



INTELLECTUAL PROPERTY IN MALAYSIA'S ENTERTAINMENT AND MUSIC INDUSTRY: A STRATEGIC LEGAL AND COMMERCIAL ASSET

MONTH :
June 2026

BY :
Sri Sarguna Raj,
Steven Cheek Hou Cher
& Nicole Chong



INTELLECTUAL PROPERTY IN MALAYSIA'S ENTERTAINMENT AND MUSIC INDUSTRY: A STRATEGIC LEGAL AND COMMERCIAL ASSET

Introduction

Malaysia's entertainment and music industry is experiencing remarkable growth, with local content gaining traction both regionally and globally. The surge of homegrown talent on international platforms, together with the rise of local streaming services, music festivals, and indie film production houses, has turned the sector into a vibrant hub of creativity and commerce. At the heart of this ecosystem sits a critical but often underused tool: intellectual property ("IP").

For legal professionals, content creators, producers, and industry investors, understanding and effectively leveraging Malaysia's IP framework is about far more than protection. It is a strategic asset that can drive revenue, ensure sustainability, and build global competitiveness.

(1) Copyright Protection: The Cornerstone of Creative Rights

The Copyright Act 1987 ("**Copyright Act**") of Malaysia forms the bedrock

of IP protection in Malaysia's creative industry. It grants exclusive rights to original works, including:

- Musical compositions, lyrics, and arrangements
- Sound recordings and recorded performances
- Films, screenplays, cinematography, and musical scores
- Broadcasts, live performances, and choreographic works

Automatic Protection, Tangible Rights

Unlike trademarks or patents, copyright arises automatically the moment an original work is fixed in a tangible form, with no registration required. That said, rights holders are encouraged to file a voluntary notification with the Intellectual Property Corporation of Malaysia ("MyIPO") to formally document and record their creative works. Once the notification is approved and the copyright certificate is issued, it can serve as prima facie evidence in court and as official proof of ownership, capturing details such as who owns the work and when it was created.

Example:

A singer-songwriter who writes and records a song automatically holds copyright in both the lyrics and the sound recording. If that track is later synced in a film or commercial campaign, licensing agreements should be in place to avoid infringement.

(2) Neighbouring Rights: Empowering Performers and Producers

Neighbouring rights extend protections to those who contribute to the execution and production of creative works, including:

- Performers (for example, vocalists, musicians, and actors), who hold rights over their performances and the integrity of their work.
- Producers of sound recordings, who control the reproduction, distribution, and public use of master recordings.

These rights allow for control over reproduction, distribution, and public performance. They are often managed through Collective

Management Organisations (“CMOs”) such as:

- Recording Performers Malaysia Berhad (“RPM”), for performing artists;
- Music Authors’ Copyright Protection Berhad (“MACP”), for composers and lyricists; and
- Public Performance Malaysia (“PPM”), for recording companies.

These CMOs handle royalty collection, issue licenses for public performances, and help creators monetise their works at scale. Beyond these three core music bodies, MyIPO also declares other CMOs, such as Music Right (Sabah) Berhad (MRSB) for ethnic Sabah music and the Malaysia Reprographic Rights Centre Berhad (MARC) for the publishing sector.

Example:

When a radio station broadcasts a song, RPM ensures performers are compensated, while MACP and PPM handle royalties for songwriters and record labels.

(3) Trademark Law: Protecting Brands, Events, and Artist Names

The Trademarks Act 2019 (“Trademarks Act”) lets creators and businesses protect the key markers of a brand, such as names, logos, slogans, and visual signs. This is especially valuable for:

- Artists and bands e.g. “Yuna” and “Joe Flizzow”;
- Event names e.g. “Good Vibes Festival” and “Future Music Festival Asia”;
- Production houses e.g. “KRU Studios” and “Astro Shaw”;
- Streaming platforms and media apps e.g. “Joox”.

Example:

A streaming service e.g. Joox or a film house e.g. Astro Shaw may register their brand names and logos to prevent imitation, particularly in mobile app marketplaces and online advertising.

