

DRAMA PRODUCTS AND COPYRIGHT ISSUES IN MALAYSIA

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1. DRAMA PRODUCTS AND PRODUCTION MARKET IN MALAYSIA

Malaysia has a population of almost 27 million people, forming a multiethnic and multicultural society using four main languages (Malay, Tamil, Chinese, and English). Thus, Malaysia provides an attractive market for almost all kinds of cultural products from all the Chinese, Indian, and English media capitals in the world, especially products that are supplied into the broadcast industry such as documentaries, entertainment and game shows, educational programmes, television movies (telemovies), and dramas. Local and independent production houses have more opportunities to provide the content for this market since the Malaysian government had imposed a ruling that 60% of the national content of all television programmes should be using the national language.

With six terrestrial television channels (owned by Radio Television Malaysia and Media Prima Group) and one satellite channel (ASTRO), demand for any broadcast contents, including television drama product and production, is great. It is rather obvious that the demand and supply for television drama, cannot be supplied by local content products and local or independent production houses. This gap in the supply line has given the opportunity for foreign products and production teams to enter the Malaysian market. This supply line has provided the market with more choices to the Malaysian consumers.

Television Broadcasting Industry in Malaysia

Television broadcasting industry in Malaysia has three major players: Radio Television Malaysia (RTM), Media Prima Berhad, and Astro All Asia Networks plc (ASTRO). These three organizations have played such important roles in broadcasting development in Malaysia.

Radio Television Malaysia (RTM)

The history of RTM began with radio operations in 1921. Television was officially introduced in Malaysia on December 1963 with single network known as Rangkaian Pertama (First Channel). After six years, Rangkaian Dua (Second Channel) was introduced in late 1969. As a government-owned television channel, under Ministry of Information, these two channels were mainly concerned with the role and functions as tools for the dissemination of government policies, promote Malaysian art and culture, and provide education, general information and entertainment for the Malaysian public (Ministry of Information Malaysia 1997). Both channels are now known as RTM1 and RTM2.

Media Prima Berhad

Media Prima Berhad's origins dated back to 1983 when shareholders of The New Straits Times Press (Malaysia) Berhad (NSTP) launched TV3, the nation's first private TV network, in June 1984. With this launch, TV3 managed to compete with the government's monopoly, through RTM, in broadcast medium. TV3 subsequently went public in April 1988 and was placed together with NSTP

under the holding of Malaysian Resources Corporation Berhad. These media assets were later established under a separate holding company, Media Prima Berhad, in September 2003.

Malaysian television industry saw the introduction of NTV7 in 1998 and Channel 9 in 2003. Both are private television stations and free-to air channels. Channel 9, with its targeted towards the young generation, specifically the 15 to 30 years age group, It ceased operation in early 2005 and was re-launched in 2006. In early 2004, the government decided to approve yet another private television station known as 8TV. When 8TV was launched, the license to operate the television station was given to Media Prima Berhad.

After 8TV was added to Media Prima portfolio, in June 2005, this company bought over Channel 9 and by October 2005, the company acquired 100% of the shares in NTV7. Presently, the media giant conglomerate owns all free-to-air television stations. Besides that, this organization also owns two radio stations, Fly FM and Hot FM, and the biggest newspapers publishing house, The New Straits Time Press.

ASTRO

With the launching of MEASAT (Malaysia East Satellite System) I and II, Malaysia introduced its first satellite television, ASTRO in 1996, owned by Binariang Sdn. Bhd. Binariang is owned by one of the most successful businessmen in Malaysia, Ananda Krishnan. This is the sole operator of direct-to-home satellite pay television services in Malaysia.

With over 28,000 first run hours of original multi-language content, the ASTRO Entertainment Network (AEN) encompasses 27 television channels across various genres, with plans to increase these in the near future

to serve an ever evolving customer profile. Now, this subscription TV service currently broadcasts over 100 pay-TV channels across Malaysia and Brunei, to over 2 million subscribers in four major languages (www.astro.com.my).

New Players in Malaysian Broadcasting Industry

Malaysian television broadcasting industry, like most media and communication industries undergo fast-paced changes, especially in the new millennium era. There is consolidation among the free-to-air television stations, entry of new pay-television players, marking an end to monopolistic situation. The development of Malaysian television industry is also coloured by the establishment of two subscription based television stations, namely Mitv and FineTV.

Mitv, owned by Vincent Tan, was launched on 5 September 2005. Using Internet Protocol IP over UHF and with the upfront cost of RM799 and monthly subscription of RM 30, Mitv, offers 41 channels consisting mainly imported programmes from America, Hong Kong, India, and other countries (*Utusan Malaysia* 28 December 2005). Generally, most of the programmes available on Mitv are similar to what is currently being offered by ASTRO.

FineTV, launched on 28 December 2005, is owned by Eurofine (M) Sdn Bhd through its subsidiary company Network Guidance Sdn. Bhd. This company operates under Perbadanan Nasional Berhad, which in turn is under the control of the Ministry of Finance (www.eurofine.com.my). Using 512 mbps and over Internet broadband, Fine TV introduces interactive subscription based TV that offers 18 channels and uses 'on demand concept' that requires the audience to order the kind of television programmes they would like

to watch at their convenience (www.finetv.com.my).

With these two subscription channels, Malaysian viewers have many choices for better content products. At the end of the day, there is a variety of information and entertainment contents that are currently available for the Malaysian audience. This provides good opportunities for production houses and distributor suppliers. The markets for content producers are there, it is just a matter of devising a way to enter and become strategic and successful players.

Drama Products and Television Channels in Malaysia

Since the introduction of television in 1963 in Malaysia, the broadcasting industry has gone through a lot of changes and development. To fulfill the function as the communication medium to educate, entertain, disseminate information, and others, Malaysian television channels need its contents. With two government-owned television stations (RTM1 and RTM2) and private television station owned by Media Prima Berhad (TV3, NTV7, 8TV, and TV9) and ASTRO, this gives huge market opportunities and healthy competition to anyone who wishes to be involved in the content industry, especially in broadcasting media, including independent production houses.

Although each channel has its own content unit or department, they still need products to be outsourced from overseas markets in order to supply and fill their airtime slots, especially drama products. Previously, the dramas, especially in the Malay language, were produced by RTM through its TV Drama Unit at the Federal Building in Petaling Jaya, Selangor. And it was watched by all Malaysians since RTM was the only channel in Malaysia. Having private television stations in

the industry since 1980s, including satellite television network ASTRO, viewers have more choices to better local and foreign content.

In efforts to improve the content and gained more viewers, RTM privatised its drama production to a few private production houses. Today, RTM not only privatises its drama programmes but also others including documentaries, and arts, cultural, culinary and entertainment programmes. Through privatisation, local production houses are given certain airtime to fill with either self-produced programmes or foreign products.

Since the Ministry of Information started to outsource projects from independent production houses in the late 1980s, the government networks has become the major source of income for many local production houses. For many television drama producers, making programmes for RTM is not an option but a necessity. With two channels, RTM's demand for local programmes is good. In 2000, RTM has aired 1,482 hours of locally produced drama, sitcom, and telemovies in the Malay, Chinese, and Tamil languages on RTM1 and RTM2 (Juliana Abd Wahab 2006).

In 2001, a new measure was introduced in the acquisition of television programmes in RTM. With the introduction of the tendering system, RTM invited tenders for 107 programmes that are categorized by combination of length, language and genre of programme such as 30-minute English sitcom, 60-minute Chinese drama, and 90-minute Malay telemovie. Through this tendering system, local television programme suppliers would be grouped into the A, B, and C categories.

Category A – those who produce long-running TV serials involving foreign formats, heavy dramas, special programmes on festivities and even programmes on elections

Category B – those who produce recreational programmes on teenagers, careers, leisure and mother nature, comedies and ethnic-based ones

Category C – those who produce lighter programmes such as on arts and culture and culinary

In 2006, RTM spent more than RM180 million to buy TV programmes from production houses including RM72 million for foreign programmes (Mohd Fadzli Fadhilah 2007). Last year, RTM has acquired 624 television programmes for RTM1 and RTM2 and the process was executed according to the new method and every application was reviewed by the appointed panel. This made it the biggest buyer of locally produced drama programmes in Malaysia. With this buying power and the affiliation the network has with the Ministry of Information, RTM's influence on the local television industry is tremendous.

For Media Prima Berhad, most of its contents creation in Malay language was provided by Grand Brilliance Sdn Bhd (GBSB) that was set up on October 1994. Wholly owned by Media Prima Berhad, GBSB was established to produce and market local content comprising high quality theatrical and television movies, documentaries, magazine shows, children,

and infotainment programmes. GBSB produces quality and highly rated made for television movies and drama series for Media Prima Berhad, especially for TV3 in segments such as "Legenda", "Samarinda", "Seram", "Akasia", "Lestary", and "Cerekarama".

