

Resale Royalty Right (RRR) in Malaysia: A Preliminary Needs Assessment of Policy Readiness Among Visual Artists

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ABSTRACT

The Resale Royalty Right (RRR) is a legal mechanism that entitles visual artists to a fixed percentage of proceeds whenever their artworks are resold in the secondary market. As of 2023, over 106 countries have adopted some form of RRR legislation, including the European Union, Australia, the United Kingdom, and New Zealand. These policies aim to ensure that artists benefit from the long-term value their works generate, an objective that remains unmet in Malaysia's current legal framework. Despite the expansion of Malaysia's creative economy and the rise of domestic art auctions, the country's copyright law does not include resale royalty provisions for visual artists. This exclusion perpetuates economic inequity and highlights a broader policy gap in aligning artist rights with evolving international standards. Moreover, preliminary observations suggest that awareness of RRR among Malaysian artists is low, and institutional trust in enforcement bodies is a limited factor that is likely to affect future implementation. This article presents a preliminary needs assessment of Malaysia's readiness to adopt RRR by integrating four theoretical lenses: Situation Awareness Theory, Social Capital Theory, Theory of Practice, and Institutional Theory. It identifies cognitive, experiential, social, and institutional variables that shape policy readiness and proposes a framework for future empirical research and policy development. By diagnosing informational gaps, trust deficits, and engagement barriers, this study provides a foundation for equitable policy design and contributes to national goals under the Creative Industry Policy and Sustainable Development Goals (SDG 8 and SDG 10).

Keywords: *Resale Royalty Right, Malaysian visual artists, needs assessment, institutional trust, creative economy, copyright*



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1 INTRODUCTION

The Malaysian visual arts sector has witnessed considerable growth over the past two decades, driven by increased market participation, state-led cultural initiatives, and the proliferation of regional art fairs. However, this expansion has not translated into equitable economic outcomes for all stakeholders. In particular, visual artists remain structurally excluded from the financial gains derived from the resale of their works in the secondary market. Once an artwork is sold, artists typically have

no legal claim to share in any appreciation of its value, regardless of the profits realised by collectors, dealers, or intermediaries. This exclusion reflects a significant gap in Malaysia's copyright regime and signals a broader misalignment between national intellectual property law and evolving global standards.

The Resale Royalty Right (RRR), also known as *droit de suite*, is a legal entitlement that ensures visual artists receive a fixed percentage of the resale price each time their works are sold by commercial entities. Originating in France in the early twentieth century, RRR has since become a core component of cultural policy in many jurisdictions. As of 2023, over 106 countries have integrated some form of RRR into their copyright legislation, including all member states of the European Union, Australia, the United Kingdom, and, more recently, New Zealand (CISAC, 2023).

According to the Creative Economy Outlook (2024), international trade in creative goods and services continues to rise, with visual arts recognised as a significant cultural and economic driver in both developed and developing nations (United Nations Conference on Trade and Development [UNCTAD], 2024). This underscores the importance of frameworks such as RRR in ensuring that creators equitably participate in the economic value generated by their work. While implementation models vary in scope, administrative structure, and royalty rates, they all aim to enable artists to share in the long-term value of their creations (Syed Abu Bakar et al., 2018). Given that creative industries have been empirically shown to contribute substantially to national economic performance in Malaysia and across Southeast Asia (Syafri et al., 2023), mechanisms like RRR become increasingly relevant for ensuring equitable value distribution within this expanding sector.

Malaysia, however, has yet to implement RRR within its national legal framework. Although the Copyright Act 1987 recognises moral and economic rights, it contains no provision for resale royalties applicable to visual artists (Wang, 2021). As a result, artists remain disconnected from the value flows of the secondary market, even as art auctions, private sales, and digital platforms continue to expand the domestic and regional art economy (Mohd Aripin et al., 2023). This legal omission reveals not only a policy vacuum, but also a deeper structural issue within Malaysia's cultural governance, where protections for creative labour have not kept pace with market dynamics or international norms.

