



UUM JOURNAL OF LEGAL STUDIES

<https://e-journal.uum.edu.my/index.php/jls>

How to cite this article:

Abdul Latif, M. S., Abdul Manap, N., & Althabawi, Nabeel Mahdi. (2025). The transformative use of user-generated content: Discovering the fine line between permitted use and copyright infringement from a Malaysian perspective. *UUM Journal of Legal Studies*, 16(1), 54-69. <https://doi.org/10.32890/uumjls2025.16.1.4>

THE TRANSFORMATIVE USE OF USER-GENERATED CONTENT: DISCOVERING THE FINE LINE BETWEEN PERMITTED USE AND COPYRIGHT INFRINGEMENT FROM A MALAYSIAN PERSPECTIVE

¹Mohd Syaufiq Abdul Latif, ²Nazura Abdul Manap, & ³Nabeel Mahdi Althabawi
Faculty of Law, Universiti Kebangsaan Malaysia, Malaysia

¹Corresponding author: syaufiqlatif@gmail.com

Received: 4/9/2023

Revised: 4/3/2024

Accepted: 8/7/2024

Published: 31/1/2025

ABSTRACT

User-generated content or more commonly known as UGC has revolutionized the digital landscape by allowing individuals to create, share, and engage with various forms of copyrighted content across digital platforms. This paradigm shift in content creation and distribution has introduced new challenges in copyright law concerning the transformative use of copyrighted work. Balancing the exclusive rights of the right holder as a content creator and copyright user and the interests of society has become increasingly complex in the face of rapid digital innovation and creative expression. Determining whether the transformative use of copyrighted material qualifies as permitted use under the Copyright Act 1987 within copyright exceptions requires careful consideration of the existing legal framework. Hence, this article aims to explore the ability of the current legal framework to identify the fine line between permitted transformative use and copyright infringement in relation to user-generated content. The results demonstrate that the existing legal scheme does not provide permitted use for transformative use of works without the consent of right holders. This article also seeks to discover the possibility of alternative approaches that could effectively resolve the issues related to the transformative use of user-generated content within the existing legal framework. The outcome of this article is to contribute to a broader discussion surrounding the issues of transformative work and user-generated content.

Keywords: Transformative use, user-generated content, copyright, copyright infringement, permitted use, exceptions.

INTRODUCTION

The rise of user-generated content (UGC) has transformed the digital landscape, enabling individuals to create, share, and engage with various forms of copyrighted content on digital platforms (Duke, 2023). This paradigm shift has brought about new challenges within copyright law, particularly concerning the transformative use of copyrighted works in the Malaysia Copyright Act 1987. Transformative use involves the modification or incorporation of existing copyrighted material into new creations that offer new meaning, expression, or purpose (Wong, 2021). However, balancing the exclusive rights of right holders with the interests of society as content creators and users of copyrighted material has become increasingly complex due to rapid digital innovation and creative expression (Woo, 2004). The United States (US) for instance is the earliest country that is vigorously involved in developing the concept of transformative use of copyright work (Bates, 1996). The concept of transformative use can contribute to innovation, creativity and the advancement of knowledge as it has evolved from the doctrine of fair use that recognises the creation of new work built upon existing copyrighted material (Joyce et al., 2016). The transformative use allows for the limited use of copyrighted material without obtaining permission from the right holder under certain circumstances in the United States (Myers, 1996).

One of the motivations that has persuaded the recognition of transformative use is the recognition of the importance of creativity, innovation, and freedom of expression (Zwisler, 2016). The reason is that the number of individuals engaging in creative expression and participating in the production of UGC has significantly increased in digital space (Santos, 2021). Globally, the rise of social media platforms, video-sharing websites, and online communities has led to a surge in the number of individuals actively engaging in creative expression and producing UGC (Ghatke & Kumar, 2023). The surge in the number of UGC individuals and volume of production has created a complex landscape when it comes to the question of copyright, necessitating the recognition of the issue of transformative use (Hemmungs Wirtén & Ryman, 2009). In this connection, it is essential to navigate the recognition of transformative use while also considering the permission required from the right holders as the owner of the copyright in the work. The presence of UGC in the digital landscape can be appealing as it empowers individuals to express their creativity, share their content and engage with a global audience. However, the appeal of UGC also brings a new form of legal challenges especially in relation to copyright infringement (Yu, 2022). Copyright infringement involving UGC is nowhere reported in any judicial decision case in Malaysia. However, this issue must be considered to ensure the permitted lawful use of copyrighted material in UGC.

Generally, the risk associated with UGC is to ensure users have the necessary rights to use any copyrighted material included within their content (Li, 2019). If users incorporate copyrighted content without obtaining proper permissions from right holders, they may be infringing upon the right holders' exclusive rights under Section 13(1) of Copyright Act 1987. In order to achieve a balance between the importance of nurturing creativity and respecting right holders' exclusive rights, recognising the importance of transformative use in UGC within the permitted use framework under the Copyright Act 1987 is crucial to provide clear guidelines and to determine the fine line between legal use and copyright infringement (Qtait et al., 2023). Therefore, this article aims to examine the existing legal framework and its ability to identify the fine line between possible permitted transformative use and copyright infringement in relation to UGC in Malaysia.

METHODOLOGY

This paper adopts a black letter law methodological approach, focusing on legal research conducted primarily through library research. The research encompasses a comprehensive review of legal literature from both primary and secondary sources, including statutes, extra-legal materials, books, articles, newspapers, and seminar papers. Drawing on established legal principles and precedents, this approach aims to provide a thorough analysis of the legal framework governing the transformative use of user-generated content in Malaysia, particularly the Copyright Act 1987.

