AI ABUSE CASE DATABASE AND CREATOR PROTECTION GUIDEBOOK

An open-source initiative to document AI abuse cases in Malaysia to empower creators with practical legal tools, and drive policy reform for stronger digital rights protection.

Project fact sheet information

Here should be added all the information as it will appears in proposals or agreements

Project title	AI Abuse Case Database And Creator Protection Guidebook
Grant recipient	Melissa Lim Shi Hui
Dates covered by this report	
Report submission date	
Country where project was implemented	Malaysia
Project leader name	Melissa Lim Shi Hui
Team members (list)	Khairil Yusof Sam Ng
Partner organizations	Sinar Project
Total budget approved	USD4,800
Project summary	Creation of Generative AI abuse case database and a guidebook for creators while identifying gaps in the legal framework regarding cases arising from Generative AI abuse.

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Project Summary

Overview

1. The AI Abuse Case Database and Creator Protection Guidebook project aims to document and highlight cases of Generative AI (Gen AI) abuse in Malaysia, with a focus on harms impacting creators and the public.

2. Gen AI uses deep learning models algorithms to identify and encoding patterns and relationships to organise huge amount of data sets into meaningful clusters of information in order to create new content whether it be text, images and audio, in response to a query or prompt.[1][2]

3. By compiling verified cases, identifying legal gaps, and providing practical resources, this project seeks to protect creators, educate the public, and inform policymakers about the urgent need for better governance around GenAI abuse.

Key Questions Driving the Project

4. **For Creators:** What harms have they experienced by GenAI abuse and how to protect their likeness, assets, and rights in this AI age?
5. **For the Public:** How to increase awareness to identify AI manipulated content?
6. **For Policymakers:** What types of AI-related harms are prevalent now? Are existing laws sufficient, if not, what new legislation are required to address the AI-related harms?

Project Objectives

7. **AI Abuse Case Database**

7.1. An open, structured repository documenting instances of Gen AI misuse in Malaysia and ASEAN.

7.2. This database will quantify the scale of AI abuse, map harm categories, and inform future policymaking.

8. Creator Protection Guidebook

8.1. A practical resource for creators, offering:

[1] https://www.ibm.com/think/topics/generative-ai

[2] https://www.techtarget.com/searchenterpriseai/definition/generative-AI

a) Identification: How to detect misuse of your likeness or work based on current laws.

b) Response: Steps to report AI abuse to platforms, regulators, and authorities.

c) Legal Options: Overview of available claims under Malaysian law.

9. Policy & Governance Research

9.1. Using the case database, the project will provide an overview on:

a) The categories of AI abuse cases.

b) Gaps in current laws.

c) Whether Malaysia requires updated legislation or regulatory mechanisms to address harms from AI abuse.

Background and Justification

1. Generative AI ("**Gen AI**") as a tool is not inherently bad but the tool can be used by people which create harm on others or users can be harmed just from being uneducated about AI.

2. Examples of people misusing GenAI which creates harm on others includes non-consensual deepfakes, AI manipulated images, AI screening tools to exclude certain groups of people, and voice cloning which could be used to commit a crime or to perpetuate a societal bias.

3. Examples of users being harmed by using GenAI partly due to the lack of awareness around AI includes inaccurate translations that results in societal prejudice, amplified feelings towards AI that results in self harm, suicide, or loneliness.

4. The aim of this Project is to identify the GenAI harms against Creators knowingly created by people and by uneducated usage of AI by the Creators.

Category of impacted persons

5. For the purposes of this Project, "Creators" shall be defined as copyright owners granted exclusive rights to their creations pursuant to the Copyright Act 1987, who further makes their creations publicly available online as part of their livelihood or job scope.

6. A group that is exceptionally vulnerable to this are Creators because their trade relies on the attention economy where their livelihood depends on the number of eyeballs they gain on their work or that their job is public facing.

7. Creators are targeted precisely for their high influence on a high number of people. With the power of Gen AI, various forms of a Creator's creation and the Creator's likeness can now be manipulated for better or for worse (usually for worse).

8. Known Malaysian Creators that has been subjected to AI abuse are:

    i. **Creator:** Khairul Aming
    Abuse category: misuse of face, manipulation of voice
    Event: Creator's face was used in a fake video while his voice was manipulated to sell products not belonging to the Creator.
    Year of Abuse: 2024
    Statement Link

ii. **Creator:** Siti Nurhaliza
Abuse category: misuse of face, appropriation of video, manipulation of voice
Event: Creator's video showing her face was used in fake video calls while her voice was manipulated to bank in a sum of money for a gift.
Year of Abuse: 2024
News Link; **Statement Link**

iii. **Creator:** Elyanasparks
Abuse category: appropriation of image, manipulation of images containing body parts
Event: Creator's picture of herself in a costume was manipulate to an explicit image and sold for money
Year of Abuse: 2025
News Link

9. By February 2025, the Director of Department of Commercial Crime Investigation Bukit Aman, Datuk Seri Ramli Mohamed Yoosuf said that there have been 454 scam cases involving the use of deepfake technology with damages reaching RM2.272 million[3].