Although discussions around RRR have begun to emerge in Malaysian academic and policy circles particularly within debates on copyright reform and creative economy strategies (Labetubun, 2022; Masyhuri et al., 2023) a crucial dimension remains underexplored: the readiness of Malaysian visual artists and institutions to support, adopt, and benefit from such a policy. The introduction of RRR requires more than legislative change; it necessitates an enabling ecosystem comprising informed stakeholders, transparent enforcement structures, and legitimate institutional governance.

This article presents a preliminary needs assessment to diagnose Malaysia's readiness for RRR implementation from the perspective of key stakeholders. Anchored in a multidisciplinary conceptual framework that integrates Situation Awareness Theory (Endsley, 1995), Social Capital Theory (Bourdieu, 1986; Coleman, 1988), Theory of Practice (Bourdieu, 1977), and Institutional Theory (Scott, 1995), this framework facilitates a holistic examination of the cognitive, social, experiential, and institutional factors shaping artists' engagement with legal reform. By identifying specific gaps in awareness, comprehension, resale experience, social connectivity, and institutional trust, the study aims to provide a diagnostic foundation for future empirical inquiry and policy development.

2 GLOBAL PERSPECTIVES ON RESALE ROYALTY RIGHT (RRR)

The Resale Royalty Right (RRR) is an internationally recognised legal mechanism designed to ensure that visual artists receive a proportion of the economic value generated when their works are resold in the secondary market. First legislated in France in 1920, following the posthumous appreciation of Jean-François Millet's paintings, RRR has since emerged as a key policy tool in addressing income disparities in the visual arts sector (Jewell, 2017). Unlike literary or musical works,

visual artworks frequently change ownership through private transactions, often without any financial return to the original creator, even when substantial value appreciation occurs. By legislating a fixed percentage of resale proceeds to the artist, RRR aims to rectify this imbalance and reinforce the notion of ongoing value derived from creative labour.

As of 2023, over 106 countries have enacted Resale Royalty Right (RRR) provisions within their national copyright laws, though the structures and enforcement mechanisms vary considerably across legal and cultural contexts (CISAC, 2023). In the European Union, Directive 2001/84/EC mandates harmonised provisions for RRR, including baseline royalty rates and administrative requirements. Member states such as France, Germany, and the United Kingdom operate dedicated collection societies such as ADAGP and DACS that monitor sales, enforce compliance, and distribute royalties to eligible artists (O'Dwyer, 2020). The UK, which implemented RRR in 2006 and retained it following Brexit, has reported measurable success in distributing royalties, particularly to artists from marginalised or posthumously recognised backgrounds.

Beyond Europe, Australia presents a widely cited model that demonstrates RRR's potential to promote equity, especially for Indigenous communities. Since the scheme's introduction in 2010, over AUD 9 million has been redistributed in resale royalties, with nearly two thirds of this amount directed to Aboriginal and Torres Strait Islander artists (MacNeill et al., 2022). While some administrative inefficiencies have been reported, the policy is generally viewed as successful in aligning cultural recognition with economic justice.

New Zealand, the most recent adopter, enacted its RRR legislation in 2023. Its model incorporates provisions for both individual artist remuneration and the reinvestment of unclaimed royalties into the broader arts ecosystem, underscoring a dual impact approach aimed at sustainability and inclusivity (Capildeo et al., 2022).

In contrast, Southeast Asia remains uneven in its adoption of RRR frameworks. Although Indonesia has engaged in legislative discussions to incorporate RRR into ongoing copyright reforms, implementation has been delayed due to fragmented regulatory infrastructure and concerns about the administrative burden of monitoring private art transactions (Masyhuri et al., 2023). Likewise, Thailand and the Philippines have yet to formalise resale royalty protections, and there remains limited public discourse surrounding visual artists' rights in the secondary market. This regional gap reflects broader structural challenges in aligning intellectual property rights with creative economy goals and underscores the need for contextualised policy solutions.