WHAT IS TRANSFORMATIVE WORK

The concept of transformative work in copyright law has gained significant recognition and importance in digital space, particularly in relation to UGC (Liu, 2019). The idea of transformative use or use permitted without authorisation of right holders within the copyright exceptions was first introduced by virtue of the US Supreme Court decision in *Campbell v. Acuff-Rose* 510 U.S. 569 (1994) (Babiskin, 1994). In the said case, the court recognised that a copyrighted work may be considered transformative if it “adds something new, with a further purpose or different character, altering the first (original copyrighted work) with new expression, meaning, or message” (Francis, 2015). The concept of transformative, which relies on the fair use doctrine, allows the limited use of copyrighted work without obtaining permission from right holders under certain circumstances (Reese, 2015). In particular, the doctrine of transformative use recognises that certain uses of facts and ideas contained in copyrighted work may be considered ‘fair use’ or permitted lawful use even without obtaining right holders’ authorisation, so as to serve the public interest and foster creativity (Reese, 2015). The idea behind the introduction of transformative was also discussed in the case of *Authors Guild v. Google* 721 F.3d 132 (2005) in the United States, which intended to strike a balance between protecting right holders’ exclusive rights and promoting contribution to public knowledge (Campbell, 2019). The court decision in *Authors Guild v Google* highlights that the use of digitisation is considered transformative if it involved copying copyrighted works to serve a new purpose or provide a different kind of value to the transformed work (Wong, 2021). If the use of copyright work by way of digitisation is considered transformative by court, it could be implicitly argued that any transformation of copyrighted material, apart from digitisation, would go beyond mere replication and warrant reassessment of the traditional copyright limitations, particularly in the context of UGC (Campbell, 2019). This would suggest that any form of transformation of copyrighted material, apart from as long as such use is for the purpose of inclusion in UGC would fall under the umbrella of transformative use and would be evaluated based on its potential to add new expression, meaning or value to the original work (Gervais, 2009). As such, transformative work is often protected under the doctrine of ‘fair use’ and serves as a mechanism to promote creativity, innovation and the open exchange of ideas in a rapidly changing digital landscape in UGC (Ginsburg, 2020).

VALUE OF USER-GENERATED CONTENT

In the context of the rapidly changing digital landscape, UGC emphasises the importance of accommodating new forms of creative expression in today’s world, even if they involve the use of copyrighted material (Wong, 2021). At the outset, UGC emerges as a response to embrace novel avenues of creative expression and demands a departure from the traditional copyright framework which focuses on protecting the economic interest of right holders, to a new flexible copyright

framework that fosters innovation, collaboration and evolution of creative copyright culture (Sundell, 2011). A UGC, for instance, is often used for collaborative projects in making a creative content by taking a copyrighted material and reinterpreting it within a new context for innovative outcomes (Lee, 2008). In numbers, the UGC platform market size was valued at USD4.4 billion in 2022 and is predicted to expand to USD71.3 billion in 2032 (Ghatke & Kumar, 2023). The report on the rising power of UGC (Mulligan & Jopling, 2020) has pointed out that revenue generated from music-related UGC alone was valued at \$4 billion in 2020, out of which \$2.2 billion could potentially go to music rights holders. In 2022, YouTube paid \$6 billion to rights holders, with approximately 30% of the total revenue coming from UGC (The YouTube Team, 2022). These numbers represent the value and tangible impacts of UGC on the digital landscape and the importance of recognising UGC in shaping the current creative copyrighted content distribution within the copyright context. One of the prominent uses of UGC in the creative industry in today's world is the production of videos, such as using TikTok stitches, Instagram reels, YouTube shorts, brand advertising and other short video platforms on social media platforms (Chang, 2023). Other uses of UGC are in the usage of music sampling such as remix and mashup, by altering or rearranging the copyrighted music elements to create a new song or mashup which will appeal to wider audiences and offer fresh perspectives (Li & Huang, 2019). While UGC opens up new ways for creative expression, its place within copyright law remains a complex and evolving matter. For instance, UGC may act as a catalyst for exploring the boundaries and finding the fine line between permitted use and copyright infringement (Hetcher, 2008). Its fluid nature challenges the traditional legal framework as the distinction between transformative use and copyright infringement often conflicts (Lipton & Tehranian, 2015). The fine line between transformative use and copyright infringement can lead to legal disputes, thus impacting content creators, users, and right holders. The value of UGC must be balanced with the legitimate concerns of right holders in protecting their works and revenue flows from it (Crews, 2001). As UGC holds the potential to drive economic growth and innovation within the copyright creative industries in terms of new avenues for monetization and revenue generation for both content creators and right holders, it also calls for a reconsideration of how copyright laws are interpreted and applied in this evolving landscape (Yu, 2022). Thus, determining whether a work qualifies as transformative is not always clear-cut, and interpretations can vary in allowing copyright flexibility, while also respecting right holders' exclusive rights.

TRANSFORMATIVE USE AND USER-GENERATED CONTENT

Transformative use plays a crucial role in the context of UGC due to the inherent nature of UGC creation. The idea of transformative use is then translated into a digital landscape where UGC platforms have provided individuals the means to create, remix, mashup and transform existing copyright material into a new work (Santos, 2021). Transformative use within the UGC allows individuals to go beyond reproduction or copying of copyrighted material as it enables users to create a new derivative work that incorporates, modifies, or recontextualises a substantial part of right holders' copyrighted work within the scope of permitted use (Wong, 2021). With the widespread practice of transformative use within UGC, this has led to legal uncertainties surrounding fair or permitted use, raising the question of whether such activities violate the established copyright law framework (Levinson, 2017). Besides, the dynamic and rapidly evolving nature of digital content creation and sharing has outpaced the development of clear legal guidelines, particularly the use of copyrighted work without permission in UGC (Lee, 2008). One of the key issues arising from transformative use in UGC is determining the threshold at which a work becomes transformative enough to warrant legal protection under the doctrine of fair use, or similar exceptions in copyright law (Leow, 2019). In Malaysia, the Copyright Act 1987 governs the scope of permitted use of copyrighted work without right holders' authorisation under

Section 13(2) of the Copyright Act 1987. Section 13(2) of the Copyright Act 1987 provides an exhaustive list of what practices infringe right holders' exclusive rights and which ones are permitted to be used. However, it does not explicitly address transformative use or UGC and thus, making it challenging to determine the legality of UGC that incorporates copyrighted material. The absence of specific provisions related to transformative use in the Copyright Act 1987 creates a grey area for content creators, right holders, and users in digital space. Content creators might be unsure about whether their creations fall under fair use, while right holders may be concerned about potential copyright infringement (Rosenblatt, 2019). Similarly, users may lack clarity about what they can and cannot do when incorporating copyrighted material into their UGC (Lee, 2008). As a result, transformative use raises an important question about the extent to which copyrighted material may be used and transformed without infringing upon the right holders' exclusive rights in the digital landscape. The questions raised above are anchored on three grounds, namely: (a) balancing creativity and copyright protection; (b) legal uncertainties and clarity and (c) copyright infringement.

