

Copyright Protection in Malaysia and the End Users Perspective in E-Book

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Abstract—Copyright law is that branch of Intellectual Property law that protects the proprietary rights of the authors in relation to their created works. The rationale of the copyright protection appears to be two-fold ie. to encourage the progress in the arts and science for the benefit of the public and secondly to secure a fair return for the creators of works so as to ensure continued creativity. Then a new way of distributing information came about such as the computers and networks. E-Books form a growing part of the collections at research and academic libraries. Although E-book is still in the early stage of adoption, E-book has demonstrate advantages in the areas of accessibility, functionality, and cost-effectiveness. This paper will analyze the current Copyright Act 1987 in Malaysia and the legislative changes in 1996, 1997 and 2000 and the existing copyright protection for the authors. The issues of pros and cons of e-book, suggestion and recommendation to cover their protection for the authors will be discussed. The social implications in Malaysia will be addressed pertaining to e-book and also the end users perspective on usage of E-book will be analyzed. Lastly, where do the authors libraries and bookstores in Malaysia stand at the current E-book technology.

Index Terms—E-Book, Copyright, Digital Information, End Users Perspective

I. INTRODUCTION

An e-Book is an *electronic* version of a traditional print book that can be read by using a personal computer or by using an e-Book reader. (An e-Book reader can be a software application for use on a computer, such as Microsoft's free *Reader* application, or a book-sized computer that is used solely as a reading device, such as Nuvomedia's *Rocket e-Book*.) Users can purchase an e-Book on diskette or CD, but the most popular method of getting an e-Book is to purchase a downloadable file of the e-Book (or other reading material) from a Web site (such as Barnes and Noble) to be read from the user's computer or reading device. Generally, an e-Book can be downloaded in five minutes or less¹. Although it is not necessary to use a reader application or device in order to read an e-book (most books can be read as PDF files), they are popular because they enable options similar to those of a paper book - readers can bookmark pages, make notes, highlight passages, and save selected text. In addition to these familiar possibilities, e-Book readers also include built-in dictionaries, and alterable font sizes and styles. Typically, an e-Book reader hand-held device weighs from about twenty-two ounces to three or four pounds and can store from four

thousand to over half a million pages of text and graphics. A popular feature is its back-lit screen (which makes reading in the dark possible).

Some e-Books can be downloaded for free or at reduced cost, however, prices for many e-Books - especially bestsellers - are similar to those of hardcover books, and are sometimes higher. Most e-Books at Barnes and Noble, for example, are comparable in price to their traditional print versions.

II. THE HISTORY OF E-BOOKS²

After years of development efforts and high expectations, E-Book has begun to cement their place as a central of the information experience. Research and academic libraries and bookstores in Malaysia are gradually building their E-book collections into a valuable resource for their users³.

Year	Events
1971	MICHAEL S. Hart launches Project Guttenberg, which starts digitising books in the public domain (books whose copyright has expired and are therefore available free to the public)
1998	The first eBook readers appear in the market: The Softbook and Gemstar's Rocket eBook Reader
2000	Stephen King's horror novel, <i>Ride the Bullet</i> , is released only as an eBook
2003	EBooks stumble as demand remains poor and paper books remain a steadfast favourite; Gemstar closes its doors in July, Barnes & Noble stops selling eBooks at its online store. Critics say the eBooks trend will not last.
2004	Sony releases the Librié, the first eBook reader to utilise eInk (electronic ink) technology. Gone is the annoying glare from backlit screens in earlier eBook readers or on PDAs that strain the eyes. Now, words on the screen have almost the same clarity as words printed on paper.
2007	Online book retailer Amazon.com releases the Kindle, made exclusively for the American market. The first lot of Kindles sells out in five and a half hours.
2008	Books on Board (booksonboard.com) starts selling eBooks for iPhones,

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¹ <http://searchmobilecomputing.techtarget.com/definition/eBook>

² The Star Online, January 24 2010, See also: <http://thestar.com.my/lifestyle/story.asp?file=/2010/1/24/lifefocus/5402619&sec=lifefocus>