Malaysia currently mirrors this pattern, lacking both a legal framework for RRR and sustained institutional engagement on the issue. While the Copyright Act 1987 provides creators with basic economic and moral rights, these protections do not extend to the resale of artworks. As a result, visual artists are systematically excluded from the long-term market value of their works. This disconnection is further amplified by informal resale channels, limited auction transparency, and a lack of artist representation in national policy development processes (Wang, 2021; Labetubun, 2022).

Crucially, international case studies indicate that legislative reform alone is insufficient. Effective implementation of RRR requires not only statutory provisions but also enabling conditions such as artist legal literacy, institutional trust, and the presence of intermediary organisations to manage collection and distribution. These dimensions are particularly relevant in the Malaysian context, where previous cultural policy efforts have been criticised for top-down approaches and minimal grassroots consultation (Masyhuri et al., 2023).

This literature context affirms the global momentum toward equitable artist compensation while also highlighting the critical need to assess stakeholder readiness prior to policy adoption. As Malaysia moves toward broader creative economy reforms and seeks alignment with international copyright standards, a diagnostic understanding of artists' preparedness and institutional capacity becomes essential for designing a meaningful and sustainable RRR framework.

3 PROBLEM STATEMENT AND RESEARCH JUSTIFICATION

Despite widespread global recognition of the Resale Royalty Right (RRR) as a critical mechanism for promoting equity and sustainability in the visual arts, Malaysia continues to lack any formal provision for its implementation. The current Copyright Act 1987 does not extend legal entitlement to visual artists for remuneration from the resale of their artworks. Consequently, artists are systematically excluded from participating in the long-term market appreciation of their creations a structural imbalance that exacerbates economic disparities between creators and intermediaries such as collectors, galleries, and auction houses (Wang, 2021).

This legal omission reflects a misalignment between Malaysia's intellectual property regime and global standards (O'Dwyer, 2020; CISAC, 2023), as well as regional ASEAN trends where copyright enforcement and creator rights vary widely in scope and effectiveness (Antons, 2014).

Beyond legislative gaps, a more pressing concern lies in the limited awareness and low policy literacy among Malaysian visual artists regarding RRR. Existing studies suggest that many artists are unfamiliar with the concept, unaware of its operational mechanisms, or unclear about its legal and economic implications (Masyhuri et al., 2023). This knowledge vacuum is exacerbated by the absence of institutional outreach: galleries, art schools, and even artist associations seldom conduct awareness campaigns or policy advocacy concerning resale entitlements (Capildeo et al., 2022). As a result, the majority of practitioners remain disengaged from, or ill-prepared for, potential reforms.

In parallel, while Malaysia's leading auction platforms, such as Henry Butcher Art Auctioneers, have helped establish a secondary market for fine art, there remains no formal mechanism to ensure that original creators receive compensation from resale transactions. This institutional absence reflects a structural disconnect between market activity and artist rights (Henry Butcher, 2023).

Equally crucial to the success of any policy is the level of institutional trust among stakeholders. Prior research on Malaysia's cultural ecosystem highlights persistent concerns about bureaucratic opacity, centralised decision-making, and a lack of inclusive consultation processes (Labetubun, 2022). For a complex mechanism like RRR to be embraced, artists must believe that implementing bodies such as MyIPO or cultural ministries will administer the scheme transparently, equitably, and with accountability. Without such trust, any policy rollout may encounter resistance, apathy, or non-compliance, regardless of its legal soundness.

From a research standpoint, these observations point to a critical deficit in diagnostic data. To date, there is no empirical study that systematically investigates Malaysian artists' knowledge, attitudes, or preparedness concerning RRR. Although discourse around copyright reform and creative industry growth is gaining traction, it frequently marginalises the voices and lived realities of practising visual artists, the very stakeholders most affected by such reforms.