Balancing Creativity and Copyright Protection

The first question that arises is how to establish a clear and objective criterion to determine whether a specific use of copyrighted material qualifies as transformative within the context of balancing creativity and copyright protection in UGC (Zhou, 2022). This criterion should consider factors such as the extent of modification, the purpose of the new work, and its potential impact on the market for the original copyrighted material as enumerated under Section 13(2A) of the Copyright Act 1987. By setting forth specific guidelines, content creators and users can have a better understanding of what constitutes permissible transformative use and what might cross the boundaries into copyright infringement. The US Supreme court's decision in *Campbell v. Acuff-Rose*¹ is a leading case that illustrates the extent of transformative use and its significance in the copyright landscape. The case involved the unauthorised use of a portion of the song "Oh, Pretty Woman" by 2 Live Crew, a rap music group in their parody version titled 'Pretty Woman'. The court considered whether 2 Live Crew's use of the original song constituted fair use and relied upon the transformative nature of their parody version. It was ruled that the rap group's parody was transformative in nature as it added new meaning and expression to the original work (Liu, 2019). By taking a well-known romantic song and transforming it into a humorous and satirical commentary, the transformation of the song made the new work different in purpose and character, setting it apart from the original and establishing its potential for being considered fair use (Francis, 1995). The court's reliance on the transformative nature of the parody in the *Campbell v. Acuff-Rose* case indeed raised the importance of this factor in determining fair use and emphasised the dynamic nature of copyright law (Hung, 1994) in accommodating changing creative practices. The court in the *Campbell* case also acknowledged the evolving role of transformative use in copyright law and its relevance in adapting to the evolving landscape of creative expression and technological advancement, particularly in UGC (Bunker, 2002). If the intention of a transformative use is to strike a balance between promoting creative innovation and protecting copyright, then it shall account for evolving dynamics of UGC, particularly in establishing the criteria for transformative use (Hughes, 2022).

Legal Uncertainties and Clarity

The second question that arises in transformative use and UGC is the legal uncertainties and issue of clarity (Geiger, 2018) surrounding transformative use and UGC that pose significant challenges for both

¹ *Campbell v. Acuff-Rose Music, Inc.*, 510 U.S. 569

content creators and right holders. The absence of specific provisions related to transformative use in the Copyright Act 1987 creates a legal uncertainty, leaving room for subjective interpretation and potential legal disputes. The lack of clarity on transformative use makes it difficult for content creators to determine whether their use of copyrighted material qualifies as fair use, and it leaves right holders uncertain about how to protect their works from potential infringement (Lee, 2008). The legal uncertainties and issue of clarity surrounding transformative use and UGC have several implications for content creators and right holders (Appel et al., 2023). As user generated content becomes more ubiquitous and sophisticated, the question of how to mitigate legal uncertainties and provide clarity on transformative use becomes more pertinent (Shipley, 2018). The present article would be incomplete without mentioning some of the legal uncertainties caused by transformative use in UGC.

On July 11th, 2022, the court delivered its judgment in the case of Universal Music Group v. Bang Energy (Case no: 21-cv-60914) where the plaintiff sued the TikTok marketer (Bang Energy) for alleged copyright infringement. In this case, Bang Energy posted TikTok Ads with music owned by UMG in over 140 ads promoting TikTok videos without obtaining the necessary permissions or licenses (Brittain, 2022). While the court ruled that the TikTok marketer infringed copyright of UMG without permission and license, the judge however, found the content creators (influencers) did not infringe the UMG copyright, as they were covered by the UGC license agreement (Resnikoff, 2022). In this case, it is possible that the court considered content creators' use of UMG's copyrighted music as transformative as it was incorporated into new and original content created by the influencers in their TikTok videos. This transformative use, when in compliance with the platform's UGC license agreement, can often provide a legal defence against copyright infringement claims (Bunker, 2002). In this respect, the uniqueness of each TikTok video created by the content creators might have contributed to the court's decision on transformative use, but it also highlights the complexities and challenges of applying copyright law in the context of UGC. These new circumstances have posed new challenges for right holders, content creators, users and the legal system in defining and enforcing copyright laws in the digital space (Shrayberg & Volkova, 2021). The standard legal approach must be reviewed to determine whether the existing legal principles in the Malaysia Copyright Act 1987 are dynamic enough to resolve the complexities of copyright infringement cases involving UGC and transformative use. If the existing legal principles are found to be insufficient to address the complexities of copyright infringement cases involving UGC and transformative use, it might be necessary for a re-evaluation of how copyright law is formulated and interpreted in the digital era (Sag, 2005).

Copyright Infringement

Copyright infringement is a central concern in the context of transformative use and UGC (Hetcher, 2008). As UGC becomes more prevalent and accessible through various digital platforms, the potential for copyright infringement also increases. In Malaysia, copyright is infringed when any person does or causes any other person, without the license of the copyright owner, to do an act controlled by the right holder, as stated under Section 13(1) of the Copyright Act 1987. The Copyright Act 1987 provides exclusive rights to the right holders, allowing them to control their reproduction, communication to the public, performance, showing, playing to the public, distribution of copies to the public and commercial rental to the public, guarding against any unwanted infringement over their copyrighted works. The term 'control', as mentioned under Section 13 of the Copyright Act 1987, refers either the right to prohibit or authorise, and prohibit any actions that infringe the exclusive rights of the right holders, including the use of their works included in UGC. As such, any unauthorised use of the right holder's exclusive rights may constitute copyright infringement.

In the digital environment, determining whether a specific use qualifies as transformative or an infringement can be challenging due to the subjective nature of the assessment of UGC (Leow, 2019). While transformative use can serve as a defence against copyright infringement claims in the United States (Babiskin, 1994), it is important to recognise that in Malaysia, under either Section 13(1) and Section 36 of the Copyright Act 1987, there is also no explicit provision that assesses the usage of 'transformative uses' to be exempted from copyright infringement liabilities, when there is no permission obtained from the right holder. The absence of specific provisions related to transformative use in the said Act adds complexity to the determination of whether a specific use constitutes copyright infringement or falls under the scope of permitted use under Section 13(2) of the Copyright Act 1987. This legal ambiguity creates a complex landscape where creators, users, and right holders must adhere to the requirement of such use cautiously. To complicate matters further, the absence of clear legal guidelines regarding transformative use can give rise to confusion and disputes between users and right holders, especially in cases where the nature of the use lies in a grey area between fair use and copyright infringement (Murray, 2012).

