

# Designing Intellectual Property Law and Creative Industry Course Syllabus for Creative Arts Undergraduate Students

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## Abstract

Despite the role of intellectual property as the catalyst that transforms creative activity into creative industry, studies report that creative arts students are not adequately exposed to intellectual property law during their undergraduate studies. The rapid shift of creative industry from conventional to digital economy, requires evaluation of intellectual property course offerings for undergraduate creative arts students. Lack of in-depth knowledge and understanding in applying intellectual property law in creative industry has hindered the protection and economic exploitation of their creative works at the earliest possible stage of their creations. This paper aims to design a course syllabus for intellectual property law and creative industry that prepares and empowers Universiti Teknologi MARA (UiTM) creative arts undergraduates' participation in creative industry. This paper compared the course syllabuses of universities that offer intellectual property law courses specially designed by universities and learning centre for the students, authors, artists, and designers who are involved in creative industry. The comparison includes the course objectives, course learning outcomes, course description, syllabus content, teaching methodology, and course assessment. The comparative study findings contribute towards designing intellectual property law and creative industry course syllabus for creative arts undergraduates of UiTM and also beneficial to other universities.

**Keywords:** Intellectual Property, Creative Industry, Course, Creative Arts, Undergraduates

## Introduction

### A. Creative Industry

Creative industry involves creative individuals who are skilful and talented, which could spur wealth and create job opportunities through the exploitation of intellectual property (Mansor et al., 2019). The term 'creative industry' was coined two decades ago to cover a range of economic activities that leverage the skills, talents and creativity of individuals or groups of people in digital and non-digital platforms. The UK Culture Department for Digital, Media & Sport (2001) defines creative industry as those with origins in individual creativity, skill, and talent and which have the potential for job and wealth creation through the generation and

exploitation of intellectual property. The Malaysian National Creative Industry Policy 2009 includes multimedia creative industry, film and television, advertising, design, animation and digital content, cultural arts, crafts, visual arts, music, performing arts, creative writing, and fashion and textiles as the main component of creative industry.

The creative industry is an integral part of any developed economy. The emergence of the digital creative economy has elevated the creative art industries as the new engine of economic growth. The creative industry was reported to generate annual revenues of over two trillion dollars, accounting for nearly 50 million jobs worldwide in 2021. Besides its traditional roles of enriching cultural and aesthetical values, creative industry has been recognised in many countries as an important economic sector as they significantly contribute to job creation and promote tourism (Laar et al., 2022).

The creative industry is built around artists and designers as creators. These creators create and supply a wide range of creative content for public enjoyment. While inventors in the innovative economy create novel products or processes that are eligible for patents, artists and designers in the creative industry create original works and designs that can be protected as copyright or industrial designs. These copyright works and industrial designs are intellectual property rights that can be exploited economically. The creators and designers' ability to protect their intellectual property rights and leverage their creativity for commercial gain is essential for the sustainability of creative industry and the welfare of the artists and designers.

#### **B. Creative Arts Undergraduates**

Due to the importance of creative industry in the cultural and economic sectors, higher learning institutions have offered undergraduate creative arts programs. The creative arts undergraduates who enrolled in diploma and bachelor's degree programs are known to create a myriad of creative works from their assignments, final year projects, and industrial pieces of training. These creative works are vested in the students with intellectual property rights that give rise to moral and economic rights.

In UiTM, the College of Creative Arts (CCA) offers creative arts programs under the conservatory of music, fine arts, liberal arts, digital and imaging arts, performing arts, or design studies. Like the creative arts undergraduates elsewhere in the world, UiTM College of Creative Arts undergraduates pursuing their diploma or bachelor studies also produced creative works in the course of their studies. The most common forms of creative works produced by the creative arts undergraduates of UiTM are illustrated in the table below.