Drama series are the most favourite programme among the viewers. This genre had attracted more than two to three million viewers. Table 1 shows the top 20 programmes screened in TV3.

In terms of market share, Media Prima's television networks have increased its combined audience share from 39% in 2005 to 50% in 2006. This organization has a huge demand in its contents. With four channels, Media Prima Group cannot fully rely on GBSB to fill all its airtime on all channels. This organization has been developing each channel. For instance, since acquiring TV9, Media Prima Group has rebranded the channel for the rural Malay community, thus increasing demand for local productions. The line-up of programmes includes local dramas and programmes on Islam. Other three channels also need contents to fill its airtimes. Thus, Media Prima also gets its supply from other production houses or content distributors such as Peppermint GMBH, Ten on Ten Pictures, Illusion SKA, and Red Communications.

Table 1.1: Top 20 Programmes among All Viewers in 2007

No.	Program	Genre	Channel	V'ship	TVR	Channel Share %
1	ANUGERAH BINTANG POPULAR B.H..	MUSICAL/ENTERTAINMENT	TV3	4,382,225	25.3	67.7
2	ANUGERAH JUARA LAGU (L)	MUSICAL/ENTERTAINMENT	TV3	4,251,171	24.5	65.8
3	ANUGERAH SKRIN (LIVE)	MUSICAL/ENTERTAINMENT	TV3	4,171,462	22.5	55.8
4	ANUGERAH JUARA LAGU: GLAM WALK	MUSICAL/ENTERTAINMENT	TV3	3,835,337	22.1	60.3
5	KISAH KAISARA	DRAMA/SERIES	TV3	3,452,042	18.6	51.2
6	LESTARY	DRAMA/SERIES	TV3	3,232,433	18.2	49.2
7	SERAM	DRAMA/SERIES	TV3	3,102,965	17.2	46.7
8	MUZIK MUZIK S.A.POP ROCK (L)	MUSICAL/ENTERTAINMENT	TV3	3,100,125	16.7	44.2
9	AKSI	DRAMA/SERIES	TV3	2,990,291	16.6	45.3
10	GANGSTARZ FINAL(L)	REALITY TV	TV3	2,735,777	15.8	43.0
11	BULETIN UTAMA	NEWS	TV3	2,790,967	15.6	49.6
12	PUTERI	COMEDIES/SITCOMS	TV3	2,713,221	15.4	44.4
13	ANUGERAH JUARA LAGU (R)	MUSICAL/ENTERTAINMENT	TV3	2,673,088	15.4	42.6
14	DUNIA BARU	DRAMA/SERIES	TV3	2,766,468	15.4	42.5
15	FARA	DRAMA/SERIES	TV3	2,636,067	15.2	44.8
16	CNY BLOCKBUSTER	MOVIES	TV3	2,531,669	14.6	51.3
17	MISI XX-RAY	DRAMA/SERIES	TV3	2,512,284	14.5	40.2
18	999 (L)	DOCUMENTARIES/MAGAZINES	TV3	2,542,179	14.3	39.9
19	C'RAMA	MOVIES	TV3	2,410,245	13.7	43.7
20	DUNIA ANITA	DRAMA/SERIES	TV3	2,456,320	13.6	40.3

Source: AGB Nielsen Media Research

Content for ASTRO also come from various sources, in-house production and sources from outside. MEASAT Broadcast Network Systems, is actively involved in origination, aggregation and distribution of content in Malay, Chinese, English and Indian languages, in addition to third party content. With over 24,000 first run hours of original multi-language content, the ASTRO Entertainment Network (AEN) encompasses more than 20 television channels across various genres, with plans to increase these in the near future to serve an ever-evolving customer profile. With 1.76 million residential subscribers, representing 33% of the Malaysian TV home (Gupta 2006), ASTRO needs to provide attractive choices and variety in its content, including locally produced programmes. ASTRO's in-house production, comprising entertainment, information, and news programmes was close to 1700 hours in 2007.

With all these channels, there is plenty of space for growth in Malaysian television broadcasting industry and most would be

content-driven with focus on local and localized content. This was helped by the existence of competitive marketplace and government's lifting of "Made in Malaysia" ruling. With only three companies—RTM, Media Prima Berhad, and ASTRO—vying for audience rating, there will be more emphasis on local programmes.

Drama Production in Malaysia

The market for entertainment and broadcast industry in Malaysia have a great potential. The multiple ethnic groups and vast cultural background in this country provides a great demand in various types of content, including dramas and films. With this demographic profile, producers and production houses have opportunities to create, produce, and supply various types of drama for various types of audiences. Drama is television content that is scripted and fictional, and this includes television series, science fiction, soap operas, television movies, and drama comedy or sitcoms. It is intended to be broadcast in a

finite number of episodes usually called a miniseries or serial. A drama programme usually features a set of actors in a somewhat familiar setting. The programme follows their lives and their adventures. Drama is a very popular entertainment genre in television.

According to Malaysia Film Portal, there are more than 200 companies dealing in the various production sections, such as those who are involved as film/drama producers, sale agents, and film and television programming distributors. A majority of the local production houses produce content for television programming and their favourite product is television drama series. Bright Network Sdn Bhd, Grand Brilliant Sdn Bhd, Ten on Ten Pictures (M) Sdn Bhd, Eurofine (M) Sdn Bhd, Kuasatek Pictures Sdn Bhd, Skop Production Sdn Bhd, and Teratak Pictures Entertainment Sdn Bhd are among the active and successful production houses in Malaysia. These companies produce well-received drama products for Malaysian local television channels.

The changes and development in the broadcasting industry and the profile of

Table 1.2: Television Drama Production in Malaysia from 2002 to 2007

Year	Number of Title	Number of Producer	Production Cost (RM)/(Million)
2002	129	101	32.05
2003	80	62	25.56
2004	137	76	40.02
2005	196	88	40.21
2006	160	78	45.35
2007	182	81	54.72

Source: Malaysia National Film Development (FINAS)

There is a huge market for drama DVDs and videos. Some people like to collect the dramas that they have seen on TV or in the cinema and wanted to own it. Some of them may have missed pivotal episodes in a drama series on TV and need to buy them to fill in the gaps. Many people actively collect DVDs

television viewers in Malaysia has shown that there is some form of transition in the preference for and demand for drama products. This shift towards the drama content has triggered the increase in the production of local television dramas every year. Every channel tries to fulfil the demand from their audience. Data from FINAS shows that since 2002, the overall the number of drama titles had increased every year except in 2003 (See Table 1.2).

In Malaysia, television stations are the main market for drama products. Producers for television drama or production houses try to get airtime for their products in every television channel. However, such products are also offered at the open market-places such as shopping complexes, retail chains, or video shops. This is mainly to cater for the personal use of the Malaysian audience. Some of these products were specifically produced for this market and are always sold or rented to the audience in DVD and video format. These are not aired in any television channel

and videos in this genre simply for pleasure. For these reason, drama in DVDs or video have a good market.

Malaysian audiences also can enjoy and watch overseas drama. These foreign drama are imported directly by television channels either

through co-operation agreement or understanding or sales of right by the local sales agent or distributors such as Peppermint Asia Sdn Bhd, Pesona Pictures Sdn Bhd, Red Communication Sdn Bhd, and Asia Media Content Sdn Bhd. The Malaysian public may purchase overseas drama in DVD format selling in outlet premises or shopping complexes.

2. OVERSEAS DRAMA IN MALAYSIA

The production of films has always been the preference of the Malaysian creative folks. Most of the early creative personnel in the early years of the Malaysian film making industry had managed to produce a wonderful collection of films that remain as favourites to this day. In the early formative years, local products were influenced by outside elements, especially from Hong Kong and America. Foreign films were imported during 1920s and early 1930s, from China, India, Indonesia, and western countries and they were shown throughout the Peninsula. Hindi films were particularly popular because of their universal appeal, themes, songs, and dances; Arabic films from Egypt and Lebanon were equally popular because of their religious and nationalist themes and their songs. Western film distribution companies were so attracted to Malaya that in 1930 there were five production and distribution agents in Singapore (van der Heider 2002:118-119).

When television network was introduced in Malaysia, there was a shortage of content. The existence of this network of terrestrial and satellite television, provide demand for various type of content, creating a demand that must be met by all those involved in the broadcast and content industry.

