

**THE PRINCIPLE OF FAIR DEALING IN LIGHT WITH THE COPYRIGHT ACT: A  
COMPARATIVE STUDY BETWEEN MALAYSIA AND THE UNITED STATES**

By

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

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We hope that this proposal will be a great success useful to other researchers and to those having the intention to pursue their research in this area or any other research which is connected in one way or another with our proposal. We also hope that it will be contributed and significant to our nations.

## **ABSTRACT**

This research has been conducted to analyse the existing legal framework in Malaysia governing the fair dealing principle where, special references have been made to the legal position in the United States of America. The research aims to examine the adequacy of Malaysian law regarding the defence of fair dealing with regard to copyright infringement.

Presumably, this defence has been criticized for its failure to balance the rights between the owner of the copyright and the user, and to scrutinize the recent amendment to fair dealing in Malaysia's provision which has adopted the four- factor test from US's fair use provision in providing guidelines to the court in determining the use of another's work as a fair use or vice versa. Fair dealing in Malaysia is said to be inflexible and too rigid in deciding whether certain use by the user over the author's work can made the user liable for infringement even the use is still within the context of educational and non-profit purposes.

Admittedly, the rating of cases on fair dealing in Malaysia may seem insignificant compared to other countries, but we seek for our country to take the lead in perfecting the people's need, be it from the smallest issue to the biggest. Therefore, several recommendations which have been acquired during this research and the input from the experts in this matter have been laid out in hope that they could fill the gaps in the knowledge on the current laws governing fair dealing in Malaysia.

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