Table 1

*Creative Works Commonly Produced by UiTM Creative Arts Undergraduates*

<b>Studies</b>	<b>Undergraduate Programs</b>	<b>Creative Works</b>
Conservatory of Music	Diploma in Music, Diploma in Digital Audio Production, Bachelor of Music Education (Honours), Bachelor of Music Composition (Honours), Bachelor of Music Performance (Honours), Bachelor of Music Business (Honours)	Music performance, music composition, and digital audio
Fine Art	Diploma in Fine Art, Bachelor of Fine Arts (Honors) and Bachelor of Visual Culture Study (Honors)	Digital printing, collage, painting, and printmaking
Liberal Arts	Diploma in Script Writing, Diploma in Arts Management, Bachelor of Writing (Honors) Screen Writing, Bachelor of Writing (Honors) Creative Writing, Bachelor of Creative Industry Management (Honors) Arts Management, Bachelor of Creative Industry Management (Honors) Film Production,	Song lyrics, movie/drama scripts, animation, sculpture, and photography
Digital and imaging arts	Diploma in Art & Design (Graphic Design & Digital Media), Diploma in Photography and Creative Imaging, Diploma in Printing Technology, Diploma in Film, Diploma in Animation, Bachelor of Printing Technology (Honors), Bachelor of Creative Game Design (Honors), Bachelor of Creative Motion Design (Honors), Bachelor of Graphic Design (Honors), Bachelor of Creative Photo media (Honors), Bachelor of Film (Honors) Film Directing, Bachelor of Film (Honors) Cinematography, Bachelor of Animation (Honors) 2D Animation Production, Bachelor of Animation (Hons) 3D Animation Production,	television series, television programs, films, animation characters, motion design, graphic design, photographs, cinematography, digital animation drawings, and 3D animated characters.
Performing arts	Diploma in Theatre, Diploma in Drama & Dance Technology, Bachelor of Theatre (Honours) Theatre Production, Bachelor of Theatre (Honours) Scenography,	Theatre, creative movement, stagecraft, dance drama, dance for camera, costumes, special effects, lighting, sound, and technical effects

sign studies

Diploma in Art & Design (Textile), Diploma in Art & Design (Fine Metal), Diploma in Art & Design (Industrial Design), Diploma in Art & Design (Ceramic), Diploma in Art & Design (Fashion Design), Bachelor of Textile Design (Honors), Bachelor of Contemporary Metal Design (Honors), Bachelor of Industrial Design (Honors), Bachelor of Industrial Ceramics (Honors), Bachelor of Fashion Design (Honors), Bachelor of Textile Design (Honors) and Bachelor Science (Honors) Textile Science and Fashion Technology, Bachelor of Fashion Design (Honors) and Bachelor Science (Honors) Textile Science and Fashion Technology,

Fibre (Art & Weaving), Printed Textile, Batik/ Resist, jewellery and metalware, aesthetics, industrial materials, digital computer-aided design, industrial and studio ceramics, fashion design, costume and textile design.

### C. Intellectual Property Rights in Creative Works

The term "Intellectual Property" refers to unique, value-adding human intellect creations that result from human ingenuity, creativity, and inventiveness. From a legal standpoint, intellectual property grants the creator and inventor ownership and legal rights based on the relevant national law governing that specific intellectual property right (Kalanje, 2005). The intellectual property right is granted by the law to creators in order to provide them with incentives to create and disseminate their work. While intellectual property is a legal right, innovation and creative ideas are multi and transdisciplinary across the science and technology, social science and humanities divide. Therefore, Intellectual Property law is crucial for law students and arts, business, engineering and technology students (Hashim et. al., 2019).

Intellectual property literacy is essential knowledge in today's creative industry economy for creators and innovators to understand, hence protecting their legal rights. The creative works produced by creative arts undergraduates in music, fine art, liberal arts, digital and imaging arts, performing arts and design studies give rise to intellectual property rights in authorship or designs. Creative works in the form of music, paintings, plays, dance and others can be protected through copyright registration or notification to prevent others from copying, communicating or distributing to the public. Creative works created by individuals or organisations and available to the public can be protected as "related rights," i.e., performers' rights (actors, musicians), producers' rights (recording album producers, recording studio) and broadcasters' rights (broadcasting organisations). In addition, creative works can also be protected through reputation and trademark.

In Malaysia, copyright works are protected under the Copyright Act 1987 (Act 332) that literary works; musical works; artistic works; films; sound recordings; and broadcasts. Act 332 identifies as literary work that includes novels, stories, books, pamphlets, manuscripts, poetical works and other writings; plays, dramas, stage directions, film scenarios, broadcasting scripts, choreographic works and pantomimes.

Further, Act 332 includes as artistic work various creative works such as graphic work, photographs, sculptures or collages, irrespective of artistic quality, and work of artistic craftsmanship. For the performing arts students, their intellectual property rights under Act 332 cover a performance of a dramatic work or part of such a work, including such a performance given with the use of puppets or the performance of an improvised dramatic work; performance of a musical work or part of such a work, or the performance of an improvised musical work. Also included as intellectual property rights in performing arts are the reading, recitation or delivery of a literary work, or part of such a work, or the reading, recitation or delivery of an improvised literary work; and a performance of a dance which is given live by one or more persons in Malaysia, whether in the presence of an audience or otherwise.

Act 332 vests the creative arts undergraduates who own the copyright of the creative works with the exclusive right to control in Malaysia the reproduction in any material form; the communication to the public; the performance, showing or playing to the public; the distribution of copies to the public by sale or other transfer of ownership; and the commercial rental to the public, of the whole work or a substantial part thereof, either in its original or derivative form.