Perhaps its relevant to be reminded here that although Islam is the Malaysian state religion, but Malaysia also permits the freedom of other religions to be practised, such as Christianity, Buddhism and Hinduism. In the matter of the official language, Malay is the official language, but the other languages such as English and Chinese are also spoken extensively. This shows that the broadcasting industry in Malaysia is not limited to certain specific characteristics, it requires various contents, including drama products from overseas to fulfil the need and desire from the multi-cultural, multi-ethnic and multi-lingual market. The market is open to all types of content, including to foreign products from various countries.

Market for Overseas Drama

The content industry in Malaysia is not limited to Made-in-Malaysia (MIM) products only. It is open to overseas products such as drama to create a healthy competition to local products and to give more choices to the public. The Malaysian public can watch drama on the TV screens in the local television network either in DVD or video format which they can rent or buy direct from the outlets, shopping complexes, retail chains, or DVD/video shops.

Television channels in Malaysia provide variety content programming to their viewers. They not only watch the local dramas, but they are also able to access foreign dramas from various countries especially from America, Latin America, Southeast Asia, Korea and Japan in all channels.

NTV7 and 8TV offer a large percentage of contents from overseas, amounting to about 85% and 80% respectively. TV3 and TV9 also provide about 9% and 24% foreign programmes in their content. Although, RTM is the government-owned channel, this channel also import content from overseas.

However only 1.8% of content on (RTM1) and 3% of (RTM2) are slotted with overseas programme.

The Malaysian public can purchase foreign drama in the DVDs and videos. They can buy or rent such items through the business outlets. Through these outlets they are able to view more varieties of drama that has been broadcasted either in television network or those that have never been shown on television. DVDs and video will be the choice for those who like to build up a personal collection of their favourite dramas.

Overseas Drama in Malaysian Television Channels

Television stations airing free-to-air channels or paid channels provide the screening of drama as one of their pull factors to attract viewers to tune in to their channel. During the early years of television network, both RTM and the private television network provide content or television programmes that were locally produced by their in-house Drama Unit and local production houses.

However, Malaysian viewers had also been served with imported television programmes, especially from the United States of America, India and China or Hong Kong. Examples of such imports are sitcoms, television series, films, or movies from Hollywood and

Bollywood. Every foreign programme in RTM, had to be vetted by the assessment processes installed by the Panel of RTM Programmes Assessor. When the private channel was introduced, more television programmes were imported to fill the airtime and to provide more choice to the Malaysian viewers.

Now, all television networks in Malaysia have been screening foreign content, including dramas, from all over the world. As usual the imported products are supplied by United States and Latin America, and lately the popular products, especially drama products originate from Asian countries, such as Korea, Japan, China, and ASEAN (Indonesia, Philippines, and Thailand). Since last year, RTM (www.parlimen.gov.my) has provided special slots to broadcast two drama series from Philippines (280 episodes), one drama from Thailand (21 episodes), ten drama series from Korea (366 episodes) and six drama series from China (148 episodes).

Statistics from FINAS shows that feature products such as dramas and telemovies were among the highest imported products in the broadcasting industry in Malaysia. The highest was in 2005 with 4,555 titles imported for screening. After that, the total number of imported content dropped in 2006 and then increased slightly to 3,228 titles in 2007. 35% of the imports to Malaysia were feature programmes

Table 2.1: Importation of Films in Malaysia, 2004-2007

Type	2004	2005	2006	2007
Feature	3,754	4,555	3,213	3,228
Documentary	2,424	3,312	1,477	2,262
Musical	714	14	951	1,260
Animation	45	0	155	7
Trailer	952	816	916	907
Sport	94	116	208	210
Commercial	22	487	691	727
Comedy	6	0	10	11
Promotion	319	359	716	666
TV Reality	0	0	5	0
Game Show	0	0	69	0
Education	0	0	6	4
Others	23	1,849	0	0
Total	8,723	11,508	11,508	9,282

Source: Malaysia National Film Development (FINAS)

In Malaysia, television channels are controlled by two different ministries. Government-owned channel, RTM1 and RTM2, are under the control the Ministry of Information while private television channels are under the purview of the Ministry of Energy, Water and Communication. All foreign or imported dramas have to pass through the Board of Censorship before it can be screened to the public.

The decisions made by the Board on any films viewed are as follows: approved without any alteration (LB); approved with alteration (LDP); and not approved. The product will be classified into two categories, for general audience and for 18 years and above. This is to ensure that products that are distributed and screened to the public do not contain undesirable elements that may undermine public order, national security and affront the sense of morality of the people.

American Drama Series

Malaysian viewers had been served with American products since a very long time ago. Until now, television programmes from America (Hollywood) dominate the foreign

content in Malaysian television networks and had become the major foreign products in our broadcast industry. From factual to fictional programmes, from documentary to sports, and from educational programmes to features and drama series, all types of content were aired in each television channel in Malaysia, including government-owned television channel, RTM.

Drama series are among the most favourite television programmes in Malaysia. Action and investigation drama series such as *The A-Team* (1983), *MacGyver* (1986), and *21 Jump Street* (1987) always have a market in Malaysia and attract a big number of viewers, especially among the young adult group. Drama series or the so-called soap operas are also considered as prime-time drama serials such as *Dallas* (1978) and *Dynasty* (1981). These two were the most favourite television programmes in 1980s, especially among the women viewers in RTM and TV3. Now, various types of dramas are given air-time in all Malaysian free-to air channels.

Table 2.2: American Dramas/Serial Aired in Malaysian Television Channels in Current Periods

Channel	Title	Day	Time
RTM2	Tuesday Nite on 2: <i>Journeyman</i>	Tuesday	10.00 p.m
	Tuesday Nite on 2: <i>Women Murder Club</i>	Tuesday	11.00 p.m
	Best of Retro: <i>Mission Impossible</i>	Wednesday	12.30 a.m
	Best of Retro: <i>MacGyver</i>	Friday	12.30 a.m
TV3	<i>Heroes</i>	Sunday	9.00 p.m
	<i>Supernatural II</i>	Sunday	10.00 p.m
NTV7	<i>Bones (Season 3)</i>	Monday	8.30 pm
	<i>CSI Las Vegas</i>	Tuesday	8.30 p.m
	<i>My Name is Earl</i>	Wednesday	11.45 p.m
	<i>Grey's Anatomy (Season 2)</i>	Saturday &	9.45 p.m &
		Tuesday (Repeat)	11.45 p.m
	<i>Private Practice (Season 2)</i>	Saturday &	9.45 p.m &
		Monday (Repeat)	11.45 p.m
8TV	<i>CSI Miami</i>	Sunday	8.30 p.m
	<i>NCSI</i>	Monday	9.30 p.m
	<i>Sarah Connor Chronicles</i>	Monday	10.30 p.m
	<i>Pushing Daisies</i>	Tuesday	9.30 p.m
	<i>Ghost Whisperer (Season 3)</i>	Tuesday	10.30 p.m
	<i>Gossip Girls</i>	Wednesday	10.00 p.m
	<i>Ghost Stories</i>	Wednesday	11.00 p.m
	<i>Reaper</i>	Friday &	10.00 p.m &
		Thursday (repeat)	11.45 p.m
	<i>Dirty Sexy Money</i>	Saturday	10.30 p.m
	<i>Beverly Hills 90210</i>	Saturday	11.45 p.m
TV9	<i>Moonlight</i>	Saturday	10.00 p.m
	<i>Mutant X</i>	Saturday	11.00 p.m

Before the existence of other private television channel and the consolidation of Media Prima's television network, TV3 was the main channel for American drama series. Now, with the new segmentation and target market for the urban and young adult people, the station was taken over by NTV7 and 8TV. These channels provide Malaysian viewers with a huge palate of American products especially serials. Investigation dramas are the favourite among both channels, such as *Alias*, *24*, *Prison Break*, *NCSI*, *CSI*, *Bones*, and *Las Vegas*. There is no American drama on RTM1 since this government-owned channel serves its target market with local products in the Malay language.

Chinese Dramas

Asia has a long history of production, circulation, and consumption of Chinese pop culture. Its heydays began when Shaw Brothers, a film production house, moved to Hong Kong in 1958. With its stable of actors and actresses, the company ventured into the small screen business and set up Television Broadcasting Limited (TVB) in mid-1970s and concentrates on television business. Then it continues to be a primary exporter of television dramas to the rest of the ethnic Chinese dominant locations in Asia and globally (Chua 2006).

As 26% of Asia's population are Chinese, Chinese drama has always enjoyed a market demand in Malaysia. Actors from Hong Kong such as Alex Man, Andy Lau, Leon Lai, Maggie

Chung, Bobby Au, Raymond Lam, and Dodo Cheng were very popular among the Malaysian Chinese in 1980s and 1990s. Drama content from that country has been imported and screened in Malaysian television channels. At that time, RTM2 and TV3 were the popular channels among Malaysian Chinese because of the dramas that were especially imported from TVB such as *Justice Boas*, *The File of Justice*, *Armed Reaction*, and *Legend of Condor Heroes*.

