Among the situation that is happening in the industry during the late P. Ramlee’s time that I believe that tormented him and his creative work was lack of legal knowledge...”

- Excerpt P3

Excerpt P3 stated that during the late P. Ramlee’s early days of practice in the creative industry, the literacy of legal knowledge might be limited which contributed to the unsustainable receipt of royalty income over the content produced.

“Another situation that I realised happening in the television industry is that the TV stations tend to buy the content, along with the copyright. Maybe, in future. The content purchased should be sold separately without the copyright so that the producers (original producers) may have access to sell their content to other countries or channels....”

- Excerpt P2 stated that the practice in Malaysia’s television industry is that content purchased must come with the copyright ownership as well. This claim is supported by Alavi and Azmi (2019) that it is mandatory for the producers of content to sell their content to the TV stations and the job is done under commission.

- Excerpt P2

“In Malaysia, the practice is that they don’t have any contractual freedom. This means that as the argument of the film directors and the film production with the money-making entities. This situation is related with contract making..... As the producers should propose their contracts

to be in a transformation license or assignment, so that the contract should not be a territorial concept....”

- Excerpt P1

Excerpt P1 suggested that the issue faced by producers and distributors stem from the contract agreement before the work is to be assigned or commissioned. Therefore, enhancement towards the contract terms should be improvised.

GL2 stated that there are very limited resources to generate income in the Malaysia audio-visual industry. The television industry in Malaysia is known to be greater than the filming industry (Dawam et. al., 2015). In addition to that, there are eight free television channels namely TV 1, TV2, TVi, TV3, NTV7, 8TV, TV9 and TV Al-Hijrah.

“Every year in foreign countries, there will be negotiations done between the guild representatives and big production companies to achieve mutual needs of the guild’s stakeholders. However, in Malaysia big companies would always say Take it – Or leave it to the producers. There is a need for government agencies in Malaysia to re-align the practice so it would be at par internationally.”

- Excerpt M

Excerpt M suggests that there should be a re-alignment of practice between Malaysia and other countries internationally so that it would be easier to govern the creative industry development. Dawam et. al., (2015) agrees that the television market in Malaysia is being monopolised by certain companies and that it would affect the Malaysian film producers.

“The music industry on the other hand compared to the audio-visual industry usage and consumption is wider. Music is being used in restaurants, discos, radio as value added and would be listened to repeatedly. The music industry has collective management organisation (CMO) to do the royalty collection by clients all over the world.”

- Excerpt P2

Excerpt P2 stated that the music industry has a monitoring and collection system of royalty that is identified as Collective Management Organisation (CMO). CMO in Malaysia is appointed by the Intellectual Property Corporation of Malaysia (MyIPO). There are three CMOs appointed which is Music Authors Copyright Protection (MACP) Berhad, Public Performance Malaysia Sdn Bhd (PPM) and Recording Performers Malaysia Berhad (RPM). During the last amendment of the Copyright Act 1987 in 2021, the term ‘licensing body’ was then shifted to ‘collective management organisation’. This term was shifted due to the initiative to align the term ‘collective management organisation’ or commonly termed as CMO with the term used by World Intellectual Property Organisation (WIPO) (Khong, 2022).

GL3 stated that powerful leadership is needed to spearhead the future and be the voice of the industry practitioners in any initiatives or issues to be raised in the future.

“Let’s say that the Film Director Association Malaysia (FDAM) would want to raise an issue of something..... Would the other association or creative guilds be at the same page or wavelength of FDAM? Since there are so many guilds out there that fights for the rights of the

creative industry practitioners, would they share the same opinion with each other and fight for the same cause? If each of the guilds in Malaysia will come with the same voice, MyIPO would have the basis to help these guilds in legal aspects.....”

- Excerpt P1

Excerpt P1 suggests that the creative industry guilds must be synchronised with one another in addressing matters related to the improvement of livelihood and copyright protection of their creation. This is because, there are a number of guilds established in Malaysia that carries different mission and vision and disables a unanimous voice when an issue is raised.

“I can understand and picturise what P1 stated earlier of that we the creative industry can depend on MyIPO to protect and defend our rights when it comes to royalty. Therefore, I think there is a need to have an entity to be the lead voice of all parties in the creative industry.”

- Excerpt P3

Walzer (2020) stated that leadership and management both works hand in hand which would benefit a healthy support group in an organisation. However, Toor (2011) asserted that leaders have influence to build temporary alliances with others. For instance, in the short natured gig economy and creative industry where the job duration is short and activities are related with creativity, it is challenging for these individuals to engage and promote leadership.