These observations reveal three intersecting research gaps that justify the present study. First, a theoretical gap exists due to the absence of an integrated framework that captures the cognitive, social, experiential, and institutional factors shaping artists' engagement with RRR. Second, there is an empirical gap, as no structured data currently exists on Malaysian artists' awareness, understanding, or expectations related to resale rights. Third, a policy gap persists, reflected in the lack of stakeholder readiness assessments that could inform the integration of RRR into national legal or institutional frameworks.

Addressing these gaps is essential not only to advance equity within the visual arts sector but also to support Malaysia's alignment with international cultural policy norms. A comprehensive needs assessment offers a foundational step toward rights based, inclusive, and feasible legislation. It further reinforces national objectives embedded in the Dasar Industri Kreatif Negara (Ministry of Information, Communications and Culture Malaysia, 2010) and Malaysia's commitment to the Sustainable

Development Goals, particularly SDG 8, which advocates for inclusive economic participation, decent work, and the empowerment of cultural producers (Economic Planning Unit, 2021).

To better understand these multi-dimensional readiness factors spanning legal awareness, institutional trust, and market experience the following section introduces the conceptual framework guiding this inquiry.

4 THEORETICAL FRAMEWORK

To evaluate the readiness of Malaysian visual artists to engage with and support the implementation of a Resale Royalty Right (RRR) policy, it is essential to adopt a theoretical framework that reflects the multidimensional nature of policy participation. Readiness cannot be measured solely through attitudinal responses; it must be examined through a diagnostic lens that accounts for artists' perception, comprehension, lived experience, and institutional trust. Accordingly, this study draws on an integrated four-part theoretical model comprising: Situation Awareness Theory, Social Capital Theory, Theory of Practice, and Institutional Theory. Each perspective contributes a unique construct to the overall framework, collectively enabling a robust assessment of RRR policy readiness.

4.1 Situation Awareness Theory (SAT)

Situation Awareness Theory (SAT), developed by Endsley (1995), outlines three hierarchical levels necessary for effective engagement in complex decision-making contexts. The first is perception, referring to an individual's ability to recognise relevant cues in the environment, such as being aware of RRR as a legal concept. The second level, comprehension, involves understanding the meaning, mechanisms, and implications of these cues, including how RRR functions and who it benefits. The third level, projection, denotes the capacity to anticipate the potential consequences of this understanding, such as estimating the future impact of RRR on one's income or professional status in the art market. In the context of Malaysian visual artists, SAT offers a lens for examining cognitive readiness specifically, whether artists are informed about RRR, grasp its relevance, and can translate that understanding into policy support or advocacy (Endsley, 1995; Wang, 2021; Kirana et al., 2018).

4.2 Social Capital Theory (SCT)

Social Capital Theory (SCT), as articulated by Bourdieu (1986) and Coleman (1988), emphasises the value individuals derive from their social networks and relationships. Within the visual arts ecosystem, social capital is expressed through affiliations with artist associations, participation in exhibitions, mentorship, and engagement within professional communities both physical and digital. Artists embedded in strong professional networks are more likely to encounter policy developments such as the Resale Royalty Right (RRR) and benefit from peer-led knowledge exchange (Jewell, 2017; Capildeo et al., 2022). In contrast, artists who are socially or geographically marginalised often lack access to these informational flows. SCT thus supports the inclusion of professional engagement as a core construct in this study, illustrating how access to policy-relevant knowledge is socially mediated and unequally distributed across artist populations.

4.3 Theory of Practice (ToP)

Bourdieu's Theory of Practice (1977) offers a sociological lens through which to understand how individuals' dispositions, referred to as *habitus* are shaped by their cumulative experiences. Within the visual arts, this includes interactions with collectors, galleries, auction houses, and informal resellers, all of which influence artists' perceptions of fairness, economic value, and their sense of entitlement to future profits.

Artists who have directly experienced the resale of their works, particularly in cases where no compensation was received are more likely to view the Resale Royalty Right (RRR) as a necessary

corrective to systemic inequities (O'Dwyer, 2020; MacNeill et al., 2022). These experiences contribute not only to their understanding of RRR's practical implications but also to their willingness to advocate for reform. Conversely, artists who lack such encounters may perceive RRR as either irrelevant or inaccessible not due to apathy, but as a result of limited exposure or internalised assumptions about the existing market structure.