THE POSITION OF CURRENT FAIR DEALING APPROACH

In Malaysia, the current legal framework regarding copyright usage falls under the concept of fair dealing. Fair dealing provisions in the Copyright Act 1987 allow for the specific use of copyrighted material without obtaining permission from the right holders under Section 13(2)(a) of the Copyright Act 1987. These provisions include the following: purposes of research, private study, criticism, review or reporting of news or current events with the accompaniment of the title of the work and its authorship. However, it is essential to understand the difference between the phrases 'including' and 'such as' in the concept of fair dealing in Malaysia and the fair use concept in the US. In the US, the concept of fair use is a flexible, open-ended doctrine that allows for a broader range of uses (Crews, 2001), while the phrase 'such as' suggests that the listed purposes (e.g., research, private study, criticism, review or reporting of news or current events) are examples of the type of uses that may be considered as fair use (Crews, 2001). Unlike the US, the fair dealing approach in Malaysia is more restrictive and specific in its application to the purposes explicitly listed in Section 13(2)(1)(a) of the Copyright Act 1987. These listed purposes are not mere examples but are the only allowed uses of copyrighted material without obtaining permission from the right holders under fair dealing. This was clearly reaffirmed in the case of *MediaCorp News Pte Ltd & Ors v. MediaBanc (Johor Bharu) Sdn Bhd & Ors* [2010] 6 MLJ 657 where the court stated that:

“Unlike the situation in the United States of America, the [Malaysian Copyright Act 1987] does not allow for 'fair dealing' to be assessed by considering a broad category of circumstances and ascertaining whether those circumstances conform to a set of statutory guidelines. On the contrary, fair dealing under the Act is confined to 'fair dealing' for the prescribed purposes set out in that section and no more.”

When Malaysia uses the term 'including' in the definition of fair dealing under Section 13(2)(a) of the Copyright Act 1987, it indicates that the listed purposes (research, private study, criticism, review, or reporting of news or current events) are explicitly stated and limited to those specific uses. This means that transformative use, as found in the US fair use doctrine is not explicitly included as one of the permitted purposes under fair dealing in Malaysia. Hence, in the context of the Copyright Act 1987, the rule of *Ejusdem Generis* may not directly apply to the interpretation of fair dealing provisions when a general term of “such as” follows a list of specific acts by suggesting that the general term should be interpreted to include only things of the same kind as those specifically mentioned in the US fair use

doctrine. As such, in the case of fair dealing in Malaysia, the factors listed in Section 13(2A) of the Copyright Act 1987 do not follow this pattern (Awad, 2022).

In 2012, although the Malaysian government introduced the new Section 13(2A) of the Copyright Act, enforced on 1st March 2012 to detail out the factors to be considered when applying the defence of fair dealing, namely: (i) the purpose and character of the dealing, including whether such dealing is of a commercial nature or for non-profit educational purposes; (ii) the nature of the copyrighted work; (iii) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and (iv) the effect of the dealing upon the potential market for or value of the copyrighted work. The above factors do not provide explicit recognition or inclusion of transformative use as a permissible defence under fair dealing in Malaysia. These factors are more aligned with the traditional fair dealing purposes listed in Section 13(2)(a) of the Copyright Act 1987 and do not provide a clear framework for determining whether a use qualifies as transformative within the fair dealing context. As such, it remains unclear whether transformative use can be considered a valid defence under fair dealing in Malaysia.

THE NEW FAIR-DEALING APPROACH: FINDING THE FINE LINE

As technology continues to advance, content creation and sharing have become more diverse and accessible (Pager, 2019). The existing fair dealing provisions which are limited to specific purposes under Section 13(2)(a) of the Copyright Act 1987 might not be sufficiently adaptable to encompass the wide array of transformative uses that can emerge in UGC. To tackle these challenges, Malaysia could consider adopting a new fair dealing approach similar to the flexible and open-ended doctrine of the United States by introducing a broader and more flexible concept in Section 13(2)(a) of the Copyright Act 1987. This new fair dealing approach would involve redefining and expanding the scope of transformative use within the fair dealing approach provision under the Copyright Act 1987. By incorporating a more flexible and open-ended doctrine similar to the one found in the United States, Malaysia could better address the dynamic landscape of content creation and sharing. The following discussion will thus, highlight the crucial elements that must be incorporated in the legal provisions through various approaches.

Lessons to Learn from the US Fair Use Doctrine

The US fair use doctrine serves as a valuable reference point for Malaysia to consider when exploring a new fair dealing approach that accommodates transformative use in UGC. Unlike Malaysia's current fair dealing approach, which is more restrictive and limited to specific purposes, the US fair use doctrine is more flexible and open-ended, it allows for a broader range of uses and consideration of a variety of circumstances. This flexibility has proven beneficial in promoting innovation, creativity, and the advancement of knowledge in the digital landscape, particularly in UGC activities (Elkin-Koren & Fischman-Afori, 2017). One of the key lessons to learn from the US fair use doctrine is the recognition of 'transformative use' as a 'fair use' or fair dealing in the Malaysian context. This recognition encourages content creators to engage in creative expression and empowers users to participate in the production of UGC with confidence that their transformative works may be considered and constituted as fair dealings in Malaysia (Lee, 2008). Malaysia for instance, may adopt a dynamic approach similar to the US fair use doctrine. Instead of limiting fair dealing to specific purposes under Section 13(2)(a) of the Copyright Act 1987 including research, private study, criticism, review or reporting of news or current events, Malaysia could adopt a broader fair dealing provision by deleting the word 'including' and replacing it with 'such as.' This simple change in wording would signify a shift towards a more

flexible and open-ended fair dealing approach similar to the US fair use doctrine. By using ‘such as’, the fair dealing provision would no longer be limited to specific purposes explicitly listed in Section 13(2)(a) of the Copyright Act 1987. Instead, it would serve as a non-exhaustive list of examples allowing for the consideration of various circumstances and purposes including ‘transformative use’ that may qualify as fair dealings when determining whether a dealing constitutes fair use under the factors provided in Section 13(2A) of the Act.

Incorporating ‘such as’ in the fair dealing provision would also offer content creators and users greater freedom to explore transformative use and other innovative ways of utilising copyrighted material within the framework of permitted use (Elkin-Koren & Fischman-Afori, 2015). The dynamic nature of digital content creation, especially in UGC requires a fair dealing approach that can adapt to emerging practices and technological advancements (Yu, 2018). The adoption of ‘such as’ would enable the law to keep pace with evolving creative expressions and ensure that copyright regulations remain relevant, effective and more representative of various possible uses that should be considered ‘fair’ in the digital landscape (Goodyear, 2020). This will help foster a balance and assist in finding the thin line between the interests of right holders and the interests of users.

