

**ACCESS TO AND RE-USE OF COPYRIGHTED  
MATERIALS AMONG THE STUDENTS AT FACULTY  
OF LAW UiTM SHAH ALAM**

By

Nabila bt Juremi (2010532829)

Amirah bt Ismail (2010950423)

Nur Atikah bt Abu Bakar (2010344051)

Nur Izzaty Zayani Bt Mat Ziat (2010132155)

Submitted in Partial Fulfilment of the Requirements  
For the Bachelor in Legal Study (Honours)

Universiti Teknologi MARA

Faculty of Law

June 2013

The students/authors confirm that the work submitted is their own and that appropriate credit has been given where references has been made to the work of others

## **ABSTRACT**

This research focuses on the copyrighted materials used by the students at the Law Faculty of UiTM in which the researchers themselves are law students at UiTM Shah Alam. It has been observed that, the law students at UiTM are a group of students that come from diverse economic and social backgrounds. Regardless of their economic and social background, all these students require access to copyrighted materials such as text books, case law reports and law journals for the purpose of their study and research. This research collected data using survey as instrument to investigate the source and the type of copyrighted materials that were accessed by them, the purpose of accessing and re-using the copyrighted materials and the level of knowledge about copyright law and fair dealing exceptions. Based on the survey, it is found that the law students at UiTM need to have a clear policy which enables them to access and re-use the copyrighted materials without violating the copyright law. Therefore, it becomes the aim of this research to develop a set of policy on access to and re-use of copyrighted materials among the law students of UiTM Shah Alam. In developing the policy, this research analyzes the existing law that governs access to and re-use of copyrighted materials in Malaysia. This research is given an international outlook through a comparative study of the copyright laws in three countries which are the United Kingdom, the United States and Australia. A policy analysis has also been conducted on the policies of selected universities from these countries in order to discover the best policy model that can be proposed by this research. At the end of this research, it recommends a set of policy on access to and re-use of copyrighted materials for the students at UiTM law faculty.

## TABLE OF CONTENTS

<b>CONTENTS</b>	<b>PAGE</b>
<b>KEYWORDS</b>	ii
<b>ABSTRACT</b>	iii
<b>CONTENTS</b>	iv
<b>LIST OF TABLES</b>	x
<b>LIST OF ABBREVIATIONS</b>	xi
<b>STATEMENT OF ORIGINAL AUTHORSHIP</b>	xii
<b>ACKNOWLEDGEMENT</b>	xiii

### ***CHAPTER ONE*** **INTRODUCTION**

1.1 Background	1
A. Copyrighted Materials	1
B. Access to and re-use of copyrighted materials	2
C. Faculty of Law UiTM	3
1.2 Motivation	4
1.3 Aim and Objective	5
1.4 Research Methodology	6
1.5 Significance of the Research	8
1.6 Scope and Limitations	9
1.7 Thesis Outline	9

### ***CHAPTER 2*** **THE NEED FOR A POLICY ON ACCESS TO AND RE-USE OF COPYRIGHTED MATERIALS**

2.1 Overview	14
2.2 Analysis of Survey Data	14

الحمد لله رب العالمين والصلاة والسلام على رسول الله

## ACKNOWLEDGEMENT

Assalamualaikum WBKT. We are fully blessed to be able to undertake this project paper and to complete it on time. Despite various obstacles and difficulties that we encountered. Changes in our research topic and juggling between lectures and conducting research are among the constraints. But in the end, it is all worth it.

Many thanks to Universiti Teknologi MARA especially Faculty of Law for providing us with useful and beneficial knowledge for the past two semesters. We are also very thankful to the Faculty of Law for giving cooperation by giving information that we required in order to conduct survey for the purpose of our project paper.

We also would like to wish special thanks to our dedicated supervisor, Dr Haswira Nor Mohd Hashim whose patient, determination and guidance have helped us to complete this project paper during the four months period. Through his supervision, our project paper becomes more structured and well organized. Many thanks for his time with us especially the time spent during weekend. It was a memorable and we really appreciate his contributions, involvements and supports towards our group in completing our project paper.

Finally, we are very grateful to have a supportive family members wonderful colleagues and friends, who are always there, lending us moral support and financial assistance in completing our project paper.

شكركم شكرا جزيلا وبارك الله في

# CHAPTER 1 INTRODUCTION

---

## 1.1 BACKGROUND

### A. Copyrighted Materials

Copyright is a form of intellectual property right that confers onto the creator of original works the exclusive rights to reproduce, publish, perform, communicate and adapt the works. These rights enable the creator to control the commercial exploitation of his works. Copyright protects literary, dramatic, musical, artistic, and certain other intellectual works, both published and unpublished. Literally, a copyrighted material is a work which someone has claimed the legal right over it.<sup>1</sup>

Previously, copyrighted material is only with reference to copying of books. Over time, other uses such as translations and derivative works were made subject to copyright and copyright now covers a wide range of works, including maps, performances, paintings, photographs, sound recordings, motion pictures and computer programs.

Currently, national copyright laws have been standardized to some extent through international and regional agreements such as Berne Convention.<sup>2</sup> One of the biggest changes implemented by the adoption of the Berne Convention was to extend copyright protection to unpublished works,

---

<sup>1</sup> Tay Pek San, *Intellectual Property Law In Malaysia* (Sweet & Maxwell Asia, 2013) 313.

<sup>2</sup> *History of copyright law* (2013) Wikipedia The Free Encyclopedia <[http://en.wikipedia.org/wiki/History\\_of\\_copyright\\_law](http://en.wikipedia.org/wiki/History_of_copyright_law)>