³ www.sciencedirect.com

	the first online eBook store to do so.
August 2009	Sony links with libraries via the Overdrive digital network to enable people to borrow eBooks from libraries. Among the countries that have eBook borrowing are the United States and Singapore (no, Malaysia doesn't have it).
October 2009	Amazon.com releases Kindle 2, and ships it to more than 100 countries (no, Malaysia is not among them). In this month also, Barnes & Noble releases its own eBook reader, Nook.
November 2009	Students of the private Canadian secondary school, Blyth Academy, are supplied with Sony Readers loaded with their textbooks. It is the first school in the world to do this.
December 2009	Five major publishers, Conde Nast, Hearst, Meredith, News Corp and Time Inc, announce that they will join forces to develop a format and an online store to beat Amazon.com's stranglehold on the eBook market. And on Christmas day, eBooks outsell physical books on Amazon.com for the first.

Sources: Wikipedia, the Los Angeles Times and Washington Post newspapers, and 'Is There a Future in eBooks?' by Michael Eisenbraun.

III. E-BOOK AND COPYRIGHT PROTECTION

The definitions of both e-book and copyright under the Copyright Act 1987 have been spelt out in grave details as above. The crucial task now is how to reconcile the creation of the technology of e-book and the protection of copyright afforded to the authors of the text books/novels etc as defined in section 3 of the Copyright Act 1987. The readers can make use of their computers to share published information were technically copyright infringers. The world has changed around this law, so that what was once an industrial regulation on publishers has become a restriction on the public it meant to serve. The new technology such as has facilitates copying and manipulating information, including software, musical recordings and books. The digital network has offered the possibility of unlimited access to all sorts of data and information utopia.

Malaysia is a democratic world and hence the system of freedom of knowledge and expression subject to reasonable guidelines are defined in the federal constitution of Malaysia hence a law that prohibits, natural and useful activity is usually soon relaxed however, the powerful publishers' lobby was determined to prevent the public from taking advantage of the power of computers and found copyright a suitable weapon for protection. There is currently no to govern the infringement of copyright of e-book in Malaysia to date. Unlike, the United States of America, the US government enacted the Digital Millennium Copyright Act 1998, a law giving the publishers total legal power over almost anything a reader might do with an e-book. Even reading it without authorization is a crime. The publishers in Malaysia realized that by forcing people to use specially

designated software to read e-books, they could gain unprecedented power: they could compel readers pay and identify themselves every time they read a book. This is the publishers' wish and hope for the future.

IV. AN END USERS PERSPECTIVE ON E-BOOK IN MALAYSIA⁴

A survey of 14 Malaysian academic libraries and websites revealed only 6 provided e-book services for their users (International Islamic University Library; University of Malaya Library (UM); Universiti Sains Malaysia; Universiti Utara Malaysia; University Tun Abdul Razak; Open Universiti Malaysia). More than half of E-Book users (65.4%) indicated that UM Library website as the favourite gateway to access E-Book, while the rest gained access though other libraries' websites or other free websites or homepages.

Gateway Used to Access E-Book in Malaysia

Gateway Used to Access E-Book	Count	%
Via The UM Library Website	53	65.4
Via the UM Library website and other libraries	10	12.3
Via other free websites/homepage	7	8.6
Via the Um library website/ free web/homepage	6	7.4
Via other libraries' websites	3	3.7
All above	1	1.2
No answer	1	1.2
Total	100	100%

Source: The Pattern of E-Book Use Amongst Undergraduates in Malaysia

About 56% (45 out of 81) of those who used E-Book access it from their Faculty computer laboratories as compared to their homes (25%, 20), UM Library (16%, 13) and other methods (3%, 3). These students are taking advantage of the free and fast internet access provided by the faculty to access the Internet and the UML websites. There was no significant difference in the location used to access E-Book and gender.

The findings also revealed that majority of the users (61%, 125 out of 206) have not used the E-Book before the survey. The users have not fully utilized the E-book service as majority used the E-Book service "occasionally" rather than weekly or monthly. This may be due to the inability to access the E-Book on daily basis as the computer laboratories, which form the location where most users accessed the E-Book were often occupied for teaching purposes. Also, E-Book use could be increased if librarians and lecturers refer users to E-Book on their reading list and reference sources.