Transformative Use as Permissible Defence Against Copyright Infringement

Incorporating transformative use as a permissible defence against copyright infringement in Malaysia would be a significant step towards providing clarity and legal protection for content creators and users engaged in UGC. By explicitly recognising transformative use as a valid defence and one of the exceptions under Section 13(2) of the Copyright Act 1987, content creators could confidently incorporate copyrighted material into their UGC when it ‘adds new meaning, expression, or purpose to the original work’ (Babiskin, 1994). Users would have clearer guidelines on what constitutes fair use and would be less likely to inadvertently infringe upon the right holder’s exclusive rights and it would also help resolve potential disputes between both parties (Monteleone, 2016).

To incorporate transformative use as a permissible defence, Malaysia could consider introducing new permissible acts under the existing list provided under section 13(2) of the Copyright Act 1987. This includes expressly recognising specific provisions of transformative use as a valid defence against copyright infringement claims. The provisions would need to provide clear criteria and guidelines for determining when a use qualifies as transformative. Such criteria could include factors such as the extent of modification, the purpose and character of the new work, the nature of the copyrighted material used, the amount and substantiality of the copyrighted material used, and the potential impact on the market for the original work (Zwisler, 2016). The amendment should clarify that transformative use is not limited to specific purposes but can encompass a wide range of creative expressions and innovative practices. For instance, Section 29.21 of the Canadian Copyright Act provides a broad exception to the non-commercial use of UGC (Geist, 2013). This provision allows individuals in Canada to use existing copyrighted works or subject-matter to create new works or content for non-commercial purposes without infringing copyright under certain conditions. Malaysia could draw inspiration from the Canadian approach to create a more comprehensive framework that promotes transformative use while respecting right holders’ exclusive rights. Furthermore, the provision could establish safeguards to prevent abuse of the transformative use defence (Bunker & Erickson, 2019). For instance, it could require that the use must be genuinely transformative, meaning it goes beyond mere replication or duplication of the original work and adds new meaning, expression, or value (Geist, 2013). Additionally, incorporating transformative use as a permissible defence against copyright infringement could lead to a more efficient resolution of disputes and the relaxing of legal proceedings (Asay et al.,

2020). Content creators engaging in transformative activities would have a clearer legal basis to defend their actions, reducing the risk of unnecessary litigation and fostering a more harmonious creative environment. As such, incorporating transformative use as a permissible defence would send a clear signal that Malaysia recognises and values creative innovation and the transformative power of UGC.

Non-Commercial Purposes of Transformative Use

Incorporating transformative use as a permissible defence is crucial. However, it is equally important to establish a clear distinction between commercial and non-commercial purposes of transformative use and to strengthen legal safeguards for right holders in both these contexts of UGC. For non-commercial transformative use where individuals create and share UGC for personal and non-commercial purposes, it may be more reasonable to grant broader permissions and limitations on right holders' exclusive rights (Gervais, 2010). This would allow for greater freedom of creative expression and innovation while minimising potential harm to copyright owners' exclusive rights (Sundell, 2011). Non-commercial transformative uses, when not substantially impacting the market for the original work, often contribute positively to cultural exchange and the public's access to creative content (Salar, 2022). As such, content creators and users may have a broader license to disseminate the UGC in non-commercial ways (Geist, 2013).

Section 13(2)(i) of the Copyright Act 1987 in Malaysia, for instance, provides an example of a situation where "no profit" is made when using copyrighted works under fair dealing. It allows for the use of copyrighted material by certain public entities and institutions specified by the Minister without infringing copyright, provided that "no profit is derived therefrom" and "no admission fee is charged for the performance, showing, or playing, if any, to the public of the work thus used." When introducing a new permitted use for transformative use in Malaysia, the principle of "no profit" could be incorporated as a condition for such use. This means that if a user generates content by incorporating copyrighted material into their work for transformative purposes, they must not derive any financial profit or commercial gain directly from that transformative use.

The condition of "no profit" helps maintain a balance between promoting creativity and user-generated content while also protecting the economic interests of right holders similar to the "market effect" factor in the fair dealing analysis under Section 13(2A) of the Copyright Act 1987. If a transformative use results in 'financial gain' for the user at the expense of the original work's market (Zwisler, 2016), it may be less likely to qualify as fair use or permissible transformative use as it does not affect the potential deal for value of right holders' work. The financial gain from the transformative use may indicate a more direct commercial purpose which could potentially harm the market for the original work. Therefore, the "no profit" condition serves as a safeguard to ensure that non-commercial transformative uses remain within the boundaries of fair dealing.

Commercial Purposes of Transformative Use

Commercial purposes of transformative use present a different set of challenges and considerations. When UGC incorporates copyrighted material for commercial or financial gain, the potential impact on the market for the original work becomes more significant (Ginsburg, 2020). In such cases, the right holder's economic interests may be more directly affected, leading to potential copyright infringement claims. To address commercial transformative use, Malaysia could consider imposing stricter conditions and limitations.

For instance, Malaysia may impose guidelines that commercial transformative use could be subject to obtaining explicit permissions or licenses from the right holders. This would require content creators to seek authorisation before incorporating copyrighted material into their commercial UGC, ensuring that right holders have control over the use of their work for profit-making purposes. Such guidelines may be issued by the Minister, similar to Section 13(2)(i) of the Copyright Act 1987. The fair dealing provision could include factors for assessing the extent to which commercial transformative use negatively impacts the market potential of the original work. By considering the potential market effect, courts could better determine whether a specific commercial transformative use qualifies as a permissible defence under section 13(2A) of the Copyright Act 1987. For example, the guidelines could take into account the concept of "transformative enough" within the context of commercial use within the market effect factor in the fair dealing analysis under Section 13(2A) of the Copyright Act 1987. If the transformative use adds significant value, context, and new creative expression, which is totally different from the original work, the work might be deemed to be a new original work regardless of its usage whether for commercial or non-commercial purposes. On the other hand, if the commercial transformative use merely exploits the copyrighted material without substantial transformation where such use is intended for commercial purposes, then license and permission shall be obtained.

Regulating UGC platforms

The ability of UGC platforms to act as hubs of creative expression and content dissemination comes with the responsibility to ensure copyright compliance and to protect the rights of content creators and right holders (Li & Huang, 2019). This responsibility must be coupled with the ability to effectively address the challenges posed by UGC that incorporates copyrighted material without proper authorisation (Huang, 2021). One crucial aspect of regulating UGC platforms is mandating these platforms to establish clear terms of service (Tan, 2018) that explicitly outline users' copyright obligations. These terms of service should clearly communicate the platform's copyright policies and guidelines, specifying the permissible uses of copyrighted material and the consequences of copyright infringement. As such, by providing users with transparent and accessible information about copyright compliance, UGC platforms can promote responsible content creation and discourage the unauthorised use of copyrighted material (Elkin-Koren & Fischman-Afori, 2017).