ToP thus justifies the inclusion of resale experience as a critical construct in this study, influencing both cognitive comprehension and advocacy orientation within the broader policy readiness framework.

4.4 Institutional Theory (IT)

Institutional Theory (Scott, 1995) posits that stakeholder behaviour is strongly influenced by the perceived legitimacy, transparency, and effectiveness of formal institutions. In the context of policy implementation, compliance is not driven by legal mandates alone, but also by the degree to which institutions are viewed as credible, inclusive, and procedurally fair.

Within Malaysia's visual arts sector, scepticism toward agencies such as the Intellectual Property Corporation of Malaysia (MyIPO), the Ministry of Tourism, Arts and Culture (MOTAC), and government-linked arts councils reflects broader concerns about bureaucratic opacity, limited stakeholder consultation, and perceptions of preferential treatment (Labetubun, 2022; Masyhuri et al., 2023). These concerns can erode confidence in policy enforcement mechanisms and may result in disengagement or passive resistance among artists.

For RRR to be successfully implemented, artists must believe that institutional actors will administer royalties transparently, monitor resale activity reliably, and disburse payments equitably. Institutional Theory thus supports the inclusion of institutional trust as a core readiness construct in this study, recognising that stakeholder perceptions of legitimacy are as vital as legislative frameworks in shaping policy uptake and effectiveness.

4.5 Integrated Diagnostic Framework

Situation Together, these four theories provide a comprehensive diagnostic model to guide both empirical investigation and policy design. Each theoretical lens maps onto a distinct readiness domain, as summarised in Table 1 below:

Table 1 Integrated Diagnostic Framework		
Theoretical Lens	Readiness Construct	Purpose
Situation Awareness Theory	Awareness, Comprehension, Projection	To assess cognitive and informational readiness
Social Capital Theory	Professional Engagement	To measure access to policy knowledge through networks
Theory of Practice	Resale Experience	To understand how lived market experiences shape attitudes
Institutional Theory	Institutional Trust	To evaluate belief in enforcement fairness and feasibility

This multidimensional framework allows for a nuanced assessment of whether, and to what extent, Malaysian visual artists are equipped to engage with RRR legislation. It also serves as a foundation for designing survey instruments, interpreting diagnostic findings, and informing future stakeholder-driven policy initiatives.

5 ANTICIPATED CHALLENGES AND IDENTIFIED GAPS

While international frameworks for Resale Royalty Rights (RRR) have proven effective in enhancing the economic sustainability of visual artists, the feasibility of adopting such a mechanism in Malaysia is shaped by a complex interplay of informational, institutional, and experiential factors. Drawing upon the integrated conceptual framework, this section outlines the key barriers and unresolved gaps that may hinder the development, acceptance, and implementation of RRR legislation within the Malaysian context.

5.1 Policy Awareness and Legal Comprehension

One of the most critical readiness gaps concerns the limited awareness and understanding of RRR among Malaysian visual artists. Current literature and practitioner reflections indicate that many artists remain unfamiliar with the concept, its legal underpinnings, or the administrative processes that would accompany its implementation (Masyhuri et al., 2023). This knowledge deficit spans all three tiers of situation awareness, ranging from basic recognition of the term to understanding potential implications for future income streams.

Moreover, there appears to be widespread confusion between RRR and other forms of artistic remuneration, such as licensing agreements or royalties derived from commercial commissions. Without targeted educational efforts, these conceptual ambiguities are likely to persist, impeding both informed dialogue and future policy compliance.

5.2 Professional Engagement and Network Limitations

Social Capital Theory emphasises the role of professional networks in disseminating policy-relevant knowledge. Artists who are actively involved in associations, residencies, or curated exhibitions are more likely to encounter discussions on legal rights and economic entitlements (Capildeo et al., 2022). The fragmented structure of Malaysia's visual arts community, particularly outside major cities, has led to uneven access to institutional support and information dissemination (British Council Malaysia, 2020). This reinforces uneven social capital and limits participation in rights-based policy discussions such as RRR.