8TV is now the leading station among the urban youth and the Chinese community while NTV7 is the third most watched network among urban dwellers aged 25 and above, and the second most popular network amongst the Chinese. Both channels provide more airtime for Chinese drama to establish its position as a higher end brand targeting mature urban audiences and to win the hearts and souls of both the urban youth and Chinese markets.

Since their introduction, both channels had screened good Chinese drama series with storylines about history, the police force and politics, and those featuring more modern

family conflicts drama such as *My Fair Princess I and II*, *Healing Hand*, *The Return of Condor Heroes*, *War and Justice*, *Journey to the West*, etc. These dramas were imported not only from Hong Kong, but also from Taiwan, China, and Singapore. These foreign dramas are not only provided with subtitles in the Cantonese dialect, but also Mandarin, as well as Hokkien drama with Malay subtitles for the convenience of non-Chinese viewers.

Now, there are three television channels, RTM2, NTV7, and 8TV, actively broadcasting Chinese drama, from China, Taiwan, and Singapore. Chinese dramas on these three television channels were aired everyday during the weekday. Special segments for this foreign drama were from channels such as "TVB Hits Drama", "Hong Drama", "TVB Series", "Chinese Series", and "Best of the East". NTV7 and 8TV slot much of their airtime to these overseas drama (see Table 5). ASTRO, through a number of its channels such as Phoenix Chinese Channel (Channel 312) and TVBS-Asia (Channel 317), provide the best and popular Mandarin production, including drama serial from Taiwan and China.

Table 2.3: Chinese Dramas in Malaysian Television Channel in Current Periods

Channel	Title	Day	Time
RTM2	TVB Hits Drama: <i>Wong Fei Hung – Master of Kung Fu</i>	Monday-Friday	6.55 p.m
NTV7	Hong Drama: <i>Beautiful Trio</i>	Monday-Friday	2.30 p.m
	<i>Phoenix From Ashes</i>	Monday-Friday	3.32 p.m
	Hong Drama: <i>Desire of Life</i>	Monday-Friday	4.32 p.m
	TVB Series: <i>Always Ready</i>	Monday-Friday	6.00 p.m
	<i>Guts of Man</i>	Monday-Wednesday	10.45 p.m
8TV	Best of the East: <i>Royal Tramp</i>	Monday-Friday	8.30 p.m
	<i>Lady Wu</i>	Monday-Friday	10.00 a.m
	<i>Love & Brotherhood</i>	Monday-Friday	11.00 a.m
	<i>Primacy Tea House</i>	Monday-Friday	3.00 p.m
	<i>My Fair Lady</i>	Monday-Friday	5.00 p.m
	Six Showcase: <i>Unique Flavour</i>	Monday-Friday	6.00 p.m
	<i>Devil Beside You</i>	Saturday-Sunday	9.00 a.m
	<i>Love and Affection</i>	Saturday-Sunday	2.00 p.m

Indonesian Drama

Overseas drama from Indonesia has been aired in Malaysian television channels for such a long time. However, it become popular and received good ratings in Malaysia beginning from early 2000. Since TV3 aired *Bawang Merah Bawang Putih* through its "ASEAN Potpourri" segment every Monday to Friday in 2006, Indonesian drama received positive reception and tremendous demand among Malaysia, especially women, teenagers and housewives. With more than 100 episodes, this drama gained good rating with 3.5 million viewers in every episode (*Utusan Malaysia*, December 13, 2006). This drama has made the main actor and actress, Revalina S. Temat, Nia Ramdhani, and Dimaz Andrean, popular among Malaysians.

Now, all free-to-air television channels give some of their airtime to Indonesian drama, including 8TV, although its market segmentation is focused on urban and Chinese audience. Currently, RTM1 has provided special slots or segments called "Arca" and filled it with 30-minute drama from Indonesia every weekday at 7.30 p.m. RTM2 has reserved its airtime to drama series from Southeast Asia in the "Drama Bersiri ASEAN" slot since early 2000. Dramas from Thailand, Philippines, and Indonesia take turns to fill this slot. The popular drama, *Hikmah*, with its popular actress Tamara Bleszynski, filled this slot before it was filled by a drama series from Thailand and Philippines a few years ago. Now, the Indonesian drama, *Cinderella* takes its place back in that segment.

Table 2.4: Indonesia Dramas in Malaysian Television Channel in Current Periods

Channel	Title	Day	Time
RTM1	Arca: <i>Wulan</i>	Monday-Friday	7.30 p.m
RTM2	ASEAN Delight: <i>Cinderella</i>	Monday-Thursday	6.00 p.m
TV3	Sinetron: <i>Anakku Bukan Anakku</i>	Monday-Thursday	2.30 p.m
	<i>Bawang Merah Bawang Putih</i>	Saturday-Sunday	6.00 p.m
NTV7	Asian Drama: <i>Aku Bukan Cinderella</i>	Monday-Friday	1.30 p.m
8TV	<i>Me vs High Heels</i>	Saturday-Sunday	11.00 a.m
TV9	<i>Taqwa</i>	Monday-Thursday	1.00 p.m
	<i>Mutiara: Soleha</i>	Monday-Saturday	5.30 p.m
	<i>Isteri untuk Suamiku</i>	Friday	9.00 p.m

Since *Bawang Merah Bawang Putih* received a good reception, TV3 have served the audience with more products from Indonesia to fulfill the demand from its audience. Especially dramas with strong and good messages. TV9 also gives their airtime to screen dramas from Indonesia. As the channel for the Malay rural community and they try to fill it with Islamic programmes and this channel seems to also allocate more of its airtime for Indonesian drama. To the fans of Indonesian dramas, they can watch it every day in this channel, including telemovies, that contain strong Islamic messages, in a slot called "Maha Kaya 2". Both channels had

transmitted a big number of Indonesia dramas and received good reaction from Malaysians such as *Mutiara Hati 1*, *Mutiara Hati 2*, *Taqwa*, *Ratapan Anak Tiri*, *Keluargaku Harapanku*, and *Liontin*.

Japanese Drama

Imported dramas from Japan has been broadcasted in Malaysia since late 1980s by RTM. Malaysian viewers began their affair with Japanese drama when *Oshin* was aired and dubbed in the national language, Bahasa Malaysia. This television drama was about the main character, Oshin, a poor little girl grew up to become the owner of a big supermarket

chain in Japan. Oshin's character is a very strong-willed person who is determined to achieve her goal. *Oshin* is now aired for the third time on TV9. Until mid 1990s, RTM had aired many Japanese dramas such as *The Ninja*, *Maero Attack*, *Miss Comet* and serial for children and teenagers such as *Gaban* and *Kesatria Baja Hitam*.

In the early 2000s, TV3 and NTV7 attracted the Malaysian audience with variety type of Japanese drama from comedy to serious dramas, from romance to action. One of the first dramas that secured the public's

attention was the *G.T.O* (*Great Teacher Onizuka*) series. Aired every weekend at 6.00 p.m, TV3 managed to make people seated in front their television. Among the favourite Japanese dramas that have been aired on TV3 were *Power Office Girls*, *GTO*, *Long Vacation*, *Emergency Room*, *Ooku*, and lots more. Since TV3 is segmented to the mass market, this channel has stopped airing Japanese dramas. NTV7, at one time, had its "Japan Hour" slot to entertain audiences with Japanese dramas such as *Beautiful Life*, *The Jikembo of Young Kindaichi*, *What a Great Life*, *Sweet Season*, and *Tell Me That You Love Me*.

Table 2.5: Japanese Dramas in Malaysian Television Channel in Current Periods

Channel	Title	Day	Time
8TV	Japanese Series: <i>Operation Love</i>	Sunday	3.00 p.m
TV9	<i>Oshin</i>	Monday-Friday	12.00 p.m

Currently, not many Japanese dramas are aired in Malaysian television channels. Only 8TV has a special slot for Japanese drama, namely the "Japanese Series". Fans of Japanese dramas can watch it every Sunday at 3.00 p.m. Similar to Korean dramas, this overseas drama always share the same slots with Chinese dramas in NTV7 and 8TV.

Korean Drama

Overseas drama from Korea began getting attention among the television viewer in Malaysia when *Winter Sonata* was aired by TV3 in 2002. Malaysians have since been smitten with its lead actor Bae Yong-joon (hero) and Choi Ji-woo, the female lead actor. This soap opera deals with a tragic love story, using the beautiful winter scenery of South Korea as a backdrop which has captivated the hearts of more than 1.5 million Malaysian viewers who could relate to its theme of love and loyalty. It has left deep impressions in the hearts of Malaysian viewers of both Malay and Chinese origins (Cho 2006).