On the other hand, the Industrial Designs Act 1996 (Act 552) protects features of shape, configuration, pattern or ornament applied to an article by any industrial process or means, being features which in the finished article appeal to and are judged by the eye. Act 552 refers as "article" any article of manufacture or handicraft and includes any part of such article or handicraft if that part is made and sold separately. The rights of an owner with respect to a registered industrial design are personal property and are capable of assignment and transmission by operation of law.

### **Problem Statement**

Despite the presence of intellectual property rights in the creative works produced by the creative arts undergraduates, there is a lack of emphasis on the teaching and learning of intellectual property law for the creative arts undergraduates at diploma and bachelor's degree levels in UiTM. While creative arts undergraduates are expected to be creative, innovative, and inventive, intellectual property law is not regarded as a core subject. Intellectual property courses are regarded as marginal in developing the undergraduate curriculum of the arts and design. Under the existing course syllabus, intellectual property law is offered to creative arts undergraduates as a sub-topic in Malaysian Art and Law courses. A review of the course syllabus indicates that the contents are minimal, lack depth and are limited in scope. The existing course syllabus also needs to allocate more contact hours for teaching intellectual property law to creative arts undergraduates. The lack of a stand-alone intellectual property law course specially designed for creative arts undergraduates contributes to a lack of knowledge on the theoretical and practical aspects of intellectual

property rights in creative works produced by them. Lack of exposure to intellectual property law has resulted in creative arts students being ignorant of their intellectual property rights and failing to protect their creative works from exploitation by a third party without their consent.

Several incidents of misappropriation and infringement of intellectual property rights of creative arts undergraduates by third parties further amplify the need to educate creative arts students on intellectual property law. Among reported misappropriation and infringement of undergraduates' intellectual property rights are publication, reproduction, modification, distribution, and communication to the public of the undergraduates' creative works without their consent. The undergraduates could not enforce their moral and economic rights in their creative works as they often needed to keep proper records and documentation of their copyright works and industrial designs.

A lack of understanding of intellectual property's commercial aspects has resulted in several creative arts undergraduates making arrangements with external parties to market their creative works without entering formal licensing and royalty agreements. Creative arts students were also found to participate in design and innovation exhibitions and competitions without taking the initial steps of protecting their creative works prior to their participation, further exposing their works to commercial exploitation without their consent. The lack of understanding is further evidenced by a preliminary search which finds that only a few creative works produced by creative arts undergraduates are registered as industrial design, copyright works or trademarks with the Intellectual Property Unit of UiTM. As UiTM Intellectual Property Policy expressly provides that UiTM does not claim intellectual property rights in thesis, dissertations, project papers and assignments, the creative arts undergraduates have exclusive rights in those works.

Owing to the above highlighted problems, it is high time for a course syllabus on Intellectual Property and Creative industry to be introduced to the creative arts undergraduates of UiTM. It is anticipated that a specially designed intellectual property law and creative industry course syllabus will better equip the undergraduates as professional artists and designers and future leaders of the creative industry.

### **The Need for Intellectual Property and Creative Industry Course**

A specially designed intellectual property law and creative industry course is deemed necessary to educate creative arts undergraduates about their rights in creative works produced by them and teach them about the commercial exploitation of their creative works. Such a dedicated course could facilitate the creative arts undergraduates' understanding of the rationale for the copyright and registered design systems and differentiate the various requirements to be fulfilled to acquire protection under copyright and industrial design laws. An intellectual property law and creative industry course specially designed for creative arts undergraduates enables them to apply the principle involved in determining infringement of the intellectual rights in creative works and the remedies available against the infringers and violators of the rights. In addition, a specially designed Intellectual Property and Creative Industry course would allow the creative arts undergraduates to understand the effects of the international conventions applicable to copyright and designs). Further, such a course would develop critical thinking and problem-solving skills, values, ethics and moral

professionalism, management and entrepreneurship in intellectual property law and creative works.

Apart from academic justifications, a specially designed intellectual property law and creative industry course is deemed necessary due to the expansion of creative industry in the digital economy. With the rise of industrial revolution 4.0, creative arts undergraduates need to learn the roles that Intellectual Property law plays in their future careers in creative and innovation sectors (Vairis & Petousis, 2014). The creative arts undergraduates must also learn the practical application of Intellectual Property law linked to commercial aspects of an innovative product, process or service to legally protect their valuable creative works, ideas and innovation from exploitation. The benefits of intellectual property rights to innovation are of great importance and should be embedded in creative arts undergraduates. Professional bodies worldwide have acknowledged the importance of intellectual property competence for new graduates. They have urged the universities to rethink non-law undergraduates' curricula by incorporating intellectual property law, creative industry, and innovation courses (Roach & Soetendorp, 2008).

