

***THE MALAYSIAN  
COMMUNICATIONS AND  
MULTIMEDIA CONTENT CODE***



**THE COMMUNICATIONS AND MULTIMEDIA CONTENT  
FORUM OF MALAYSIA**

# THE COMMUNICATIONS AND MULTIMEDIA CONTENT FORUM OF MALAYSIA

## CONTENT CODE

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- a) The Communications and Multimedia Act 1998 provides for the Content Forum to prepare and draw up a Content Code after appropriate consultations and to enforce the Code containing governing standards and practices in the communications and multimedia industry.
  
- b) The Content Code which the Communications and Multimedia Content Forum of Malaysia has adopted for the purpose of the statutory duty sets out the guidelines and procedures for good practice and standards of content disseminated to audiences by service providers in the communications and multimedia industry in Malaysia.
  
- c) The Content Code demonstrates a commitment toward self-regulation by the industry in compliance with the Communications and Multimedia Act 1998 (Act 588). It seeks to identify what is regarded as offensive and objectionable while spelling out the obligations of content providers within the context of social values in this country.
  
- d) What in essence the Content Code recommends, is guidelines for a responsible approach toward the provision of content and outlines procedures on self-regulation that will provide the platform for creativity, innovation and healthy growth of a fast changing industry.
  
- e) Aimed at facilitating industry self-regulation, the Act empowers the Malaysian Communications and Multimedia Commission to designate an industry body to be the Content Forum responsible for the preparation of a Content Code, or codes as the need may arise.
  
- f) Such a Forum and its processes are not novel to Malaysia. Previous arrangements relied heavily on industry-based advisory committees and the consultative processes. The Act formalises these processes to put more emphasis on greater industry self-regulation and self-discipline.

**1.0 Preamble**

1.1 **BEARING IN MIND** the national policy objectives of and for the communications and multimedia industry and the need to establish agreed standards of behaviour in respect of industry members and to:

- (a) Promote a civil society where information based services will provide the basis of continuing enhancements to quality of work and life.
- (b) Regulate the long-term benefit of the end user.
- (c) Promote a high level of consumer confidence in service delivery.
- (d) Grow and nurture local information resources and cultural representations that facilitate the national identity and global diversity.
- (e) Establish Malaysia as a major global center and hub for communications and multimedia information and content services.

1.2 **BEING AWARE** of the need to avoid Content, which is indecent, obscene, false, menacing or offensive in character with intent to annoy, abuse, threaten or harass any person.

1.3 **ACKNOWLEDGING THE NEED** of the viewers and listeners to be provided with news and reporting to create an informed public bearing in mind the need to ensure and preserve the country's harmony and growth.

1.4 **RECOGNISING THE NEED** to disseminate and to provide information and entertainment to meet the diverse needs of the Malaysian viewers and listeners in all Content relating to business, politics, recreation, information, culture and education.

1.5 **REALISING THAT VIEWERS** as consumers should have the freedom to view contents of their choice. That choice must be balanced against public interest for which as a compromise, guidelines may be formulated to classify contents and suitability.

1.6 AND WHILST RECOGNISING the right of the consumer to choose it is AGREED that choice should be exercised with care and that the responsibility could be shared by the individuals, parents, teachers and guardians.

## 2.0 General Principles

2.1 IT IS DECLARED AND ACCEPTED that the following general principles shall apply to all that which is displayed on or communicated and which is subject to the Act.

2.2 In creating and offering news, reports, entertainment and advertisements, content providers will bear in mind the need for a balance between the desire of viewers, listeners and users to have a wide range of Content options and access to information on the one hand and the necessity to preserve law, order and morality on the other.

2.3 The principle of ensuring that Content shall not be indecent, obscene, false, menacing or offensive shall be observed.

2.4 There shall be no discriminatory material or comment, which is based on matters of race, national or ethnic origin, colour, religion, age, sex, marital status, or physical or mental handicap.