While digital platforms offer alternative spaces for informal knowledge exchange, they rarely include structured legal discourse or awareness campaigns related to RRR. As a result, access to critical policy knowledge remains unevenly distributed, creating disparities in policy readiness and excluding marginalised artist communities from emerging legal dialogues.

5.3 Resale Experience Disparity

While Malaysia's secondary art market remains relatively opaque, there is growing anecdotal awareness within the artistic community of artworks being resold at higher prices without the original creators' knowledge or benefit. Although systematic data is lacking, this perception reflects a broader concern about transparency and the exclusion of artists from downstream value flows in the resale ecosystem. According to Theory of Practice, those with direct experience of resale without benefit tend to view RRR as a necessary corrective, while others, particularly early career or geographically isolated artists, may perceive it as irrelevant (Bourdieu, 1977; O'Dwyer, 2020).

Such disparities in resale experience create unequal perceptions of RRR's legitimacy and necessity. Without addressing this perceptual gap through evidence-based outreach, it may be difficult to mobilise broad-based support or build a unified advocacy front among artists.

5.4 Institutional Trust Deficit

A major anticipated challenge is the low level of trust many Malaysian artists exhibit toward policy and enforcement institutions. Studies in adjacent domains such as public arts funding, intellectual property registration, and programme implementation have highlighted longstanding concerns over bureaucratic opacity, elite capture, and exclusion from decision making processes (Labetubun, 2022; Wang, 2021). These sceptical views are consistent with regional enforcement concerns, where inconsistent implementation, limited transparency, and underfunded copyright bodies hinder trust in institutional mandates (ASEAN Secretariat, 2019; Labetubun, 2022).

For RRR to gain legitimacy, stakeholders must believe that enforcement will be fair, royalties will be disbursed transparently, and administrative bodies will act impartially. Without robust accountability mechanisms and inclusive governance structures, this Institutional Trust gap may hinder both adoption and compliance, even if legal provisions are in place.

5.5 Legal and Operational Uncertainties

A major anticipated challenge is the low level of trust many Malaysian artists exhibit toward policy and enforcement institutions. Studies in adjacent domains such as public arts funding, intellectual property registration, and programme implementation have highlighted longstanding concerns over bureaucratic opacity, elite capture, and exclusion from decision making processes (Labetubun, 2022; Wang, 2021).

Currently, Malaysia's Copyright Act 1987 does not include any provisions for RRR. Introducing such a right would require significant legal reform, accompanied by the development of administrative mechanisms for resale tracking, eligibility verification, and royalty distribution.

Several practical questions remain unresolved: What constitutes a qualifying sale? Who bears administrative costs? What thresholds or exemptions would apply? Without clear answers to these questions, legislative proposals risk being perceived as either unenforceable or overly burdensome.

For RRR to gain legitimacy, stakeholders must believe that enforcement will be fair, royalties will be disbursed transparently, and administrative bodies will act impartially. Without robust accountability mechanisms and inclusive governance structures, this Institutional Trust gap may hinder both adoption and compliance, even if legal provisions are in place.

5.6 Research and Data Deficiency

Lastly, the absence of empirical research on RRR readiness in Malaysia severely limits the ability of policymakers and stakeholders to make informed decisions. Most existing commentary on the topic remains normative or comparative, without grounded insights into the lived realities of Malaysian artists. This lack of data also constrains opportunities for participatory policy design, reducing the likelihood of a rights framework that is both relevant and widely supported.

Taken together, these challenges highlight the urgent need for a structured, diagnostic approach to evaluating RRR feasibility in Malaysia. By addressing the informational, experiential, and institutional components of artist readiness, policymakers can begin to develop a more inclusive and contextually responsive cultural policy framework, one that not only aligns with international norms but also reflects the specific dynamics of Malaysia's creative ecosystem.