Another aspect that needs to be taken into account by UGC platforms is the implementation of content recognition technologies and efficient take-down mechanisms to address copyright infringement concerns in compliance with copyright laws (Romero-Moreno, 2019). Mandating UGC platforms to voluntarily or involuntarily (Perel & Elkin-Koren, 2016) deploy content recognition technologies through the Copyright Act 1987 offers a practical solution to this challenge by automatically scanning and analysing the content to identify instances of copyrighted works. When copyrighted material is detected, efficient take-down mechanisms are essential to ensure prompt removal from the platform (Engstrom & Feamster, 2017). These mechanisms enable UGC platforms to take immediate action in response to copyright infringement notices or automated identification processes, and remove infringing content, as well as reduce the potential for legal disputes for copyright infringement.

Improving Copyright Licensing System Under Collective Management Organisation (CMO)

The evolving landscape of UGC and transformative use places Collective Management Organisations (CMOs) at the forefront of reshaping the copyright licensing system under the Copyright Act 1987. CMO as an entity that collectively represents the interests of right holders holds a unique position in managing copyright license issued to UGC under Section 27A of the Copyright Act 1987. As UGC

platforms thrive as vibrant hubs of creativity and content sharing, the role of the CMO in improving copyright licensing scheme is necessary as it is a proactive stance on behalf of the right holders (Gervais, 2009). For example, drawing inspiration from the flexible and open-ended US fair use doctrine, CMOs can steer this fine line by advocating for conditions that align with the "no profit" principle. For non-commercial transformative use of UGC, CMOs can propose in their licenses that financial gain must not be derived directly from the incorporation or inclusion of copyrighted material in the content of content creators administered by UGC platforms. On the other hand, for commercial transformative use, CMOs may negotiate with UGC platforms to have a collaborative effort between CMO and UGC platforms, such as in the use of automated system technology (Zatarain, 2017) to streamline the process of licensing based on algorithm and content recognition technologies to identify and manage copyrighted material within UGC. When UGC is created and shared for commercial purposes, the automated system detects uses of copyrighted material included in UGC (Gervais, 2009), and automatically calculates compensation based on predetermined royalty rates to right holders. Establishing a set of clear criteria for discovering the fine line between permitted use and copyright infringement may facilitate the implementation of a more efficient and equitable copyright licensing system. Such a system can further guide and provide a roadmap for creators to understand when their use of copyrighted material qualifies as transformative and fair under the law, and whether the use is subject to payment or otherwise.

CONCLUSION

The issues surrounding transformative use and UGC are not novel, but they have taken on new dimensions with the widespread adoption of UGC and its facilitative role in the digital landscape. The paradigm shift in content creation and dissemination has brought about significant challenges in copyright law, particularly in determining the fine line between permitted use and copyright infringement. As UGC continues to flourish, the current legal framework in Malaysia, relying on the fair dealing provisions of the Copyright Act 1987, requires a reevaluation to keep pace with the dynamic nature of digital creativity. The absence of explicit recognition of transformative use as a permissible defense has led to legal uncertainties for content creators, right holders and users. To this end, it may be helpful if the Malaysian government considers adopting a new fair dealing approach that aligns with the evolving landscape of UGC and transformative use in the Copyright Act 1987, as there is the need to strike a proper balance between protecting the rights of right holders and fostering a thriving creative ecosystem. In conclusion, it is a necessary step to take to address the complexities arising from transformative use and UGC. As the digital landscape continues to evolve, the legal framework should be capable of accommodating new mediums, technologies, and modes of content creation without the need for frequent and extensive revisions.

ACKNOWLEDGEMENT

The authors would like to acknowledge the financial support from the Ministry of Higher Education, Malaysia, under the Fundamental Research Grant Scheme FRGS/1/2020/SSO/UKM/01/2.

REFERENCES

- Appel, G., Neelbauer, J., & Schweidel, D. A. (2023). Generative AI has an intellectual property problem. *Harvard Business Review*. <https://hbr.org/2023/04/generative-ai-has-an-intellectual-property-problem>
- Asay, C. D., Sloan, A., & Sobczak, D. (2020). Is transformative use eating the world? (BYU Law Research Paper No. 19-06). *Boston College Law Review*, 61, 905. <https://lira.bc.edu/files/pdf?fileid=06adaaba-df96-4f8a-b5b8-e85b8de65d31>
- Awad, T. (2022). Universalizing copyright fair use: To copy, or not to copy? *Journal of Intellectual Property Law*, 30(1), Art. 2. <https://digitalcommons.law.uga.edu/jipl/vol30/iss1/2>
- Babiskin, L. M. (1994). Oh, pretty parody: Campbell V. Acuff-Rose Music, Inc. *Harvard Journal of Law & Technology*, 8(1), 193-229. <https://jolt.law.harvard.edu/articles/pdf/v08/08HarvJLTech193.pdf>
- Bates, N. (1996). Copyright Law: Parody and the "Heart" of the fair use privilege (Campbell v. Acuff-Rose Music, Inc., 114 S. Ct. 1164 (1994)). *University of Florida Journal of Law & Public Policy*, 7(2), Art. 5. <https://scholarship.law.ufl.edu/jlpp/vol7/iss2/5>
- Brittain, B. (2022, July 13). Bang Energy violated UMG music copyrights in TikTok ads, judge says. *Reuters*. <https://www.reuters.com/legal/litigation/bang-energy-violated-umg-music-copyrights-TikTok-ads-judge-says-2022-07-12/>
- Bunker, M. D. (2002). Eroding fair use: The "transformative" use doctrine after Campbell. *Communication Law and Policy*, 7(1), 1-24. https://doi.org/10.1207/S15326926CLP0701_01
- Bunker, M. D., & Erickson, E. (2019). Transformative variations: The uses and abuses of the transformative use doctrine in right of publicity law. *Washington Journal of Law, Technology & Arts*, 14(2), 138-161. <https://digitalcommons.law.uw.edu/wjlta/vol14/iss2/4>
- Campbell, V. (2019). Authors Guild v. Google, Inc., 804 F.3d 202 (S.D.N.Y. Oct. 16, 2015). *DePaul Journal of Art, Technology & Intellectual Property Law*, 27(1), 59-71. <https://via.library.depaul.edu/jatip/vol27/iss1/5>
- Chang, C. K. (2023). The creative commons solution: Protecting copyright in short-form videos on social media platforms. *International Journal of Law Management and Humanities*, 6(3), 583-615. <https://ijlmh.com/wp-content/uploads/The-Creative-Commons-Solution-Protecting-Copyright-in-Short-Form-Videos-on-Social-Media-Platforms.pdf>
- Crews, D. K. (2001). The law of fair use and the illusion of fair-use guidelines. *Ohio State Law Journal*, 62(2), 599-702. <https://academiccommons.columbia.edu/doi/10.7916/D8JH3SCR/download>
- Duke, D. (2023, March 13). Why user-generated content is winning. *Forbes*. <https://www.forbes.com/sites/forbesbusinesscouncil/2023/03/13/why-user-generated-content-is-winning/?sh=268e864f6e94>
- Elkin-Koren, N., & Fischman-Afori, O. (2015). Taking users' rights to the next level: A pragmatist approach to fair use. *Cardozo Arts & Entertainment Law Journal*, 33(1), 1-45. <https://www.cardozoelj.com/wp-content/uploads/2014/01/Elkin-Koren-Fischman-Afori-Final.pdf>
- Elkin-Koren, N., & Fischman-Afori, O. (2017). Rulifying fair use. *Arizona Law Review*, 59, 161-200. <https://arizonalawreview.org/pdf/59-1/59arizlrev161.pdf>
- Engstrom, E., & Feamster, N. (2017). *The limits of filtering: A look at the functionality and shortcomings of content detection tools*. Engine. <https://www.engine.is/the-limits-of-filtering/>
- Francis, M. M. (1995). The fair use doctrine and Campbell v. Acuff-Rose: Copyright waters remain muddy. *Jeffrey S. Moorad Sports Law Journal*, 2, 311.
- Geiger, C. (2018). Freedom of artistic creativity and Copyright Law: A compatible combination? *UC Irvine Law Review*, 8(3), 413-458.