10. Meanwhile, MCMC reports to have removed 1,225 explicit content generated using artificial intelligence (AI) as of 01-12-2024 compared to 186 content in Year 2022[4].

11. For this project, we will document the instances where Gen AI has been misused in terms of:

    i. Identity Misuse (manipulation of face, body parts, and voice); and
    ii. Creative Style Misuse (replicating unique artistic techniques or expressions, characters or designs)

Key Gaps in Legislation and Governance

12. There are at least two (2) impacted stakeholders in situations of AI Abuse — the Creators and the receiver of the fake content.

13. The Creators for their likeness / assets stolen to be manipulated and the receiver of the fake content for being mislead, misrepresented, and victim of identity theft amongst other crimes that the fake content was used.

[3] https://www.astroawani.com/berita-malaysia/bolehkah-bezakan-antara-realiti-dan-deepfake-509383
[4] https://www.freemalaysiatoday.com/category/nation/2024/12/04/mcmc-records-huge-increase-in-explicit-ai-generated-content

14. However, there are no actual, actionable recourse for both categories of impacted stakeholders because at the end of the day, they have to rely on the police and Malaysian Communications and Multimedia Commission ("**MCMC**") to identify the perpetrator which is difficult bordering impossible unless the impacted stakeholders know the perpetrator.

15. So for now, the Creators can only make public statements and police reports when they find out about the fake content and if the fake content is used to make a large enough impact that the Creators deem it necessary to make such public statements and police reports.

15.1. They are unable to bring any actions against the perpetrator since the perpetrator remains largely untraceable regardless of the causes of action available to them.

15.2. That being said, we now examine the causes of action that are available to Creators such as Intellectual Property infringement, breach of terms and conditions of the social media platforms (*assumption and depending on platforms*), and maybe a form of tortious claim. It remains that these are all civil claims that the police may not conduct any investigations for.

15.3. Therefore, the police reports were made only to protect the Creator's reputation so as to lend some credibility to their public statement, and as weak evidence as part of the police's investigation of an actual crime being committed such as scams or fraud for money. However, the Creator's reputation would have taken a hit and any videos created later may be tinged with doubts.

a) A side note: a content creator in Malaysia has resorted to inserting a bouncing watermark directly on her face in her videos akin to a 90s computer screensaver after her videos has been stolen to sell fake workshops. Is this the future that creators face?

16. The question then would be: what if there were no fraud or scam or any bigger "crime" being committed? What if a Creator's body was just being manipulated to dance to a new TikTok trend and nothing insidious? Does this mean that a Creator, a human being, is to let it pass although it was done without his / her consent?

17. Flowing from the above, we look at the case of Studio Ghibli and OpenAI's ChatGPT where ChatGPT was able to generate images that is hyped as Studio Ghibli art style. In this case, Studio Ghibli, being an internationally renowned company, is unable to muster a cause of action against OpenAI. It begs the question of how can art be distinguished

and categorised and further protected for their creators while maintaining the spirit of sharing the good of invention to the world. How and where can we strike a balance?

18. As for the receiver of the fake content, all they could do is to make a police report and hope against hope that the police will run an investigation, has all the necessary tools and tech enough to find the perpetrator and charge the perpetrator in Court. What are the odds of that?

18.1. Drawing a comparison of known conventional scam cases where the perpetrator obtains money from another person from a phishing exercise. In the instance where the police are able to find the perpetrator or the mule account where the money was transferred to, neither the banks, the police, nor the Court will be able to make the scammed money available to the victim again.

18.2. While the imprisonment of the perpetrator is certain if they were found and found guilty, the victim will still need to bear the burden of losing money or worse, repay loans that were taken during the scam.

19. That being said, in the event the perpetrator was found and charged in Court, then the causes of action available to the victims seems to be sufficient with causes such as fraudulent misrepresentation and fraud. However, as pointed out in paragraph 12.1 above, the enforcement of such Court Judgement remains insufficient.