The following section proposes a series of strategic interventions aimed at addressing these challenges and fostering a more equitable environment for the potential implementation of RRR legislation. initiatives.

6 RECOMMENDATIONS AND STRATEGIC DIRECTIONS

In response to the challenges identified above, this section outlines a series of interlinked recommendations aimed at advancing Malaysia's readiness for the potential implementation of a Resale Royalty Right (RRR) framework. These proposed directions are informed by the four theoretical constructs underpinning this study: cognitive awareness, professional engagement, market experience, and institutional trust, and are designed to support inclusive policy development grounded in local realities and international best practices.

6.1 Develop and Validate a National Needs Assessment Instrument

A critical first step in advancing RRR discourse is the development of a national-level diagnostic instrument that systematically captures visual artists' levels of readiness. This bilingual survey available in Bahasa Malaysia and English should be designed to assess: (i) cognitive awareness and understanding of the RRR (based on Situation Awareness Theory); (ii) artists' participation in professional or peer networks (aligned with Social Capital Theory); (iii) lived experience with artwork resale (guided by the Theory of Practice); and (iv) trust in institutional enforcement mechanisms (framed by Institutional Theory).

To ensure contextual validity, the instrument should undergo expert review and pilot testing. The resulting data would allow for segmentation of artist populations based on readiness dimensions and inform targeted outreach strategies. It would also serve as a critical evidence base for refining legal frameworks and designing institutionally appropriate implementation models.

6.2 Introduce Legal Literacy Programmes and Awareness Campaigns

Addressing the widespread confusion between RRR, copyright, and other remuneration models requires sustained investment in legal literacy. Educational interventions should be integrated across multiple levels of the creative ecosystem. For instance, intellectual property modules could be introduced into secondary and tertiary visual arts curricula, while artist associations could offer legal training via workshops, peer clinics, and digital content.

Public-facing campaigns led by agencies such as MyIPO, MOTAC, and CENDANA should leverage multimedia platforms, short-form videos, infographics, and artist testimonials to convey the relevance and benefits of RRR. These initiatives must move beyond mere awareness raising to foster artists' capacity for comprehension and forward-looking decision-making, thereby addressing gaps across all three levels of situation awareness.

6.3 Strengthen Professional Engagement Platforms

Given the importance of networked learning and peer-driven policy diffusion, greater institutional support should be directed toward the formation and strengthening of artist-led collectives, cooperatives, and regional guilds. These structures can function as knowledge hubs, rights advocacy platforms, and intermediaries between artists and state institutions.

Cultural agencies such as MOTAC and CENDANA should ensure that rural artists, Indigenous practitioners, and digital native creators are actively included in these networks to counter urban centric and elite driven biases in policy formation. Strengthening social capital in this manner will support wider engagement with policy reforms and create more equitable access to legal protections like RRR.

6.4 Conduct Pilot Projects and Feasibility Trials

Before legislative enactment, voluntary pilot projects should be implemented in partnership with key industry stakeholders, such as commercial galleries, auction houses, and online art platforms. These trials could test the operational feasibility of resale royalty schemes by simulating processes for sales tracking, artist verification, and royalty disbursement. For example, collaborative models involving stakeholders such as Henry Butcher Art Auctioneers or Art Expo Malaysia may yield insights into logistical challenges, user responses, and data tracking mechanisms. Such feasibility trials would serve as low-risk, adaptive learning environments, informing procedural refinements and building institutional and sectoral confidence before national implementation.

6.5 Enhance Institutional Trust through Participatory Governance

Institutional trust is a pivotal factor in determining whether artists will engage with and support new policy mechanisms. To foster legitimacy, any future RRR implementation body, whether MyIPO or a newly designated agency should adopt participatory governance principles. This includes the inclusion of artist representatives on advisory and oversight boards, regular public reporting on royalty collection, enforcement statistics, and financial transparency, as well as the establishment of an accessible, artist-friendly complaints and inquiry mechanism. Such measures align with the tenets of Institutional Theory and are essential to cultivating procedural fairness, transparency, and long-term stakeholder confidence in the governance of RRR.