The Malaysian government, fully aware of the disruptive changes that have occurred in the twenty-first century, has implemented the National Intellectual Property Policy 2007 and the National Science and Technology Policy 2016. Furthermore, the 11th Malaysia Plan, the Malaysia Education Blueprint 2015-2025, and the Malaysian Higher Education 4.0 have outlined the changes that must be implemented in universities in order to produce skilled and creative talent for the new economy. Understanding intellectual property law within the context of the creative industry and innovation ecosystem is critical to the working lives of innovators and other creative professionals. The recent success of the staff and undergraduate students of the UiTM College of Creative Arts in the creation of 'Joget Waras' song in the album 'Joget Made in Malaysia' produced by Luncai Emas Production in August 2022 demonstrates the ability and creativity of the undergraduate students to excel in their creation and gain industry recognition. Similarly, undergraduate students from the College of Creative Arts have continued to win national competitions in photography, short video films, jewellery design, and other areas, as well as participate in innovation activities at the university or collaboration with industry.

Following this, there is a need for a formal intellectual property law, and creative industry course taught to Creative Arts undergraduates. However, a review of the study plan of the Creative Arts programs in UiTM, Faculty of Art and Design, Faculty of Film, Theatre and Animation and Faculty of Music found that the intellectual property law and creative industry course has not been taught at the undergraduate level in these three faculties. A search throughout the UiTM Curriculum Management System found that one specific law subject, i.e., Arts Law (CTF512), was taught for undergraduates. With two credit hours, the scope of the course is an introduction to the concept of laws, the Malaysian Legal System, the classification of laws, sources of Malaysian Law, individual rights under the Federal Constitution, the law of contract, the law of torts (negligence, defamation, trespass & nuisance), company law, partnership & sole proprietor laws and intellectual property law (an introduction to copyright, patent and trademark). Because the course is a combination of several areas of law, this paper contends that the course is ill-equipped to prepare creative arts undergraduates who may, in the future, become content creators, graphic designers,

music publishers, web designers, animators, game developers, creative writers, creative entrepreneurs, and so on in the creative and digital economy. A focused intellectual property law and creative industry course curriculum must be developed and offered to creative arts undergraduates.

Based on the above rationales, it is therefore imperative that a specially designed Intellectual Property and Creative Industry course is a must-have course for any higher education institution, including UiTM, that offer creative art programs at the undergraduate level.

### **Literature Review**

There are local literature that explore the emergence of creative industry in Malaysia. Isa et al., whose work explores the development of the creative economy in Malaysia, lauded the potential of creative industry to create wealth and jobs through developing intellectual property (Isa, et al., 2011). In another work that explores the development of creative industry in Malaysia, Abu et al. report on the government and the private sector collaborative efforts to develop the creative content industries and to make the public aware of the importance of this 'creative' economy (Abu et al., 2011). As these works are more focused on learning the experience of the creators and industry players, they do not contain any recommendations for designing intellectual property law course syllabi for creative arts undergraduates in Malaysia. Half a decade later, a report published by the Malaysian Academy of Science outlines the need to intensify intellectual property protection in the creative industry. The Academy draws a short-term road map that requires the establishment of a governance and institution that foster and protect intellectual property rights in the creative industry sector. Despite promoting intellectual property protection in the creative industry, the report did not contain a proposal for teaching intellectual property law to creative arts undergraduates.

At the international level, the literature review discovers several studies that examine the problem arising from intellectual property protection in creative works. Durant (2021) points out that it is much more difficult to protect creative works in the digital environment as intellectual property rights were initially developed for creative works in the analogue age. Palandri (2020) who examines the protection accorded by Italian copyright law to works of art and the creative industry, observes that the widespread recognition of fashion's artistic value has revamped the debate on the appropriateness of rights and remedies provided by intellectual property law to fashion designs. Lelo (2019) in a case study on the history, theory and practice of creative industry, cited the works of Healy, who laments that tying together under the 'creative' umbrella a whole range of activities and businesses covered by intellectual property in some form – design, trademark, copyright and patents, is not helpful and might be confusing.

Despite prevailing issues highlighted by Durant, Palandri and Lelo, a score of literature acknowledges the importance of intellectual property law in creative industry' business missions and business models. Among the proponent of intellectual property law for the creative industry is Pager who articulates the need to build creative industry's capacity into the global intellectual property law development agenda (Pager, 2012). Denoncourt et al (2015) reiterate the importance of learning what effective use of intellectual property can mean for small businesses and sole proprietors. Similarly, Aristidou (2018) who examines the



role of intellectual property law in the creative industry, acknowledges intellectual property as the catalyst that transforms creative activity into creative industry and value. Aristidou underscores the importance of the creators knowing, protecting and exploiting their rights as creators. Another recent work by Rakova (2021) explores the possibilities of protecting the results of creative intellectual activity of the authors and designers at the global level, compared to the national level of protection of intellectual property rights. Despite acknowledging the importance of intellectual property to creative industry, neither of these authors proposed explicitly teaching intellectual property law to creative arts undergraduates.