GL4 lamented that there is no unity in the creative industry. In fact, almost all of the participants in the webinar stated that there was no unity between the creative guilds in Malaysia. The excerpts below indicated their opinions:

“We in MyIPO don’t have the data or acknowledge the number of guilds there is in the film industry. And it would be great if we can align these guilds into one voice, just like how we discussed the Hollywood industry and how they manage their issues...”

- Excerpt P1

“I would love to add onto the comment of P1 just now. Our industry is not united. We have too much of guilds and each of these guilds are not on the same page. Everyone wants to be main actor and when we face the legislators, everyone seems to have different opinions....”

- Excerpt P2

The discussion of the excerpts above were later being analysed into themes that was discovered from the study as described in the Table 6.

Table 6: Suggested themes that was discovered and emerged from the data analysis

Themes (T)	Themes Description
T1	Lack of legal understanding of contract produced among the creative industry participants which contributed to the limitation of monetary return in the long run among the audio-visual practitioners in Malaysia.
T2	The importance for the creative guilds in Malaysia to be united and have powerful leadership to enable their role to spearhead the direction of copyright protection and benefit to elevate the creative economy.

Since the panellists participated in the webinar are representatives of three different guilds and organisations, their perspective and overview of copyright ownership is different from one another.

Table 7: Point of view (POV) of the panellists that summarises the webinar.

Panellists	Point of View (POV)
P1	Panellist P1 had views and knowledge within the legislations and how copyright protection works. The panellist also had the capability to suggest some problem-solving measures according to his experience in managing copyright related situation in the creative industry.
P2	Panellist P2 had experience in being the pioneer of initiating efforts to collect royalty and distribute them to the stakeholders in Malaysia's music industry. With his experience, most of his views explained the real scenario and hurdles faced by the creative industry stakeholders in a wider perspective.
P3	Panellist P3 is a guild member from the audio-visual industry, and most of his views and knowledge is limited to the film and drama scenes. His views and perspective are mainly related to the difficulties of the audio-visual industry stakeholders to obtain and sustain their moral rights after any content is being sold. He also stated that the audio-visual industry stakeholders had challenges to generate income from the work they produced.
M	The moderator in this webinar has vast experience in both fields namely as a practitioner in the audio-visual industry (producer), senior officer in the government agencies (FINAS) and a senior lecturer in Universiti Putra Malaysia's Faculty of Modern Languages and Communication. With a combination of these three expertise, the moderator was able to understand, engage and elaborate the discussion deeply so that the viewers can understand succinctly the issues discussed in the webinar.

CONCLUSION

The diversity of participants profile in the webinar has brought a variety of perspective to the issue discussed. Based on the observations from the webinar, the panellists demonstrated vast knowledge in addressing various issues such as lack of legal understanding of contract produced among the creative industry players and the limited resources available for monetary gain from the work contributed for the consumption of the audience.

As the statute of limitations of the late P. Ramlee's 50 years of copyright protection will come to expiration on the 31st December 2023, many creative industry practitioners from the music and filming industry are keeping a watchful eye on who would own the creative works of P. Ramlee. Two possibilities may emerge. If no extension of 20 years granted as proposed by Badan-badan Perlindungan Hak Cipta Berhad (MACP), then P. Ramlee's music will enter public domain. However, if an extension of 20 years is granted, then the potential beneficiary will be his adopted son, Sazali. As decision is made towards the end of 2023 on possibility of extending the copyright protection, Malaysian government plays an important role in making a rational and feasible decision so that P. Ramlee's musical and artistic journey can benefit the nation.

From the qualitative analysis presented above, this study discovered 113 codes, four code groups and two emergent themes. The code groups clustered around (1) the lack of legal understanding of contract in the creative industry ecosystem; (2) limited resource of monetary gain in Malaysia audio-visual industry; (3) the need for powerful leadership to spearhead the future and voice of the industry practitioners; and (4) absence of unity among the creative industry practitioners since so many guilds that brings different agenda and objectives in their establishments.

This study as such brings to the fore the following emerging themes. The first theme discovered is the importance of unifying the creative guilds in Malaysia and have a powerful leadership to spearhead the direction of copyright protection and benefits to elevate the creative economy. The second theme that emerged is the lack of legal understanding of contract produced among the creative industry players which contributed to the limited monetary return in the long run among the audio-visual practitioners in Malaysia.

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