2.5 Women and men shall be portrayed with fair and equitable demographic diversity taking into account age, civil status, race, ethno-cultural origin, physical appearance, background, religion, occupation, socio-economic condition and leisure activities, while actively pursuing a wide range of interests.

2.6 Particular attention shall be given to Content that is created for children and to Content in which children are portrayed.

2.7 Attention will be given to include and respect diversity such as may be expressed through differences due to, but are not limited to, cognitive or physical ability, culture, ethnicity, religion, socio-economic status, gender, age, national origin, political persuasion, marital status, educational background or geographic location.

2.8 Code subjects shall endeavour to provide Content that, as far as possible, caters to the various tastes and expectations of Malaysian viewers and listeners recognising the varied tastes of the Malaysian public.

2.9 Code subjects will ensure, to the best of their ability, that their Content contains no abusive or discriminatory material or comment on matters of, but not limited to, race, religion, culture, ethnicity, national origin, gender, age, marital status, socio economic status, political persuasion, educational background, geographic location, sexual orientation or physical or mental ability, acknowledging that every person has a right to full and equal recognition and to enjoy certain fundamental rights and freedoms as contained in the Federal Constitution and other relevant statutes.

### **3.0 Objectives of the Code**

3.1 The overriding purpose of this Code is to recommend guidelines relating to the provision of Content through self-regulation by the industry in a practical and commercially feasible manner and at the same time foster, promote and encourage the growth and development of the industry.

3.2 In doing so, it is noted and acknowledged that the following specific objectives shall guide the parties affected, governed by, administering and subject to the Code:

- (a) Meeting and supporting the national policy objectives set out in the Act.
- (b) Ensuring effective self-regulation of the development, production and dissemination of Content.
- (c) Empowering users of Content to make an informed selection of the Content they consume.
- (d) Recognise and keeping updated with international as well as national standards, trends and sensitivities in applying and reviewing this Code.
- (e) Ensuring compliance through a regular process of monitoring.

#### **4.0 Scope and Coverage**

4.1 This Code shall apply to all Content made available in the Content industry in the networked medium and as defined in this Code and under the Act.

4.2 This Code shall apply to all Content Application Service Providers and in particular but is not limited to:

- (a) Each member of the forum;
- (b) Each person who has submitted their agreement to the Forum that they will be bound by this Code; and
- (c) Each person whom the Commission has directed in accordance with Section 99 of the Act.

#### **5.0 Definitions and Interpretation**

5.1 For the purposes of this Content Code, the following words and phrases, unless otherwise specified hereunder, bear and have the same meaning as in the Communications and Multimedia Act 1998.

*Act* means the Communications and Multimedia Act 1998 (Act 588).

*Applications Service Provider* means a person who provides applications service; these are persons who provide particular functions such as voice services, data services, content-based services, electronic commerce and other transmission services. In particular, the Licensing Regulations 2001 lists as Application Service Providers, persons who provide the functions or capabilities delivered to end users which include any or all of the following application services: -

- i) Public Switched Telephone Network telephony for the delivery of voice and data communications;
- ii) Public Cellular telephony services;
- iii) Public Internet protocol telephony;
- iv) Public payphone service;

- v) Public switched data service for non-services that involve circuit switching of data emanating from one specific network facility to another;
- vi) Audiotext Hosting Service enables a caller to receive a pre-recorded message or interact with a programme to receive information;
- vii) Directory services;
- viii) Internet access services;
- ix) Messaging services;
- x) Private payphones service;
- xi) Telegram services.

**Code** means this Content Code as may be revised from time to time.

**Code Subjects** means persons who are subject to the Code.

**Commission** means the Malaysian Communications and Multimedia Commission established under the Malaysian Communications and Multimedia Commission Act 1998 (A 589).

**Complaints Bureau** means the Bureau referred to in Part 8 of the Code.

**Content** means any sound, text, still picture, moving picture or other audio-visual representation, tactile representation or any combination of the preceding which is capable of being created, manipulated, stored, retrieved or communicated electronically.