Further review of the literature finds worldwide support for teaching and learning intellectual property law at the undergraduate level. In its report, the Intellectual Property Awareness Network (2016) laments that creative arts students are not adequately exposed to formal intellectual property law lessons during their undergraduate studies. The World Intellectual Property Organization (2020) reports that intellectual property education must include formative stages of youth education, with learning opportunities ranging from basic to advanced. Peters (2021) who recognises the positive impacts of intellectual property education in creative fashion practice, calls the education institution to think about what role IP education plays in shaping and influencing students' and graduates' futures. Gandhi and Merino (2019) urged the universities to formally teach undergraduates in the creative arts courses the economic value, need, and application of intellectual property, as well as how intellectual property impacts their future careers in creative and innovative sectors.

Tinao et al (2017) whose work tracked the changing attitudes and awareness of intellectual property among students and faculty, urged the universities to take intellectual property rights seriously by improving intellectual property delivery and services, curriculum development to include intellectual property education, problems on intellectual property processing, preparation of documents for the application. Evans (2016) echoing Tinao and other previous studies, also emphasizes the need for undergraduates to be taught how to protect the intellectual property they have created from their project work. Earlier, Dreesmann et al (2014) opine that universities should open curricula, integrating courses dealing with the demands of working in this profession since creative industry is part of graduates' potential occupations. Whilst all the above authors strongly recommend teaching and learning intellectual property law at the undergraduate level, none design a course syllabus for intellectual property law and creative industry.

Several literature report design and development of course curricula for creative industry. In Australia, Novoa (2017) attempts to innovate undergraduates' industrial design curriculum in the light of the knowledge-based, participatory and digital era. The proposed course is a collective knowledge creation model through social constructivism and constructionism that recognises its place in time and history and allows customisation to individual upbringing. Further review finds that the proposed curriculum does not include teaching and learning intellectual property law for art and design undergraduates. Back to Malaysia, Abidin et al (2021) report a study that aims to design a course curriculum in the university which is aimed at improving the level of specific and transversal competencies and skills that are relevant to the labour market in the furniture sector, such as management, entrepreneurship, language competences and leadership toward wood and furniture industry 4.0. Like Novoa, the

curriculum designed by Abidin et al. does not include intellectual property law teaching and learning for creative arts undergraduates.

In summary, the literature review confirms that intellectual property education is essential in innovation and creative industry. The literature review further confirms worldwide support for teaching and learning intellectual property law at the undergraduate level and, at the same time informs us that there is yet a study on designing intellectual property law and creative industry course for creative arts undergraduates either in Malaysia or elsewhere. This paper attempts to fill in the gap by designing intellectual property law and creative industry course syllabi for creative arts undergraduates of UiTM. The introduction of this course could bridge a knowledge gap in intellectual property education amongst the creative arts undergraduates of the university.

### **Methodology**

The research design is exploratory as it attempts to answer a research question, i.e. How can the UiTM develop a course syllabus to teach intellectual property law and creative industry to creative arts undergraduates? The research methodology is entirely qualitative because this is an exploratory study. This study's data was gathered to answer the research question. Secondary data in the form of course syllabuses was gathered from the official websites of universities and learning centre that offer courses in intellectual property law and creative industry. The data gathered from the analysis will be used by UiTM to develop its syllabus for intellectual property law and creative industry course.

The course syllabus of the College of Arts, Humanities and Social Sciences, the University of Edinburgh and the Faculty of Law, the University of West Indies, Jamaica have been selected as the samples from the universities. In addition, an online intellectual property course offered by intellectual property learning centre to creative industry players such as authors, artists and designers has been selected as samples for analysis. The course syllabus for these courses were gathered from the official website of the universities and the learning centre.

The samples were analysed using the comparative analysis method. The scope of comparison is the course objectives, course learning outcomes, course description, syllabus content, teaching methodology and course assessment of the course syllabus for teaching intellectual property law and creative arts undergraduates. Since three-course syllabuses are being compared, the criterion for distinguishing each course syllabus is their similarities, differences and special/unique features in teaching intellectual property law and creative industry to creative arts undergraduates. The course syllabus under comparison is listed in Table 2 below:

Table 2

*Intellectual Property Law & Creative industry Course to Creative Arts Postgraduates/Undergraduates/Entrepreneurs*