- Geist, M. (Ed.). (2013). The copyright pentalogy: How the Supreme Court of Canada shook the foundations of Canadian copyright law. *Technology and Society Series*. Ottawa, Ontario: University of Ottawa Press.
- Gervais, D. J. (2009). The tangled web of UGC: Making copyright sense of user-generated content. *Vanderbilt Journal of Entertainment and Technology Law*, 11(4), 841-870. <https://scholarship.law.vanderbilt.edu/faculty-publications/834>
- Gervais, D. J. (2010). User-generated content and music: A look at some of the more interesting aspects of Bill C-32. In M. Geist (Eds.), *From 'radical xtremism' to 'balanced copyright': Canadian copyright and the digital agenda* (pp. 447-475). Irwin Law.
- Ghatke, K., & Kumar, V. (2023). *User generated content platform market: Global Opportunity Analysis and Industry Forecast, 2023-2032*. Allied Market Research. <https://www.alliedmarketresearch.com/user-generated-content-platform-market-A74614>
- Ginsburg, J. C. (2020). Fair use in the United States: Transformed, deformed, reformed? *Singapore Journal of Legal Studies*, 265–294. https://scholarship.law.columbia.edu/faculty_scholarship/2676
- Goodyear, M. P. (2020). Fair use, the internet age, and rulifying the blogosphere. *IDEA: The Law Review of the Franklin Pierce Center for Intellectual Property*, 61(1), 1-37. https://ipmall.law.unh.edu/sites/default/files/hosted_resources/IDEA/61/1-fair_use_the_internet_age_and_rulifying_the_blogosphere.pdf
- Hemmungs Wirtén, E., & Ryman, M. (Eds.). (2009). Mashing-up culture: The rise of user-generated content. Proceedings from the COUNTER workshop Mashing-up Culture, Uppsala University, Uppsala. <https://uu.diva-portal.org/smash/get/diva2:221434/FULLTEXT01>
- Hetcher, S. (2008). User-generated content and the fated content and the future of copyright: Part one - investiture of ownership. *Vanderbilt Journal of Entertainment and Technology Law*, 10(4), 863-892. <https://scholarship.law.vanderbilt.edu/jetlaw/vol10/iss4/3>
- Huang, W. (2021). Copyright rules for UGC platforms: From the safe harbor rule to a levy scheme. *Modern Electronic Technology*, 5(2), 17-20. <https://doi.org/10.26549/met.v5i2.7711>
- Hughes, J. (2022). *Rules, standards, and copyright fair Use* (Loyola Law School, Los Angeles Legal Studies Paper No. 2020-08). <https://ssrn.com/abstract=3592312>
- Hung, L. (1994). Supreme court holds that parody may be a fair use under Section 107 of the 1976 Copyright Act *Campbell v. Acuff-Rose Music Inc. Santa Clara High Technology Law Journal*, 10, 507-518. <https://digitalcommons.law.scu.edu/chtlj/vol10/iss2/9>
- Joyce, C., Ochoa, T., Carroll, M., Leafer, M., & Jaszi, P. (2016). *Copyright Law* (10th ed.). Carolina Academic Press.
- Lee, E. (2008). Warming up to user-generated content. *University of Illinois Law Review*, 2008(5). <https://illinoislawreview.org/wp-content/ilr-content/articles/2008/5/Lee.pdf>
- Leow, J. W. X. (2019). Fair use on instagram: Transformative self-expressions or copyright infringing reproductions? *Singapore Academy of Law Journal*, 31(1), 125-169. <https://search.informit.org/doi/10.3316/agispt.20190528011264>
- Levinson, L. (2017). Adapting fair use to reflect social media norms: A joint proposal. *UCLA Law Review*, 64, 1038-1079. <https://www.uclalawreview.org/wp-content/uploads/2019/09/Levinson-64-4.pdf>
- Li, Y. (2019). The age of remix and copyright law reform. *Law, Innovation and Technology*, 12(1), 113-155. <https://doi.org/10.1080/17579961.2020.1727087>
- Li, Y., & Huang, W. (2019). Taking users' rights seriously: Proposed UGC solutions for spurring creativity in the internet age. *Queen Mary Journal of Intellectual Property*, 9(1), 61-91. <https://doi.org/10.4337/qmjip.2019.01.04>