Since then, the Korean wave reached the Malaysian shores and more Korean dramas

are transmitted in all the television channels, including government-owned channel, RTM2 and the leading private television channel, TV3. Korean TV dramas that have been aired in both channels so far include *Autumn in My Heart*, *Hotelier*, *Land*, *The Truth*, *Autumn Shower*, *Three Leafed Clover*, *The Lawyers*, *Beautiful Days*, *Full House*, *Prince Hour*, *A Love to Kill*, *Green Rose*, *Love Story in Harvard*, etc. Korean pop stars starring in these dramas such as Song Shuen Hun, Song Hye Kyo, Rain, Han Eun Jung, Lee Da Hae, Kim Sung Ah, Hyun Bin, Jang Nara, Lee Young Ae, and Kim Tae Hee have many fans in this country. Songs from their soundtrack also attract buyers who loved the series.

Korean drama are getting more attention from women audience because it not only plays up the narrative of family life but are also commonly women-centred such as in *Al about Eve*, *Successful Story of a Bright Girl*, *Coffee Prince*, *Princess Hours*, *My Girls*, *My Name is Kim Sam Som*, *All-In*, and *My Fair Lady*. For example, it is common to have in a serial a woman chief executive in a family enterprise who is assisted by her son with the

absent husband/father presumed dead, as in the serials *Stairways to Heaven* and *All About Eve*.

The most prominent example was *Jewel in the Palace* (*Dae Jang Geum*) aired in 2005 on 8TV through a slot called Best of the East. The show focuses on Jang-geum (played by Lee Young Ae), the first female royal physician of the Joseon Dynasty of Korea in the 16th century. The main themes are her perseverance (a Confucian value), and the portrayal of traditional Korean culture, including Korean royal court cuisine and medicine. This drama series had been aired twice since it was requested from the public,

Table 2.6: Korean Dramas in Malaysian Television Channel in Current Periods

Channel	Title	Day	Time
RTM2	Korean Delight: <i>Second Proposal</i>	Monday-Thursday	12.30 p.m
8TV	Asian Hour: <i>Surgeon Bong Dal Hee</i>	Monday-Friday	7.00 p.m
TV9	<i>Sassy Girl Chun-Hyung</i>	Saturday-Sunday	4.00 p.m

Now, most of these serials have been slotted for NTV7 and 8TV since the new segmentation ruling introduced by Media Prima Berhad. Many Korean dramas share the same slots with Chinese or Japanese drama in both channels.

Other Overseas Drama

Malaysian television networks have acquired various types of drama from overseas. Besides overseas drama that have been mentioned above, Malaysian audiences can watch dramas from other Asian countries such as Thailand and Philippines. In slots such as “ASEAN Drama Series” (RTM2) and “Asian Potpourri” (TV3), Malaysian audiences can watch overseas drama from abroad, such as *Passion Sisters*, *Path of Life*, *Kay Tagal Kay Hiningtay*, *Saan Ka Man Nararoon*, and the popular telenovela, *Pangko Sa Yo* and *Sana'y Wala Nang Wakas*, involving performances by popular Filipino artists such as, Kristine Hermosa and Jericho Rosales. Now, only 8TV airs drama from the Philippines, such as *Boys*

just like *Winter Sonata*, *My Fair Lady*, *Princess Hour*, *Little Bride*, *Sassy Girl Chun Hyung*, *My Girl*, and *Wedding*.

Almost all of the Korean dramas in Malaysia were dubbed into Mandarin for the ethnic Chinese audience. Only some were aired in the original Korean language. All Korean dramas aired in Malaysia will have subtitles in Bahasa Malaysia. Dramas from Korea have become popular throughout Asia, not only in Malaysia, and have contributed to the general phenomenon of the Korean wave.

Next Door. This drama is shown every Sunday at 10.30 p.m.

The telenovela drama series from Latin America have also been introduced to viewers. RTM2, TV3, and NTV7 have aired many good telenovelas from Latin America during the weekday such as *Yo Soy Betty La Fea*, *La Intrusa*, *La usu Padora*, *Juana La Virgin*, *Por Tu Amor*, *Al Amor No Es Como Lo Pintan*, *Belinda*, *Maria Mercedes*, and *Rosalinda*. These telenovelas were aired in 1990s and gained good rating. In this few months, only TV3 still maintains the special slot for this overseas drama called “Telenovela” which is broadcasted every Monday to Thursday at 3.30 p.m.

Audiences have also been served with overseas drama from the Middle East. This type of dramas are usually aired during Ramadhan, the fasting month for Muslims. RTM2 provides this overseas drama in its “Drama Arab” slot and is currently airing *al-Hasheem* everyday at 5.05 a.m.

3. MARKET STRUCTURE AND DISTRIBUTION OF DRAMA PRODUCTS IN MALAYSIA

In Malaysia specifically, there are several agencies who is directly involved in making sure the market structure and the distribution of certain said programmes/products. Malaysia National Film Development (FINAS) and *Filem Negara Malaysia (FNM)* (National Film Board) are two significant agencies that form the strong support structure for Malaysia's film industry. These two agencies are established to oversee and to ensure that Malaysia's film industry develop in tandem with the objective of this film industry as well as with our country's economic growth.

Filem Negara Malaysia (FNM) (National Film Board)

The department of *Filem Negara Malaysia* (FNM) is one of the registered agencies under the care of the Ministry of Information Malaysia. It is the only government registered agency acting as the go-between for the processes of acquiring permission for distributing and screening of the media programmes (films/dramas/etc). It was established in 1946, and was known as *Malayan Film Unit*. In 1965, FNM moved from their main office in Bangsar, Kuala Lumpur; to Jalan Utara, Petaling Jaya, Selangor. The department's objective is to provide help and guidance on a process of giving out information, knowledge and understanding to the whole nation and also to international society on government's media policies, programmes and the country's media achievement.

Malaysia National Film Development (FINAS)

Malaysia National Film Development or is well known as FINAS; was established in 1981 in

governance with Akta Perbadanan Kemajuan Filem Malaysia, 1981 (Act 244). This establishment was given the task to develop Malaysia's film industry. FINAS started their operation at No. 7 Jalan Ampang Hilir, Kuala Lumpur on 1 November 1981 and was registered under the Ministry of Domestic Trade and Consumer Affairs Malaysia (*Kementerian Perdagangan dan Perindustrian Malaysia*). On 16 October 1986, FINAS was governed by the Ministry of Information Malaysia. FINAS later began their operation at No. 198 Jalan Ampang, Kuala Lumpur before they moved to the Kompleks Studio Merdeka, Hulu Kelang on 19 December 1988. On 27 March 2004, FINAS came under the purview of the Ministry of Unity, Culture, Arts and Heritage Malaysia (*Kementerian Kebudayaan, Kesenian dan Warisan Malaysia*). The objective of FINAS is to promote, conserve and guide Malaysia's film industry to move forward within the context of our local scenario and country. FINAS is an agency who is responsible in giving out licenses to produce films by any registered production company.

FINAS also helps in funding and providing monetary loans to any registered production companies for them to produce local dramas/films. FINAS is also responsible in conserving data that are related to the number of film publications, overseas dramas or even local dramas. With reference from FINAS' records, year 2005 was the most active year for several local drama productions. A total of 160 dramas had been produced with a total cost of RM40.21 million. This achievement is considered as a positive improvement, in tandem with our film industry's projection of overall growth in the near future. This is also due to the government's policy to support the production of Malaysian local dramas.

Table 3.1: Number of Productions Based on Category: 2003-2007

Genre	2003	2004	2005	2006	2007
Feature Cinema	27	33	30	38	45
Feature VCD	53	27	8	13	5
Feature TV	84	146	90	88	106
Drama TV	80	137	196	160	182
Musical	45	45	58	92	43
Documentary	47	77	82	109	91
Edu & Others	39	63	63	115	54
Animation	0	0	0	0	1
Total	375	528	527	615	527

Table 3.2: Filming License Distribution by FINAS (2003-2007)

Category of Licence/Year	2003	2004	2005	2006	2007
Film Production (PF)	629	667	707	576	944
Video Production (PV)	156	189	85	80	59
Film Distribution (DF)	293	354	387	529	633
Video Distribution (DV)	4473	4348	3739	3752	3394
Film Screening (EF)	203	235	263	305	432
Video Screening (EV)	902	944	785	836	951
Total	6656	6737	5966	6078	6413

Apart from the production and screening of local dramas that has shown a significant positive growth, Malaysian producers have also imported several overseas programmes to cater to the needs of local audiences. Most of the imported programmes are in the features style/genre/type. These imported programmes had to go through several procedures before they are allowed to be screened to the Malaysian public. *(Please refer to the distribution flow – syndicated programme).*

Distribution Flow – Syndicated Programme

Malaysia's TV stations have also bought overseas/foreign /other countries' TV programme (Syndicated Programme) for screening. Due to the local public demand, most bought programmes consist of Latin American soap opera, drama series from Korea, Japan, and Indonesia. To buy these syndicated programmes, TV stations have

appointed several production companies as their representatives to buy those targeted programmes. For most purchases, these representatives signed the MOU contracts. Selected companies are required to buy products that have fulfilled the needed requirements for the screening criteria on local TV station.