<b>Course/Module</b>	<b>Faculty/Institute/University</b>	<b>Sources</b>
Intellectual Property in the Creative industry (EFIE 11015)	College of Arts, Humanities and Social Sciences, The University of Edinburgh	<a href="http://www.drps.ed.ac.uk/21-22/dpt/cxefie11015.htm">http://www.drps.ed.ac.uk/21-22/dpt/cxefie11015.htm</a>
Intellectual Property Management for the Cultural & Creative industry (CLTR 3803)	Faculty of Law, The Universities of West Indies, Jamaica	<a href="https://ourvle.mona.uwi.edu/enrol/index.php?id=2947">https://ourvle.mona.uwi.edu/enrol/index.php?id=2947</a>
Intellectual Property for Creative Entrepreneurs Course (IPCE)	Class Central, Online Learning Course	<a href="https://www.domestika.org/en/courses/2815-intellectual-property-for-creative-entrepreneurs">https://www.domestika.org/en/courses/2815-intellectual-property-for-creative-entrepreneurs</a>

### Findings

This section reports the findings of the comparative analysis of the course syllabus of selected universities and learning centre that offer intellectual property law and creative industry courses to creative arts graduates. The comparative analysis found two (2) most common features and three less common/unique features of course objectives; four (4) most common features and three (3) less common/unique features of course learning outcomes; three (3) most common features and three (3) less common/unique features of course description; five (5) most common features and four (4) less common/unique features of syllabus content ; four (4) most common features and one (1) less common/unique features of teaching methodology; and two (2) most common features and five (5) less common/unique features of course assessment.

The most common feature in the course syllabus under comparison will be placed under the Most Common Features column. On the other hand, the less common feature in the course syllabus will be placed under the Less Common Features column. Despite their differences, these features are not in conflict; instead, they complement each other in teaching intellectual property law and creative industry to creative arts undergraduates. The course syllabus, which has been identified, is presented in Table 3 below.

Table 3

*A Comparison between the Courses/Modules*

	<b>Most Common Features</b>	<b>Less Common/Unique Features</b>
<b>Course Objectives</b>	<ol style="list-style-type: none"> <li>1. To expose students to intellectual property rights and copyright management as a necessary component of this development in the cultural and creative industry;</li> <li>2. Provide students with an understanding of the nature and role of Intellectual Property rights as relevant to the creative industry, and understand the rules and tools to identify what intellectual property rights are.</li> </ol>	<ol style="list-style-type: none"> <li>1. Teach the students how to manage and enforce intellectual property strategically (CLTR3803);</li> <li>2. Teach the students how to identify the rules and tools and what can be done to exploit and comply with such rights (EFIE 11015);</li> <li>3. Learn how to identify the property and assets and audit and calculate their value (IPCE).</li> </ol>
<b>Course Learning Outcomes</b>	<ol style="list-style-type: none"> <li>1. Evaluate the intellectual property rights of cultural and creative industry;</li> <li>2. Describe the various protection available;</li> <li>3. Demonstrate an understanding of the range of Intellectual property rights that are relevant to the creative industry;</li> <li>4. Demonstrate knowledge of how Intellectual Property rights underpin a range of business models within the creative industry</li> </ol>	<ol style="list-style-type: none"> <li>1. Develop proposals for intellectual property rights management for the cultural and creative industry; Explain intellectual copyright management issues in the Cultural and Creative industry in the Caribbean. (CLTR 3803);</li> <li>2. Demonstrate an appreciation of the variety of ways in which IP rights can be exploited in the creative industry;</li> <li>3. Demonstrate a critical awareness of the challenges within the creative industry in protecting intangible assets; demonstrate the capacity to work effectively with others in identifying challenges and solutions to Intellectual property issues in the creative industry (EFIE11015);</li> </ol>
<b>Course Description</b>	<ol style="list-style-type: none"> <li>1. Introduces students to concepts of intellectual property and its related rights and the management of these rights with a particular focus on cultural and creative industry;</li> </ol>	<ol style="list-style-type: none"> <li>1. Expose students to the application of such rights within the business models of selected creative sectors (EFIE 11015);</li> <li>2. Provide knowledge of fundamental legal principles</li> </ol>