The emergence of E-Book as a central part of the information experience requires libraries and universities to think differently about how to meet the needs of the users and protecting the authors of any copyright infringement ie by re-printing the books from the computer without the permission/ consent from the author/publisher. Users value the convenience and ease of access that E-Book provide and are engaging in new forms of book content usage to take

⁴ Roesnita Ismain and Zainab A.N, " The Pattern of E-Book Use Amongst Undergraduates in Malaysia

advantage of their libraries' growing E-Book collections. Certainly the current Copyright Act 1987 ought to be amended to reflect copyright protection on infringement in such dynamic expansion in usage of E-Book.

V. THE PROS AND CONS OF E-BOOKS

Just like in anything been introduced and created by technology advancement there is always pros and cons of the matter. It is usually when the pros outweigh the cons, the consumers will just continue buying and using the technology introduced.

A. The Pros

- the reader has the advantage of carrying the e-book wherever they go- its mobile and light and everything is downloaded in the e-reader such as BenQ K60 reader, Asus DR900 reader, the Sony reader PRS500 and Kindle reader. The Sony Reader Pocket Edition weighs 220g, and will hold about 350 books. The average novel, however, weighs 340g. That means that an eReader can be the equivalent of 119kg worth of books, which is roughly two sets of the Encyclopaedia Britannica.
- Easy to browse and user friendly.
- Cost effective, can download more than one books and the e-reader is not expensive in the market just at the range of USD200-USD400.
- Some e-reader comes with sound systems and glare reduction for the comfort of the reader.
- Easy download and purchase of Chinese- and Japanese-language publications, along with English titles found on Google Books.
- eco-friendly- no paper used and wasted to print the books
- Freedom of information through digital technology. Knowledge is power.

B. The Cons

- if e-book replace printed books and with electronic link, which makes it possible to download new text onto an apparently printed piece of paper , hence the control of copyright digitally is flimsy
- no more use of bookstores
- no more borrowing books from the library
- no more anonymous purchasing of books
- government has to look into the current Copyright Act in Malaysia to cover e-book
- the loss of jobs ie the people that work from the bookstores and library
- may hinders the authors from writing further as the protection for e-book for copyright is not in place and the enforcement of the infringement penalty towards the infringers.
- The control of dissemination of information through e-book- may contain books not suitable for children to read.

Despite the cons, e-book is now a popular devices for readers all over the world and its user friendly devices and system further enhance the popularity among readers from the world. We have reached the edge of k-knowledge and information should be easily assessable and downloaded for

reading purposes and amongst all the publishers here will be the happiest person as they could compel the readers to pay and identify themselves every time they read a book. I am incline to think that, by legalizing the copying of e-books, we can turn copyright back into the industrial regulation it once was and for some kind of writing we should go even further such as scholarly papers, and monographs, everyone should be encouraged to publish them verbatim online, this helps protect the scholarly record while making it more assessable. Textbooks and most reference works publication of modified versions should be allowed as well , since that encourages society to improve them and eventually, when computer networks provide an easy way to send someone small amount of money, the whole rationale of restricting verbatim copying will go away for instance if you like to read an e-book and it pops up a box please pay the author a token sum of money (minimum RM5) , I believe many reader will just pay rather than buying the books at bookstores or going to the library to get the books as majority of them at this century are busy with work and chores and hence there is not time to go to buy and borrow any books from the bookstores and local libraries.

VI. E- BOOK- CASE LAW

The issue on how to protect the rights of e-book is a hurdle both the authors and publishers may have to overcome. In Malaysia such issue is still new and young however in the USA, this is nothing new. The key question usually in the dispute is whether authors or publishers own the digital rights to books.

In one of the recent case in USA⁵, Three iPad users have filed a lawsuit against Apple, seeking class-action status, because reading on the iPad isn't "just like reading a book" after all—books don't shut down from overheating if left in the direct sunlight too long.