(4) Moral Rights: Preserving Creative Integrity

Sections 25 and 26 of the Copyright Act protect moral rights, which remain with the author or performer regardless of any commercial

assignment of the work. These rights include:

- The right to be identified as the creator
- The right to object to distortion, mutilation, or misrepresentation

These rights cannot be waived or transferred and are essential for maintaining the artistic integrity of a work.

Example:

A music video director may sell the commercial rights to a production company but still retains the right to be credited and to object to edits that misrepresent the original concept.

(5) Commercialisation and Licensing: Monetising IP

IP in entertainment is frequently commercialised through licensing and assignment agreements. With the help of legal professionals, the IP owners ensure these key clauses are included in licensing and assignment agreements:

- Territory (e.g. Malaysia-only or global rights);
- Duration (Fixed-term or perpetual);

- Exclusivity (exclusive or non-exclusive rights);
- Royalty models (percentage-based, flat fee, or advance payments).

Examples:

- Streaming Platforms:
Spotify, Netflix Malaysia, and Tonton typically require synchronisation and performance licences to use music and film content. Platforms must clear rights with rights holders and CMOs before public release.
- Concert Organisers:
A concert promoter must secure a public performance licence from PPM or MACP to play copyrighted music at the event. Failure to do so can result in legal action.

(6) IP Enforcement: Defending Creative Rights

Malaysia provides robust IP enforcement mechanisms under both civil and criminal law:

- Civil remedies: Injunctions, damages, account of profits.

- Criminal provisions: Offences under **Sections 41–43** of the Copyright Act (e.g. piracy, unauthorised sale).
- Customs enforcement: Border measures under the Trademarks Act and Copyright Act allow seizure of counterfeit goods.
- Digital enforcement: **The Copyright (Amendment) Act 2012** empowers authorities to issue blocking orders against websites that host infringing content.

Example:

From 2021 to November 2024, the Ministry of Domestic Trade and Cost of Living (KPDN), working with the Malaysian Communications and Multimedia Commission (“MCMC”) and internet service providers, blocked over 3,600 websites found to be offering pirated films, music, and other digital content.

(7) Challenges and Emerging Trends

The digital and technological evolution of content creation continues to disrupt traditional IP frameworks, introducing both new

opportunities and legal grey areas:

- **AI-generated works** blur lines of authorship and copyrightability.
- **User-generated content** on platforms like TikTok and YouTube often involves unlicensed use of soundtracks.
- **Cross-border exploitation** of Malaysian content requires careful handling of international IP rights and treaties (e.g. Berne Convention, TRIPS Agreement).

Where the above is concerned, business owners / IP owners should consider the following initiatives:

- Regularly auditing their IP portfolios.
- Registering their trademarks and submitting voluntary notification(s) of copyright.
- Having well-drafted licensing and distribution agreements, especially for digital content.
- Staying up-to-date for AI and NFT-related developments.

Example:

In April 2025, MyIPO Director-General Kamal Kormin highlighted

that the use of AI tools in music production challenges the traditional legal definition of authorship. He pointedly asked: *“Do the rights belong to the algorithm’s creator, the user of the system or the AI itself?”*

MyIPO is actively reviewing the Copyright Act 1987 and engaging industry stakeholders, including songwriters and musicians, through webinars and partnerships to help close these gaps. For now, though, the law still defines an “author” as a natural person, which leaves AI-generated work in a grey zone until legal reform or the courts clarify its status.

Conclusion

Intellectual property is a strategic commercial tool that Malaysia’s entertainment and music industry can put to work. As the market grows more crowded and AI technology takes hold, stakeholders, especially musicians, filmmakers, streaming services, and event organisers, need to protect and manage their IP assets proactively if they want to thrive. This is where qualified legal professionals come in, playing a pivotal role in helping clients navigate the ecosystem. With the right advice and a

clear enforcement strategy, Malaysia's creative industry can unlock global value while safeguarding the rights of its creators.

This article was written by our Intellectual Property, Media, Sports & Gaming partners, Sri Sarguna Raj, Steven Cheok Hou Cher & Nicole Chong, with the assistance of Soo An Qi, Michelle Yap Siew Hui and Emily Ong Wenyen (Managing Associate & Associates). It contains general information only. It does not constitute legal advice or an expression of legal opinion and should not be relied upon as such.