	<ol style="list-style-type: none"> <li>2. Examines the roles of local, regional and international bodies, conventions and agreements that are in place;</li> <li>3. Explore challenges within the creative industry concerning the protection of intangible assets.</li> </ol>	<ol style="list-style-type: none"> <li>under UK law and enable students to reflect on the role of IP rights in their future careers (EFIE 11015);</li> <li>3. Learn to manage and leverage your assets further by exploring copyright, trademarks, design rights, and patents (IPCE)</li> </ol>
<b>Syllabus Content</b>	<ol style="list-style-type: none"> <li>1. Basics of Intellectual Property covering the different intellectual property rights;</li> <li>2. Protecting intellectual property;</li> <li>3. IP ownership and commercial dealing;</li> <li>4. The relevance of IP in technology and business context; IP in social media and digital world;</li> <li>5. Challenges of IP in creative industry.</li> </ol>	<ol style="list-style-type: none"> <li>1. Business models in creative industry that are primarily based on the exploitation of IP, Business models in creative industry that are not based on the exploitation of IP, and IP-related challenges in the creative industry (EFIE 11015);</li> <li>2. Collective Management Organizations, Emerging Issues in the ICTs environment, how to organise for effective IP management (CLTR3803);</li> <li>3. IP audit-Identifying IP assets and ownership, IP exploitation - Legal rules on contractual exploitation, and different routes (EFIE 11015);</li> <li>4. How to identify IP and audit intellectual assets, Creative Commons and License (IPCE).</li> </ol>
<b>Teaching Methodology</b>	<ol style="list-style-type: none"> <li>1. Lectures, tutorials, class discussion, in-class activities;</li> <li>2. Presentations from guest speakers,</li> <li>3. Workshop sessions,</li> <li>4. Cooperative learnings</li> </ol>	100% Online (IPCE)
<b>Course Assessment</b>	<ol style="list-style-type: none"> <li>1. Coursework assignment (Case study review,</li> <li>2. Group/Individual Presentation</li> </ol>	<ol style="list-style-type: none"> <li>1. Student review of International Reggae Conference,</li> <li>2. IP Management Proposal</li> <li>3. Final examination (CLTR3803);</li> <li>4. 100% Coursework - One individual take-home assessment (EFIE 11015);</li> <li>5. Final project - X Creative IP for Businesses (IPCE)</li> </ol>

## Discussions

This section interprets the findings of the initial comparative analysis in order to develop a viable course syllabus for UiTM creative arts undergraduates. The discussions focus on six major topics: course objectives, learning outcomes, course description, syllabus content, teaching methodology, and course assessment. Where applicable, the Malaysian Qualifications Agency's (MQA) Code of Practice for Programme Accreditation (2018) and the MQA Education Programme Standard are cited (2014). This paper uses the term course interchangeably with subjects, units, or modules.

### A. Course Objectives

A course objective is a statement that describes what the lecturers will cover in the course. According to the comparative analysis, the course objectives cover two teaching domains: theoretical and practical. The theoretical domain is the most common feature of course objectives, while the practical domain is less common. It is proposed that the following course objectives be developed for the UiTM creative arts undergraduates:

#### *Course Objectives*

- Students will learn the fundamentals and critical principles of intellectual property, as well as the importance of intellectual property in creative industry, IP rights protection, and challenges in IP rights protection.
- Students will learn the fundamentals and key principles of creative arts, innovation, and their impact on the creative industry.
- Students will learn how to strategically manage and enforce intellectual property, make business decisions related to intellectual property and the creative industry, and organise effective and strategic IP portfolio management and commercialisation.

### B. Course Learning Outcomes

Course learning outcomes are statements on the specific and general knowledge, skills, attitude and abilities students should demonstrate upon course completion. The course learning outcomes must correspond to Malaysian Qualification Framework (MQF) level descriptors and one or more MQF learning outcomes domains, among others, knowledge; practical skills; communication skills; problem-solving skills; managerial and entrepreneurial skills.

Based on the comparative analysis, there are three domains that a student is expected to demonstrate upon completion of the course. The knowledge domain is the most common feature of the course learning outcomes, followed by the communication skills domain. The practical skills domain is the least common feature of the learning outcomes. It is with this proposed that the course learning outcomes of the IP Law and Innovation course for engineering undergraduates of UiTM be developed as follows

#### *Course Learning Outcomes*

At the end of the course, the student should be able to:

- Describe the various protection available relevant to creative industry
- Demonstrate an understanding of the range of Intellectual property rights that are relevant to the creative industry

- Demonstrate knowledge of how Intellectual Property rights underpin a range of business models within the creative industry

### *C. Course Description*

A course description is a concise summary of the main learning experiences for a course. A student's educational experience while enrolled in a course is referred to as their student learning experience. The course description may include the code, prerequisite, mode of study, programme level, credit unit, contact hour, part, and course status. Based on the comparative analysis, information on the prerequisite for enrollment into the course is the most common feature of the course description. The following common feature is the information on the focus of the course. The least common feature is the information on the course design.

It is suggested that the following course descriptions for the IP law and creative industry course be developed for creative arts undergraduates at UiTM.:

#### *Course Description*

- This course is available for a third-year creative arts student
- This course prepares the students with the skills necessary for the legal protection of intangible assets
- This course equips the students with innovative problem-solving skills and problem-solving solutions.