19.1. The enforcement of Court Judgements in Malaysia falls under four (4) methods:

a) Seizure and sale. The common problem faced by judgement creditors are that the judgement debtors has not enough valuable assets to recover the judgement sum.

b) Judgement debtor summons. A summon of the judgement debtor to Court to explain why he is not paying the debt. This is the path least taken because the simple assumed answer here is that he is being imprisoned and the penalty under this enforcement is more jail time.

c) Garnishee. The freezing of bank accounts. The bank account details of which are notoriously difficult due to the bank's secrecy protection and even with the bank account, is there money in the accounts?

d) Bankruptcy. The status of bankruptcy to an imprisoned criminal may be an added flaw in his record but does little to help the victim who is an unsecured creditor.

19.2. Therefore, regardless of whether it is a civil suit or a criminal charge, the victim will have to bear the brunt of being scammed.

20. Further imagine a situation where the receiver of the fake contents falls for a monetary scam but he does not believe the Creator’s public statements and wants to sue the Creator anyway. How would the Creator defend himself without spend an excruciating long amount of time and money? On the flip side, what if a Creator made an AI video of himself and then make a false public statement that he has nothing to do with it? How would the victims know that it is false and that there is a criminal charge / civil claim available to them?

21. Therefore, in the situation of crimes being committed by misusing or abusing AI with the help of the Creator’s content, the Creators have to be educated so that they may employ preventative and mitigative measures while the receivers of fake contents have to be educated so they do not fall for scams as easily because the hands of the law is far reaching but as of now, it is insufficient and takes time.

Criminal Charges

22. The most talk about criminal charges that can be brought by either one of the impacted stakeholders arises from scam and distribution of indecent images probably due to the nature of crimes arising from the current landscape of AI abuse cases.

23. However, after this project, we would like to look into the possibility of re-defining or creating new legislations on events such as:

i. Identity theft – now under s416 of the Penal Code under cheat by personation. But again, with the potential of Gen AI and the current tech age, shouldn’t this cover other crimes that is committed by impersonating another?

ii. Creation and making porn or indecent images and/or videos – preliminary research has found that it is only a crime under:

a) s292 of the Penal Code - for possessing or distributing any kind of pornographic material;

b) s211(1) of the Communications and Multimedia Act 1998 - for distributing pornographic content;

c) s509 of the Penal Code - intention to insult modesty

d) s383 of the Penal Code – extortion

The Why to Creator Protection Guidebook

24. In preliminary research and survey, the most common questions Creators ask are:

i. What amounts to stolen asset or misappropriation? Especially for illustrators and painters. They do not know, frankly because the world does not know either, whether an act of copying is wrongful; where is the boundary and has the act cross it? Further because their work may be inspired by another artist to begin with, the line is even blurred.

ii. What can they do if they found that their creations has been misused or abused?

iii. Is it worth the effort to bring an action against the perpetrators? As mentioned above, Creators may lodge a police report if the impact is big enough but otherwise, there is no obligation for them to do so. Note: that Malaysians are generally not inclined to make a police report to begin with.

Is New Legislation / New Governance Even Needed?

25. At the same time, all these beg these questions:

i. Whether Malaysia is ready for new legislations in terms of enforcement?
ii. Whether the impact of AI abuse cases are severe enough to warrant new legislations / overhaul of the law?
iii. Do Malaysians want to be regulated in AI usage? What are the potential harms with additional regulations on AI usage in Malaysia?

26. The creation of the case database will tell us the number and the severity of the cases and what are the reliefs sought by the public. Afterall, the law is a mirror of society.

Project objectives

27. **Objective 1: Develop a repository to document the case database in GitHub**
This addresses the lack of a common nationwide database on cases arising from AI abuse on Creators. This will create a transparent and publicly accessible database that can be used to measure the rise of AI abuse cases and its sub-categories. This will further be a made a basis for evidence backed policy making.

28. **Objective 2: Draft a concept note for the AI abuse case database with the metadata and standards to be used for the database**
This will outline the parameters of the AI abuse case database.

29. **Objective 3: Draft a guidebook for Creators on AI abuse instances**
This will raise awareness on the types and instances of AI abuse so they will be better equipped to identify and protect themselves from AI abuse on their creations; and to give them a clearer picture on the steps they can take if them / their creations are subject to AI abuse.

30. **Objective 4: Conduct a roundtable session with stakeholders to review the final outputs of the Project**
To review the case database and further the cause.

Project implementation: understanding the chain that leads to results

Activities

31. The primary activity will be to develop the case database. In order to do so, there is a need to collect cases from across Malaysia and form networks for Creators to go to if they face events of AI abuse. This will be done in three (3) ways:

    i. Workshops and community gatherings with relevant organisations.

    ii. Collaborations with other CSO that has information on the cases.