7 LIMITATIONS AND FUTURE RESEARCH

Based on the conceptual limitations identified, several key directions for future research are proposed to support the progression from theoretical assessment to policy implementation.

First, an empirical needs assessment is essential to validate the diagnostic model presented in this study. A national survey complemented by in-depth interviews or focus groups could capture diverse perspectives from visual artists, collectors, galleries, and institutional actors. This would provide baseline data on levels of awareness, resale experience, institutional trust, and professional engagement across different artist communities, helping to refine the readiness framework and inform targeted policy responses.

Second, legal and institutional feasibility studies should be conducted to examine how existing copyright legislation, particularly the Copyright Act 1987, could be amended to accommodate RRR. Comparative analyses of implementation models in similar legal systems, particularly within Southeast Asia, would offer valuable insights into administrative options, enforcement structures, and stakeholder coordination mechanisms relevant to the Malaysian context.

Third, pilot testing and process evaluations represent a critical intermediary step before national rollout. These trials, conducted in partnership with auction houses, online platforms, or gallery consortia, would enable real-time testing of royalty tracking systems, reporting procedures, and artist uptake. Feedback from these pilots would help address operational concerns while building institutional and market confidence.

Finally, future research should explore how visual artists perceive institutional legitimacy, representation, and voice within policy governance structures. Qualitative studies on trust building, perceived fairness, and procedural transparency would strengthen understanding of how artists evaluate policy institutions such as MyIPO or MOTAC and identify avenues for more inclusive governance in future resale rights administration.

Together, these research directions reflect a commitment to iterative, evidence-based policy development. They provide a pathway for transforming the conceptual framework introduced here into a robust, artist-informed policy infrastructure.

8 CONCLUSION

This article has presented a conceptual needs assessment exploring Malaysia's readiness to implement a Resale Royalty Right (RRR) framework for visual artists. While the international policy landscape affirms the relevance and viability of RRR as a tool for economic equity, Malaysia's legal infrastructure and stakeholder ecosystem remain unprepared to support such reform without foundational interventions. The current absence of resale remuneration mechanisms, combined with artists' limited awareness, network fragmentation, and low institutional trust, signals a critical gap between market realities and cultural governance.

Drawing upon four interrelated theoretical perspectives, Situation Awareness Theory, Social Capital Theory, Theory of Practice, and Institutional Theory, this study proposed a diagnostic framework to evaluate artist readiness through cognitive, social, experiential, and trust-based dimensions. The analysis identified six core challenges: insufficient legal comprehension, unequal access to policy networks, limited resale experience, institutional scepticism, operational ambiguity, and a lack of empirical data. These findings collectively point to the need for a multi-pronged strategy that extends beyond legislation and engages artists, institutions, and market actors in co-producing viable and inclusive solutions.

The recommendations outlined in this article, including the development of a national readiness instrument, legal literacy programmes, network building initiatives, pilot schemes, participatory governance models, and policy alignment with broader development goals offer a scaffold for informed and context-sensitive reform. Together, they advance a vision of cultural policy that centres on artists' rights, economic fairness, and participatory governance.

The global momentum for equitable creator rights, as evidenced by increasing trade in creative goods and institutional focus on cultural labour protections (UNCTAD, 2024), presents a timely opportunity for Malaysia to reform its copyright policy through a stakeholder-informed RRR framework. By initiating discourse through this needs assessment, the article lays the groundwork for evidence-based and artist-centred policymaking. Such groundwork is not only essential for fairer cultural policy but also critical for aligning Malaysia with international norms and for advancing inclusive and sustainable creative development.

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AUTHOR CONTRIBUTIONS

All authors played equal contributions towards the production of this paper.

CONFLICT OF INTEREST

The author declares no potential conflict of interest with respect to the research, authorship, and/or publication of this article.

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