### *D. Syllabus Content*

The subject and topics covered are outlined in the syllabus content. According to the comparative analysis, the syllabus covered various topics related to intellectual property law and the economy of the creative industry. The subject of IP law is the one that shows up on the syllabus the most commonly, while the subject of entrepreneurship is less common. The following is a proposal for the syllabus content of the UiTM creative arts undergraduates' IP law and creative industry course:

- 1.0 Basic elements of intellectual property rights
- 2.0 IP's role in creative industry
- 3.0 Protecting intellectual property rights relevant to creative industry
- 4.0 Intellectual property ownership
- 5.0 Commercial dealing of intellectual property
- 6.0 Intellectual property rights in technology and business context
- 7.0 Enforcement of intellectual property
- 8.0 Effective management of intellectual property portfolio
- 9.0 Challenges in managing and protecting intellectual property

### *E. Teaching Methodology*

Teaching methodology is the mode of delivery and approach used by the lecturer/tutor/course instructor to enable student learning. Teaching methodology takes into account the subject/unit/module to be taught as well as the nature of the student. The mode of delivery could be a conventional learning approach, e-learning approach, clinical learning approach or blended learning approach. Based on the comparative analysis, the most common feature of teaching methodology is using the conventional/traditional approach. A

clinical learning approach is necessary to understand the course further. It requires the students to identify issues raised by specific problems to help develop an understanding of underlying concepts and principles (Nicholson, 2015; Ojienda & Oduor, 2002).

It is as a result of this proposal that the teaching methodology of the intellectual property law and creative industry course syllabus for the UiTM creative arts undergraduates be developed as follows:

#### *Teaching Methodology*

- Interactive Lecture
- Tutorial/Class Discussion
- Clinical (Problem based)

#### *F. Course Assessment*

Course assessment is conducted throughout a course/module to determine student attainment. Course assessment can be in the form of formative assessment, summative assessment, or a combination of both. MQA Code of Practice for Programme Accreditation requires various appropriate methods and tools for assessing learning outcomes and competencies. Students shall be generally evaluated where appropriate through examination; coursework; projects; and others (class participation, group activities, and presentation).

Based on the comparative analysis, the most common feature of course assessment is giving coursework followed by the presentation. The least common feature of course assessment is through examination. The followings are the proposed course assessment for the intellectual property law and creative industry course:

#### **Course Assessment**

Continuous Assessment

1.0 Course Work                      40%

2.0 Presentation                      20%

Final Assessment

3.0 Examination                      40%

100%

The proposed percentage breakdown of assessments for each course evaluation method complies with the MQA Education Program Standard for Bachelor's Degree qualification.

#### **Conclusions**

This paper compared the course syllabus of the universities and learning centre offering intellectual property law course for students and creative industry players. The syllabus content is found to have the highest number of common features (5). This finding indicates that the syllabus content of intellectual property law courses offered to the creative art students are mostly similar among the universities/learning centres. At the same time, the course assessment has the highest number of less common/unique features (5) which indicates that there are many ways creative arts undergraduates learning IP Law and creative industry course can be assessed. In contrast, 100% online teaching method is found to be the



least common feature of teaching methodology for intellectual property law and creative industry course, indicating that this course should be conducted using face to face lecture method or experiential learning method.

Based on the comparative analysis, this study designed a course syllabus on intellectual property law and creative industry for the creative arts undergraduates of UiTM. The proposed course syllabus is of internationally accepted standard and viable for adoption, as it was developed after thoroughly analyzing the samples course syllabi. In developing the course syllabus, reference was made to the Malaysian Qualifications Agency's Code of Practice for Programme Accreditation 2018 and Education Programme Standard 2014. Adopting the course syllabus does not require introducing a new creative arts program, as intellectual property law and creative industry is proposed as a component of a programme rather than as a new academic programme. However, for the UiTM College of Creative Arts to adopt the course syllabus either as a core or an elective subject, they are expected to revise their course curriculum and study plan so that it can be formally taught to the creative arts undergraduates.

The course syllabus designed in this study is expected to address the problem arising from lack of exposure to intellectual property law, and lack of understanding and knowledge on the law faced by creative art undergraduates. The course syllabus is designed as a stand-alone course that would overcome minimal, lack of depth and limited scope of intellectual property law contents in the elective course offered to the creative art undergraduates.

With regard to practical implications, it is anticipated that introducing the course to the creative arts undergraduates would fulfil UiTM's vision of Education 5.0. It is also anticipated that teaching the course would increase the creative arts undergraduates' awareness of their intellectual property rights when they engage in the creative industry economy. Adopting the intellectual property law and creative industry course would increase the marketability and employability of UiTM creative arts undergraduates in Malaysia and abroad due to the universality and worldwide application of intellectual property law in creative industry.

### **Declaration of Competing Interests**

The authors declared no potential conflicts of interest with respect to the research, authorship and/or publication of this article.

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