As an example RTM has chosen Eurofine (M) Sdn Bhd as their representative to purchase soap opera programmes. Eurofine (M) Sdn Bhd will meet the selected overseas producers to negotiate the buy at their own cost, at first. Later, Eurofine (M) Sdn Bhd will sell the purchased products to RTM. Then the programme is sent to be evaluated by RTM's appointed internal evaluation unit. If it is released, the programme will be sent to FNM to be evaluated for the second round and then be given permission to screen on selected RTM TV stations. After all procedures have been taken care of, the programme are sent back to RTM. Those products can then be

viewed on RTM's TV station in the allocated time given.

Below is the flow chart on the purchasing of programmes:



As for the processes of producing local programme, one tender system has been implemented by TV stations. It means that TV stations open a tender to any production companies who are interested in producing the targeted/decided programme by the TV station. As an example, TV3 has decided to invite tender for their 20-hour allocated slot for local dramas/programme(s). Thus, one tender is open to any interested production house/company who is willing to comply with the rules and regulations.

There are several procedures to produce the said TV programme. For example for on drama production, after the tender is opened, the successful production house/company is

expected to present a proposal on the suggested concept of the said TV programme that they are going to produce. Should the TV station agree with the proposal, then a pre – pro will be conducted; to produce the said drama/programme, the production house/company must first successfully acquire the *Sijil Perakuan Penggambaran (SPP)* or the Certificate of Filming from **FINAS**. Then only the production commences their contractual job. Finally, the product will be handed over to the TV station. TV stations act as evaluation units in making sure that the product complies with all the requirements and TV station's standards. The product is then sent to be evaluated by the Evaluation Unit/Brand Management.

Figure 3.1: Flow chart on Application for TV Programme Distribution and Screening

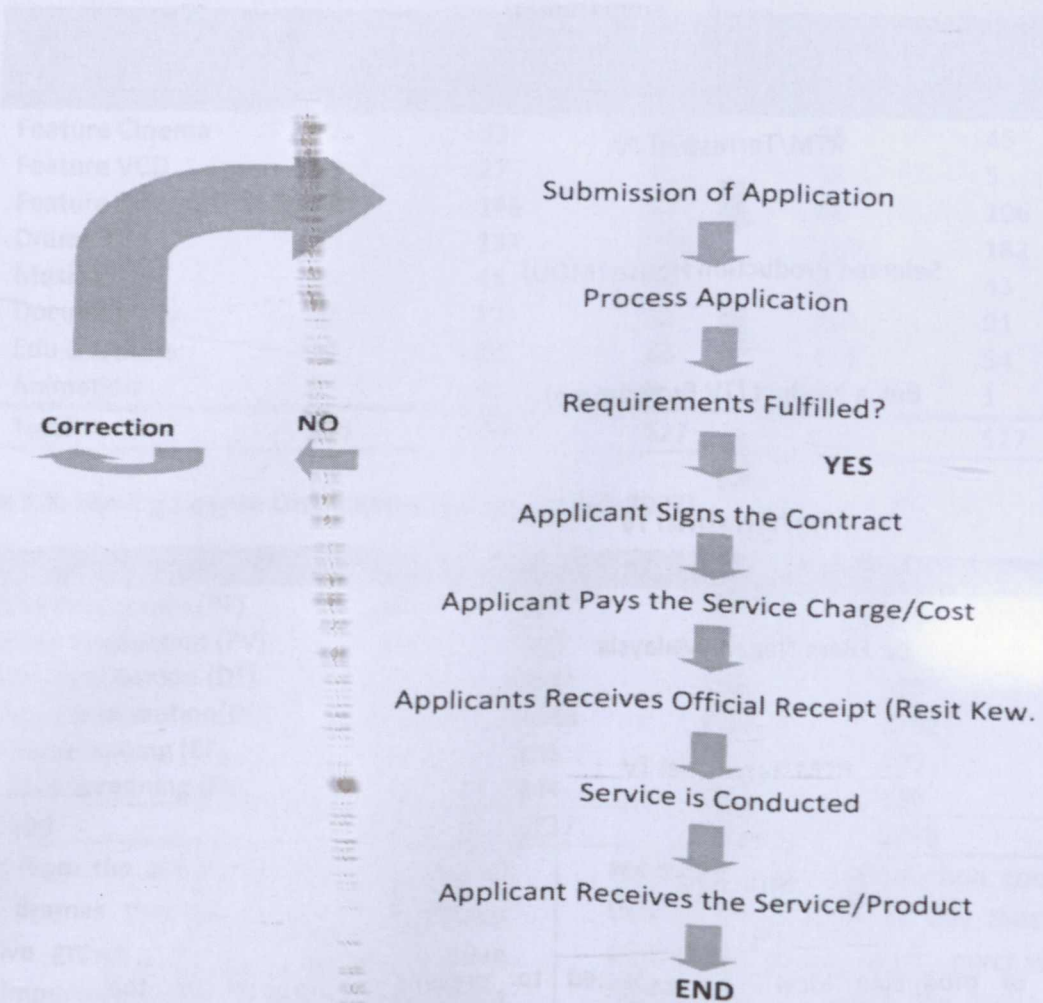
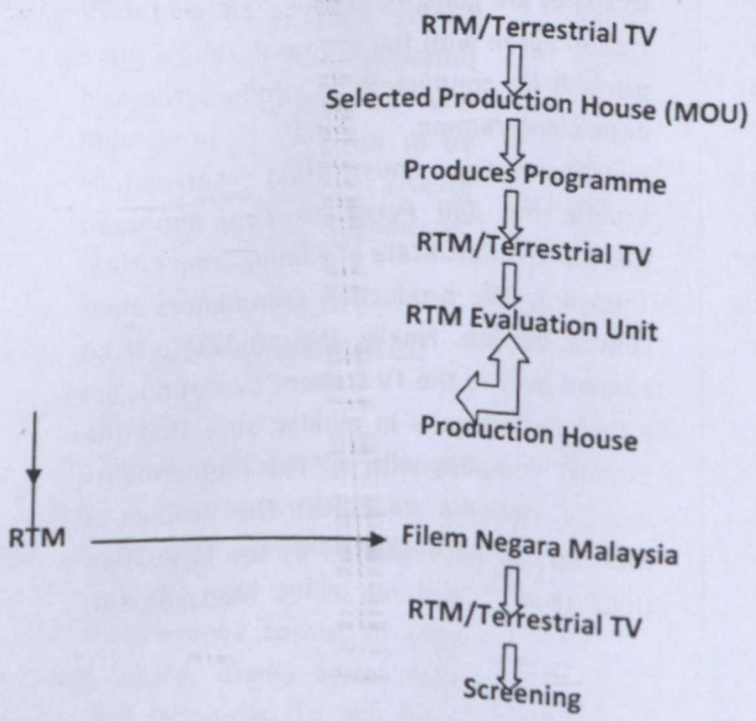


Figure 3.2: Distribution Flow – Local Programmes



Should the evaluation fail, and the committee feels that it is possible to be improved before the screening time schedule, the TV station will return the product to the production house/company to be re-evaluated and re-recorded. After all the procedures are followed, the product will be sent back to the TV station. Should there be still problem(s) pertaining to the said product, it will be sent by the TV station to FNM to be evaluated and to gain permission to be screened and be given a programme classification.

As a normal practice and conduct, the production house/company will bear the production cost. After the final product and the final delivery to the TV station; then only the TV station will make the payment for the product purchased and thus have the rights after the purchase agreement.

4. MAJOR SOURCES FOR CONSUMING DRAMA PRODUCT

Drama as entertainment products enjoy good demand from the Malaysian public. Drama

products such as serials, miniseries, soap opera, telenovela or telemovies are the major content in broadcast and entertainment industry in the whole world, including Malaysia. So, television network is still the main source in consuming drama product.