- Lipton, J. D., & Tehranian, J. (2015). Derivative works 2.0: Transformative use in the age of crowdsourced creation. *Northwestern University Law School*, 109(2), 383-444. https://scholarship.law.pitt.edu/fac_articles/190
- Liu, J. (2019). An empirical study of transformative use in copyright law. *Stanford Technology Law Review*, 22, 163-241. https://law.stanford.edu/wp-content/uploads/2019/02/Liu_20190203.pdf
- Monteleone, A. G. (2016). *User-generated-content and copyright: The European Union approach* (Working Paper No. 05.1). LUISS Guido Carli. <https://iris.luiss.it/retrieve/e163de42-2917-19c7-e053-6605fe0a8397/SSRN-id2922225.pdf>
- Mulligan, M., & Jopling, K. (2020, October 26). *The rising power of UGC*. Midia Research. <https://midiaresearch.com/reports/the-rising-power-of-ugc#:~:text=The%20main%20focus%20of%20this,how%20meanwhile%2C%20opportunities%20are%20missed>
- Murray, D. M. (2012). What is Transformative? An explanatory synthesis of the convergence of transformation and predominant purpose in copyright fair use law. *Chicago Kent Journal of Intellectual Property*, 11, 260-292. <https://scholarship.kentlaw.iit.edu/ckjip/vol11/iss2/8>
- Myers, G. (1996). Trademark parody: Lessons from the copyright decision in *Campbell v. Acuff-Rose Music, Inc.* *Law and Contemporary Problems*, 59(2), 181-211. <https://scholarship.law.duke.edu/lcp/vol59/iss2/9>
- Pager, S. A. (2019). Does copyright help or harm cultural diversity in the digital age? *Kritika Kultura*, 32, 397-428. <https://core.ac.uk/download/pdf/228478611.pdf>
- Perel, M., & Elkin-Koren, N. (2016). Accountability in algorithmic copyright enforcement. *Stanford Technology Law Review*, 19, 473-533. <https://law.stanford.edu/wp-content/uploads/2016/10/Accountability-in-Algorithmic-Copyright-Enforcement.pdf>
- Qtait M. M., Muhammad Nizam Awang, Haliza A. Shukor & Intan Nadia Ghulam Khan. (2023). Copyright exceptions for teaching and research purposes: A comparative study between Palestine and Malaysia. *UUM Journal of Legal Studies*, 14(2), 633-655.
- Reese, R. A. (2015). How much is too much? *Campbell* and the third fair use factor. *Washington Law Review*, 90(2), 755-813. <https://digitalcommons.law.uw.edu/wlr/vol90/iss2/8>
- Resnikoff, P. (2022, July 15). TikTok licensing is trickier than we thought — Court grants partial victory to universal music group in its TikTok copyright infringement lawsuit against Bang Energy Drink. *Digital Music News*. <https://www.digitalmusicnews.com/2022/07/15/tiktok-copyright-lawsuit/>
- Romero-Moreno, F. (2019). 'Notice and staydown' and social media: Amending Article 13 of the proposed directive on copyright. *International Review of Law, Computers & Technology*, 33(2), 187–210. <https://doi.org/10.1080/13600869.2018.1475906>
- Rosenblatt, E. L. (2019). Fair use as resistance. *U.C. Irvine Law Review*, 9(2), 377-400. <https://scholarship.law.uci.edu/ucilr/vol9/iss2/6>
- Sag, M. (2005). God in the machine: A new structural analysis of copyright's fair use doctrine. *Michigan Telecommunications and Technology Law Review*, 11, 381-435. <http://repository.law.umich.edu/mttlr/vol11/iss2/5>
- Salar, N. (2023). The Canadian UGC exception: An attempt to revolutionise fair use defence for user generated content? *Journal of Intellectual Property Rights*, 28(2), 107-113. <https://doi.org/10.56042/jipr.v28i2.555>
- Santos, M. L. B.d. (2021). The "so-called" UGC: An updated definition of user-generated content in the age of social media. *Online Information Review*, 46(1), 95-113. <https://doi.org/10.1108/OIR-06-2020-0258>
- Shipley, D. E. (2018). A transformative use taxonomy: Making sense of the transformative use standard. *Wayne Law Review*, 63, 267-336. https://digitalcommons.law.uga.edu/fac_artchop/1174

- Shrayberg, Y. L., & Volkova, K. Y. (2021). Features of copyright transformation in the information environment in the age of digitalization. *Scientific and Technical Information Processing*, 48(1), 30-37. <https://doi.org/10.3103/S014768822101007X>
- Sundell, J. (2011). Tempting the sword of Damocles: Reimagining the copyright DMCA framework in a UGC world. *Minnesota Journal of Law, Science & Technology*, 12(1), 335-363. <https://scholarship.law.umn.edu/mjlst/vol12/iss1/12>
- Tan, C. (2018). *Regulating content on social media: Copyright, terms of service and technological features*. UCL Press. <https://doi.org/10.2307/j.ctt2250v4k>
- The YouTube Team. (2022, June 2). *\$4 billion paid to the music industry in last 12 months*. YouTube Blog. <https://blog.youtube/news-and-events/4-billion-paid-music-industry/#:~:text=Growing%20viewship%20revenue%20with,break%20songs%20around%20the%20world>
- Wong, M. W. S. (2021). Transformative user-generated content in copyright law: Infringing derivative works or fair use? *Vanderbilt Journal of Entertainment and Technology Law*, 11(4), 1075-1139. <https://scholarship.law.vanderbilt.edu/jetlaw/vol11/iss4/11>
- Woo, J. (2004). Redefining the transformative use of copyrighted works: Towards a fair use standard in the digital environment. *Hastings Communications and Entertainment Law Journal*, 27(1), 51-78. https://repository.uclawsf.edu/hastings_comm_ent_law_journal/vol27/iss1/2
- Yu, P. K. (2018). Customizing fair use transplants. *Laws*, 7(1), 9. <https://doi.org/10.3390/laws7010009>
- Yu, P. K. (2022). Increased copyright flexibilities for user-generated Creativity. In G. Ghidini & V. Falce (Eds.), *Reforming Intellectual Property* (pp. 304-316). Cheltenham, UK: Edward Elgar Publishing. <https://doi.org/10.4337/9781803922256.00024>
- Zatarain, J. M. N. (2017). The role of automated technology in the creation of copyright works: The challenges of artificial intelligence. *International Review of Law, Computers & Technology*, 31(1), 91-104. <https://doi.org/10.1080/13600869.2017.1275273>
- Zhou, J. (2022). The advantages and disadvantages of introducing a new user-generated content exception into copyright legislation. *Asian Journal of Social Science Studies*, 7(8), 48-53. <https://doi.org/10.20849/ajsss.v7i8.1267>
- Zwisler, J. C. (2016). (Mis) appropriation art: Transformation and attribution in the fair use doctrine. *Chicago-Kent Journal of Intellectual Property*, 15(1), 163-199. <https://scholarship.kentlaw.iit.edu/ckjip/vol15/iss1/6>