Output

32. The key outputs include:

    i. A fully functional and publicly accessible repository on GitHub featuring case details.

    ii. A Creator’s Guidebook, the working title being “Human Creators’ Guide: Your IP and GenAI”.

Outcomes

33. As a result of the above outputs, the project would have contributed by:

i. Starting a conversation and actively engaging with Creators on the topic of GenAI harms and how it would affect their rights;

ii. Having a guidebook specific to the Malaysian legal framework that Creators may rely on to protect their rights; and

iii. Increased knowledge of Creators on their rights and how to respond if they are subjected to GenAI harms

Public Repository Implementation

34. The public Repository will have the following features:

i. The Repository should be open for people to submit and contribute to the Repository. They will be able to enter information according to the fields provided to them.

ii. For verification of cases, it can be achieved by a submission of their police report or a comparison of their original creation and the alleged manipulated content which will both be stored in the Repository.

iii. Metadata and categories which include geolocation, type of GenAI abuse, affected rights, AI tool used, severity level, monetary / non-monetary loss, involved authorities, whether case is reported to authorities.

Communication / Dissemination plan

Target Audience

35. One group of targeted audience are Creators and organisations related to the Creators. They will use this for themselves and to disseminate to their peers. This will enable the organisations to build themselves as a safety hub.

36. Second group is CSO and government partners which the outputs will be used for research and policy making.

Dissemination Strategy

37. It will start with an initial guidebook and workshops which will be used as attractions to gain access to Creators and collect case stories.

38. Build relationship with organisation partners and turn them into distributors.

Development Impact and Outcomes

Expected Outcomes

39. Increased knowledge surrounding GenAI abuse events, prevention measures, and reliefs that can be obtained. This is achieved by the distribution of the Guidebook.

40. A complete database that can be used by stakeholders to meet with public officers for advocacy and governance.

External factors and actors that have a long term effect/impact on the project’s results

41. Government bodies such as MCMC
42. Impact on the Online Safety Act 2024
43. Creator’s related organisations such as Malaysian Writers Society, KL Illustration Fair, and Persatuan Seniman Malaysia

Risks: SWOT, Challenges and other risks and how you plan to overcome them

Risk Description	Risk Level	Mitigation Strategy
Political situation may not be conducive for new legislations	Low	This project is not politically inclined and can be politically neutral.
Natural disasters (e.g., floods) may affect workshop logistics	Low	Schedule activities outside high-risk seasons; prepare hybrid or online alternatives
Impacted persons may not be as forthcoming to speak about their case	High	Working with organisations they are already working with will help with our credibility. Workshops will increase our presence and trust.
Social media call of action may not be as far reaching	Medium	Ads can be deployed and collaboration posts with Creators will help

Indicators

Baseline	Indicators	Progress	Assessment	Course of action
Refers to the initial situation when the projects haven't started yet, and the results and effects are not visible over the beneficiary population.	How do you measure project progress, linked to the your objectives and the information reported on the Implementation and Dissemination sections of this report.	Refer to how the project has been advancing in achieving the indicator at the moment the report is presented.	Descriptions should be clear and ideally contain operational terms where needed. Please describe the quality dimensions.	What is the project team planning to do next is very important to document, specially if changes to the original plan have to be implemented for the success of the project.
No unified AI incident database on Creators in Malaysia	3 Creators to be engaged in this Project	2 Creators interviewed so far	Creators that will be engaged in this Project will be from video content creators, writers, photographers, cosplayers, and musicians.	Expand outreach to writers, photographers, and musicians.
No specific book on IP and AI based on Malaysian laws to help Creators understand their rights and what to do against GenAI harms	2 Creators have used the "Human Creators' Guide: Your IP and GenAI" guidebook to better protect their rights and shared the guidebook to other Creators	Guidebook outline ongoing	Post workshop surveys and a trackable QR code to ascertain number of downloads. 5 downloads	Identify and narrow down specific issues faced by Creators and trim down the guidebook to be more relevant and relatable.
No existing workshops focused on IP / GenAI risks for Creators	10 Creators will gain additional knowledge on GenAI risks against their intellectual property and how to respond if they are impacted.	Contacted 1 organisation to hold a workshop with a sub-genre of Creators: cosplayers	Feedback has been good in that these events are necessary and planning is underway.	Prepare workshop materials and make participants anticipate the guidebook's publication

Bibliography

Tips: *Include complete bibliographic references to all sources (printed, on-line, quotes, etc) used to prepare the different sections of this report. The APA style guide offers examples about how to reference a variety of sources. http://www.apastyle.org/learn/quick-guide-on-references.aspx (as accessed on 3/7/2013).*

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