Broadcast Television

As mentioned before, broadcast industry in Malaysia provides six free-to-air channels and some pay channels to the public. With these channels, television is the main avenue for the public to watch dramas, either local or overseas drama. With the multiple ethnic and language background, there is a wide variety of drama in all the television channels. Audiences can pick channels that are suitable to their taste.

Audiences that prefer local dramas may enjoy it through RTM and TV3. These channels provided a number of good drama produced by local production houses. RTM1 and TV3 have almost similar target audiences, which are mass market. The stations try to fulfil public demand for Malay drama series through their special slots such as following:

i.	RTM1	Sutera	Monday-Friday	11.05 a.m
		Permata	Monday-Thursday	2.30 p.m
		Astaka	Tuesday-Thursday	10.30 p.m
		Telemovie	Friday	3.00 p.m
		Panggun 1	Saturday	2.00 p.m
ii.	TV3	Dramasuria	Monday-Thursday	2.00 p.m
		Akasia	Monday-Thursday	6.30 p.m
		Legenda	Monday-Thursday	4.30 p.m
		Lestary	Tuesday	9.00 p.m
		Samarinda	Tuesday-Thursday	10.30 p.m
		Seram	Thursday	9.30 p.m
		Cerekarama	Saturday	10.00 p.m

Overseas drama can be watched in all channels. Since the consolidation of private television channels, Media Prima Berhad as the owner introduced new segmentation and programme structures to avoid over lapping

in target viewers for each channel. Thus, NTV7 and 8TV is the main channels for watching overseas drama, especially from America, China, Taiwan, Korea, and Japan. These overseas dramas are aired everyday

including during prime time. Targeted to urban youth and Chinese audience, both channels try to fill their airtime with current popular dramas to make sure their target audience get what they want.

Fans of Indonesian, Thai, and Filipino drama can watch those in RTM2, TV3, and TV9. RTM2 and TV3 have been screening drama from these countries since 1990s and these products have grown in popularity in early 2000. Viewers can watch these dramas in RTM2 through "Drama Bersiri ASEAN" and TV3 through "Asian Potpourri" slots. These overseas dramas had been aired every weekday and were targeted to women especially among housewives.

CDs/DVDs/ Videos

Overseas drama may also be purchased in the form of DVD or video. Audiences who like to collect the odd drama or the drama that they have seen on television or in the cinema can get it in this format for their own personal collection. Some may have missed pivotal episodes in a drama series on television and need to buy them to fill in the gaps. Popular dramas on DVD or video have been bought also because some people never get the chance to watch it in the specific time when it was broadcasted in television. DVD or video can be bought or rent for pleasure.

Audience may buy or rent DVDs or videos from business outlets such as retail outlet, shopping complexes or DVD/ video shop. They can buy their favourite DVDs or video through online shops such as Asia TV Drama, Sensasion.com, and wanita.net eShop.

Internet

With the advancement of technology, especially with the existence of Internet, drama products may no longer be confined to television. This popular entertainment

product can be accessed online using Internet as its medium.

Every television channel owned by Media Prima Berhad has their websites. Through these websites, viewers can watch again any local drama episode that they want or the ones that they missed seeing on television. Through the TV3 website for example, viewers can watch again previous drama series such as *Saka*, *Manjalara*, *Spa Q*, *Kaber Hero Kaber Zero*, *Susuk*, or *Anak Puntianak*. They can also watch current drama that is being aired now through this website such as *Bella*, *Dendam*, *Kekasihku Seru*, *Impak Maksima*, and *Vice Versa*.

With this new technology too, viewers can watch online drama freely through Malaysia's entertainment and lifestyle-based portal, *gua.com.my* (GUA) that was officially launched on September 11, 2007. On 23 October 2007, GUA launched *Kerana Karina*, Malaysia's first online drama. The 4-minute, 20-episode drama's achievement looks set to be recorded in the Malaysia Book of Records. Its debut saw GUA's hits skyrocketing steadily each day and the online drama has garnered a strong following, thanks to its appealing cast and storyline. Since then, GUA has screened *Jelma*, *Kerana Kirana 2*, and the latest item is *Luna Fantasiku*.

For the fans of Asian drama such as Korean, Japanese, or Chinese drama, they can also access their favourite drama online, and some of these fans have really become "drama addicts". But some websites did not compile the complete episode. They have to search and look into the right website. Among the favourite place to find free uploaded drama are YouTube and Mysoju.com.

In addition, dramas can also be consumed by downloading it through some websites that are created by the fans of drama. They always

uploaded the whole episodes of the popular drama, sometimes with the theme song or OST, to their website.

5. COPYRIGHT ISSUES IN THE DRAMA MARKET IN MALAYSIA: OPPORTUNITIES AND CHALLENGES

Copyright for original works in Malaysia is protected under the Copyright Act 1987. The owner of the copyright in a work is given certain exclusive rights, such as the right to reproduce the work and to sell it. In order for copyright to attach, the work must be in material form and must be original in nature.

Copyright is defined as a right to authorise the use of one's work in different ways. It is the permission or the right to copy, and to prevent others from unfairly taking advantage of ownership of the original owner of the copyright, who in most cases is the author, composer, artist, and sculptor where the work originated.

The owner of copyright has the opportunity to manipulate their works and use it for subsidiary rights. In this case, subsidiary rights of drama products can be sold or licensed to the third parties such as for electronic rights, film rights, audio book rights, merchandizing rights, and dramatic or performance rights.

However, just like other cultural products, drama products also have to face problems related to copyright issues. The copyright infringement on this product, especially in piracy and illegal downloading, are the main challenges in this industry. Actions must be taken to protect the owner of copyright and the drama production industry.

Opportunities

Drama products can generate other income to the production house or to the producer. Independent production houses can manipulate and produce their popular drama into other types of product and gain the subsidiary rights. The rights for the product can be sold or licensed to overseas television network.

Rights to Publish in DVDs or Videos

The popular drama that is broadcasted in television channels has the advantage of exploiting this right. Viewers will try to find their favourite drama that they have seen in television for their own personal collection. Some may have missed pivotal episodes in a drama series on television and need to buy them to completely follow the series.. The producer or the owner of copyright can publish their drama in DVDs or video format in order to offer choices and fulfill the demand from audiences.

Malay drama such as *Kerana Karina* (First Season)—Malaysia's first online drama—has been published in DVD format by Gua.com.my. It was directed by Aidilfitri Mohamed Yunos and the actors are glamorous artists such as Marsha Londoh, Sazzy Falak, Zizan Nin, Chelsia Ng, Bell Ngasri and "master of music", Roslan Aziz, has been in market since Jun 2008. The 4-minute, 20-episode drama has been edited to full drama for the DVD format.

Other Malay drama such as *Bella and Emil Emilda*, screened by TV3 also has been requested by many of fans in the DVD format. This is a great opportunity for the producer or owner of the copyright to diversify their dramas and not limit it only to television drama.

Rights to Publish in Film Format

Some drama products have the potential to be adapted to films. Usually the producer or television stations make this decision according to the reaction from audiences to certain drama when they seen it on television. However, they should get permission from the copyright owner for the drama that had been picked to be adapted to film.

An example is the Malay drama serial *Dunia Baru* that has been aired at TV3 until season 3. It received good reviews from the audiences. The scriptwriter for the drama is always picked to do the adaptation to film. Drama based on campus life of a youngster (college student) had been adapted to film entitled *Dunia Baru: The Movie* had been screened in cinemas in February 2008.

Challenges

Issues on Payment among Local Producer

Drama production involves various people behind its process: scriptwriter, producer, director, actors and actress, and others. It involves many types of creative work and creative people to produce good products to fulfil the market demand. And these creative works are protected under Copyright Act.

Market for local drama products in Malaysia were more concentrated on television network as their main market. Television networks in Malaysia always allow any production house to supply their drama product to fill their airtime. However, there are some problems regarding payment of the products that are sold to these television networks.

Most of the producers were not satisfied with the practice that has been observed among television stations. Television stations will buy the drama products from private production

houses and pay in cash. The television station will have all rights to broadcast that drama and repeated it whenever they want without giving any extra payment to the producer.

The producers have to know their rights in this matter. According to the Director General of Intellectual Property Corporation of Malaysia (MyIPO), Kamel Mohamad, all matters, including about payment and rights, depend on the terms of agreement that they have signed with television station (*Harian Metro* May 9, 2008). In this case, the producers have the right to negotiate and to sell or not their product. When the agreement was signed, the producers have to accept it. The grant of rights clause in a publishing contract is one of the most important clauses because it enumerates the specific rights granted to the publisher by the author.

The Association of Malaysian Television Producers Malaysia—(PTVM) has been established in early 2008 to fight for the rights of local drama producers and try to change this practice.