Therefore, Apple's advertising that "Reading on iPad is just like reading a book" represents fraud, negligent misrepresentation, deceptive advertising, and a litany of other malfeasance. No electronic device is going to be "just like reading a book", because electronic devices simply aren't books. Even the Kindle isn't *just* like reading a book. In view of this, if e-book is not like a book, the next question is who then own the digital rights to books

Cases like this waste the judiciary's money and time (not to mention Apple's). These plaintiffs are poster children for tort reform .Hopefully it gets thrown out as soon as possible.

In another case, also a USA case (2010) 6 , Self-publishing supersite Scribd is off the hook for copyright infringement, at least in one case, after a lawsuit against it was either settled or abandoned (depending on who you believe). The lawsuit in question charged that Scribd's use of a complete digital copy of a text in its anti-infringement filter was *itself* a copyright infringement.

Most copyright notices these days *do* include a warning against unauthorized digital copying and storage of the book in question, but Scribd's attorney holds that in this case it is

⁵ <http://www.teleread.com/chris-meadows/ipad-reading-not-just-like-reading-a-bookipad-users-file-lawsuit/>

⁶ <http://www.teleread.com/copy-right/copyright-lawsuit-against-scribd-dropped-but-another-continues/>

clearly a fair use. The suit came from a children's book author who was angry that a copy of her book was found on Scribd, even though Scribd promptly removed it once notified (as per its obligation under the DMCA) and added it to its filter to prevent such a thing from happening again.

The first lawsuit in the case of Amazon.com's Kindle e-book reader and the whims of a company that deleted two George Orwell novels, "1984" and "Animal Farm," from Kindles without warning customers⁷.

After electronically deleting the books from the Kindles of customers who had already paid for the stories, Amazon.com explained its conduct by saying that the publisher of the books changed its mind about offering them in digital form. The company did issue full refunds for the purchases. Oh, and the vendor did apologize.

But that didn't help Justin Gawronski, a 17-year-old high school student in Michigan who was reading "1984" on his Kindle for a homework project and was left with a pile of disconnected research notes after the book vanished from his e-book reader in mid-assignment, according to the Wall Street Journal. Now Gawronski is being represented, along with another affected consumer, by a Chicago-based law firm in a lawsuit against Amazon.com, which was filed in U.S. District Court in Seattle, where the company is based. The lawyers are applying for class-action status for the case so that other plaintiffs can join in to pursue damages against Amazon.com.

So, now it's all up to the legal system and the court of public opinion. What could the repercussions be if Amazon.com took similar moves with other books in the future – worst copyright actions to be seen to be filed by e-readers, the authors and the publishers?

VII. CONCLUSION

Copyright law includes a number of requirements, such as fair use, that allow the extraction of, by general consent, 5% of the material. In an age where the only way to extract material was to sit down and write it out, longhand (a technical skill, something that would likely defeat the current school generation) it really did not matter that the law allowed you to copy parts of a work. However, with a computer, it requires little, if any effort, to get 20 people to copy 5% of a work, perfectly legally, and BINGO, the whole work has been copied and can be trivially reproduced all over the Internet. And that's the big flaw with the copyright concept in current law. It is based on what is now an anachronism, an outdated approach that fails completely to respond to the realities of the digital age. Because much of copyright law comes from an age where it was difficult and slow to make a copy of something, and difficult and slow to publish. Today, thanks to the Internet, copying and publishing are entirely trivial activities, and there is little, if any, protection available for E-Book copyright. To give you some rather curious examples, we are aware of a document that was made publicly available for free use from the web site of www.artisoft.com which was subsequently being sold elsewhere as a consultancy report, and of summaries of books being sold in addition to the books themselves,

⁷http://www.pcworld.com/article/169408/kindle_lawsuit_filed_over_well_1984_ebook_deletions_by_amazon.html

despite the authors having provided them free gratis as advertising material. In both cases the originator of the material was receiving nothing although the copyright was self-evidently theirs.

Clearly we are seeing the beginning of the e-book in Malaysia. Despite the copyright issues stated in this paper, the authors will still look forward for more collaborative system to protect their rights and will still continue to team up with other authors and may even produce a digital media e-book for the future. In order for Malaysia to achieve its vision 2020 and the 10th Malaysian plan, enhancement in technology and e-knowledge is a must. The protection for copyright for e-book has to be addressed by the legislators to encourage more authors to write and publish in e-book.

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