Illegal Production, Acquisition and Distribution of Optical Discs

Technology has made piracy a common and widespread issue. With technology, copies for any products can be made and distributed to the public including production of illegal optical discs. Piracy products including CDs, DVDs, and videotapes exist because it provides choices to the public especially among the underprivileged group and it is often cheaper than the original products. The buyers are able to find any products including DVDs or video for any drama series or movie easily in the various retail outlets almost anywhere at affordable price.

Malaysia had for a time been identified as a major producer and exporter of counterfeit

and pirated intellectual products. For instance, in 2005, there was a published Special 301 Report by the International Intellectual Property Alliance recommending that Malaysia should still be retained on the Watch List as an alleged producer and a significant source of production and export of pirated

optical discs (CDs, DVDs, VCDs, CD-ROMs, etc.). Malaysia had in fact eight years ago made the "top priority" Watch List and the government is aware that the country is expected to show results in improving and reducing its IPR breaches.

Table 9:

MALAYSIA
Estimated Trade Losses Due to Copyright Piracy
(in millions of U.S. dollars)
and Levels of Piracy: 2003-2007²

INDUSTRY	2007		2006		2005		2004		2003	
	Loss	Level	Loss	Level	Loss	Level	Loss	Level	Loss	Level
Records & Music	16.0	45%	22.0	45%	38.8	49%	55.5	52%	40.0	45%
Business Software ³	149.0	60%	159.0	60%	82.0	60%	73.0	61%	77.0	63%
Entertainment Software ⁴	NA	83%	28.0	90%	23.4	91%	12.9	91%	NA	90%
Books	9.0	NA	9.0	NA	10.0	NA	10.0	NA	9.0	NA
Motion Pictures ⁵	NA	NA	NA	NA	NA	91%	36.0	50%	38.0	50%
TOTALS	174.0		218.0		154.2		187.4		164.0	

Sources: International Intellectual Property Alliance 2007

There is a certain degree of success in reducing this illegal activity although previous USTR National Trade Estimate reports on Malaysia, released by the US Trade Representative Office lamented about the extent of the illegal activities as well as the effectiveness of judicial and prosecutorial practices of the Malaysian government. They

however commended the efforts of the Malaysian Attorney General and the enforcement efforts of the various Ministries to curtail the trade. Now, Malaysia was removed from the IIPA "Top Priority" Watch List 2007 as a main producer for piracy DVD (*Utusan Malaysia* February 8, 2008).

Table 10: Total number of cases and seizure value under Optical Disc Act 2000, in 2004 and 2005

No.	Offences	Total Cases		Seizure Value	
		2004 (RM million)	2005 (RM million)	2004 (RM million)	2005 (RM million)
1.	Section (4) Optical Disc Act 2000 (Producing Optical Disc without license)	6	7	13.5	27.5
2.	Section (19) Optical Disc Act 2000 (Producing Optical Disc without Displaying the Plant Code)	4	5	1.9	03
Total		10	12	15.4	27.8

Source: Biennial Report of Enforcement Division, MDTCA

Malaysia has reviewed and implemented the Copyright Act and has taken some measures to reduce the production of pirated products, including the existence of pirated drama products in DVDs or video format as follows:

- i. Measure for importation production machineries

To control and prevent production of illegal copies, importation of Compact Disc (CD) production machineries such as Optical

Compact Disc Maker and Digital Versatile Disc Machine (CD & DVD) must require:

- Import Permit License under the Customs Orders 1998 (Prohibition of Import), Customs Act 1967.
- Manufacturing License issued by MIDA.
- Manufacturing License and approval from Ministry of Domestic Trade and Consumers' Affairs.
- Licenses for Production and Distribution of Films from FINAS.
- Premise and Business Licenses from Local Authority.
- Exclusive Rights Agreement with the local and foreign recording companies.

ii. Measures of control for optical media

To monitor CD or DVD production, the government through Optical Discs Act 2000 and Optical Discs Regulations 2000 are enacted to:

- To license the optical disc manufacturing activities, with the aim to protect consumer rights and interests.
- To encourage the ethical expansion/growth and development of optical disc manufacturing activities.
- To inhibit/prohibit all manner of optical disc piracy and fraudulent activities, as well as appreciate/acknowledge an individual's or organization's intellectual property rights.

The government through agencies such as Ministry of Domestic Trade and Consumer

Affairs (MDTCA) has some measures to prevent and suppress the distribution of illegal copies or pirated products as follow:

i. Policy to control the disc trade.

Under Trade Description (Original Label) Order 2002, MDTCA has been gazetted to provide that all copyright owners and other person concerned shall put original labels on original optical disc, cassette tape and video tape before entering the market. Under this regulation, enforcement officers may arrest without a warrant any person suspected of having committed an offence whether at permanent or open premise.

ii. Inspection and Raid

Inspection of business premises is one of the core duties of the Enforcement Division to ensure that shopkeepers comply with the law being enforced. Government through this division has initiated action in curbing illegal trade activities and protecting intellectual properties frequently. This Division and the Police have also continuously conducted raids on pirate distributors.

To protect the copyright owner, the Ministry of Domestic Trade and Consumer Affairs (MDTCA) has been gazetted to ensure that all copyright owners and other persons concerned shall put original labels on the original optical disc (CD, VCD, DVD, CD-R), cassette tapes, and video tapes before entering the market. This regulation was based on a ministerial jurisdiction under section 11, Trade Description Act 1972, referred to as "Trade Description (Original Label) Order 2002".

The Enforcement Division has taken action against 28 illegal plants while 21 offences against 18 licensed factories have been charged with offences connected with the production of pirated copies. As of date, the

Division has seized RM201.6 million (about US\$57.6 million) worth of optical discs machines. But all this action will continue as long as the demand for pirated drama products is there.

Internet Piracy

Internet piracy is the downloading or distribution of unauthorized or illegal copies of intellectual property such as movies, television, music, games, and software programmes via the Internet. According to R. Ramani Ramalingam, Senior Manager, Legal Affairs and Distribution, Public Performance Malaysia Sdn Bhd., this copyright infringement has not yet turned serious. Most of unauthorized downloads are being committed at home by teenagers using peer to peer (P2P) to download their favourite drama (*Daily Express* August 24, 2004).

This infringement involves four types as following:

a. Website

- May contain hyperlinks to copy infringing files (usually in MP3 format).
- Clicking on hyperlinks will allow visitors to open or download a copy of the file.

b. File Transfer Protocol (FTP)

- Enables file transfer (copying) between computers, usually over the Internet.
- Accessible through FTP-enabled web browsers or FTP clients

c. Mail electronic (e-mail)

- Movie or drama files are sent as attachments.

- This is not popular, as it is too slow to transmit/receive. The e-mail server limits attachment size and it is usually sent by request and to a limited number of recipients.

d. Peer to Peer (P2P)

- It is rapidly evolving and is currently in its third and fourth generation.
- Can be accessed using Torrent, Kazaa, Morpheus, iMesh, WinMX, Grokster and Streamcast.

With the advancement of technology and ever since the Internet became fast enough to download large files, especially the advent of broadband, this activity will become a much bigger threat to the producers and industry. Losing about US\$2.3billion (RM7.5billion) in revenue to cyberspace pirates in 2005 (*The Star* March 13, 2008), certain actions must be taken to make sure that the losses do not increase. And this is one of the main roles of the Malaysian Communications and Multimedia Commission (MCMC).

To manage this problem, the Malaysian Federation Against Copyright Theft (Mfact), which is a representative of the MPA, is working with the ISPs such as TMNet and Maxis Communications Bhd to take these sites down. In 2004, Mfact has managed to close down 18 sites. Studies done by Mfact showed that Internet piracy has declined since January 2006 but it experienced a rise between the second and third quarters of 2007 (*The Star* March 13, 2008).

Besides that, the local arms of the movie and music industries such as Film & Video Protection Services Sdn Bhd and the Recording Industry Association of Malaysia (RIM) are hiring specialist information technology personnel specifically for Internet anti-piracy objectives, and working with ISPs

and large institutions to take down/remove infringing sites/files. Available legal measures to address the problem locally are contained in The Malaysian Copyright Act 1987 under Section 13 (exclusive rights), Section 36 (civil infringements) and Section 41 (criminal offences).

Internet piracy is not only a Malaysian problem, it is an international problem too. According to the London-based research firm Informa, illegal movie downloads is costing the industry US\$985 million in 2005, up from US\$860 million in 2004 (www.canadianbusiness.com). Motion Picture Association of America, slapped hundreds of people with lawsuits for illegally downloading and trading films online. Drama products from Korea, Japan, and China are also the favourite products for illegal downloading because it has been offered in some website by file sharing.

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