**Content Application Service Provider** means a person who provides a content applications service. Examples of content applications services include :-

- i) Direct To Home (DTH) subscription broadcasting, whether via satellite or cable;
- ii) Terrestrial Free-to-Air TV and Radio; and
- iii) Internet Web casting and Streaming Videos.

**Content Forum** means the Communications and Multimedia Content Forum of Malaysia (*Forum Kandungan Komunikasi Dan Multimedia Malaysia*) designated by the Commission under Section 212 of the Act.

**Direct Sale** means the sale of goods or services which a person conducts either by himself or through any person authorised by him by receiving an offer for a sale electronically.

**Minor** means a person who is under 18 years of age.

**Network Facility** means any element or combination of elements of physical infrastructure used principally for, or in connection with, the provision of network services, but does not include customer equipment.

**Online** means a networked environment, which is available through a connection to a network service where content is available to the public for access for a fee or otherwise.

**Prohibited Content** means such content as is expressed to be prohibited under this Code.

## **6.0 Legal Status of the Code**

6.1 In accordance with Section 95(2) of the Act, this Code shall only be effective upon registration by the Commission; (*see appendix 1*).

6.2 Compliance with this Code is voluntary, subject to Section 99 of the Act and the provision of this Code.

6.3 Compliance with this Code shall be a defence against any prosecution, action or proceeding of any nature, whether in court or otherwise as stated under Section 98 (2) of the Act.

6.4 Notwithstanding this Code and apart from the relevant legislation under the Communications and Multimedia Act 1998, all applicable Malaysian Laws including but not limited to sedition, pornography, defamation, protection of intellectual property and other related legislation are to be complied with.

## **7.0 Interpretation**

7.1 Where the intent or scope of this Code is in doubt, it must be interpreted in the light of the General Principles stated earlier and within the spirit of the Code as well as the strict letter of it.

7.2 No Code of this nature can be all-inclusive in view of changing circumstances. It should take into consideration the intention of the Act, which is for the industry to operate in an environment of self-regulation, liberalisation and transparency.

## **8.0 Complaints**

8.1 Any complaint received by a content provider or service provider should be resolved bearing in mind the spirit of this Code. However, if the complaint cannot be resolved it may be referred to the Complaints Bureau; *(see Part 8 : Code Administration)*.

**1.0 General Requirements**

1.1 Section 211 of the Communications and Multimedia Act prohibits Content that is indecent, obscene, false, menacing or offensive in character with intent to annoy, abuse, threaten or harass any person.

1.2 This requires Code Subjects to ensure that material disseminated does not include anything which offends good taste or decency; is offensive to public feeling, is likely to encourage crime or lead to disorder, or is abusive or threatening in nature.

1.3 The standards by which content is measured, given the requirements, will be viewed in the context of the country's social, religious, political and educational attitudes and observances, as well as the need to accommodate global diversity in a borderless world.

1.4 In order to assist Code Subjects as to the rules to be observed with respect to content provided and to ensure compliance with the Act through self-regulation, the following guidelines and procedures are set out in this.

**2.0 Indecent Content**

2.1 Indecent Content is material which is offensive, morally improper and against current standards of accepted behaviour. This includes nudity and sex.

**(i) Nudity**

Nudity cannot be shown under any circumstances, unless approved by the Film Censorship Board.

**(ii) Sex & Nudity**

Sex scenes and nudity cannot be shown under any circumstances, unless approved by the Film Censorship Board.

### **3.0 Obscene Content**

3.1 Obscene Content gives rise to a feeling of disgust by reason of its lewd portrayal and is essentially offensive to one's prevailing notion of decency and modesty. There is every possibility of such Content having a negative influence and corrupting the mind of those easily influenced. The test of obscenity is whether the Content has the tendency to deprave and corrupt those whose minds are open to such communication. Specific regards to be had to :

#### **(i) Explicit Sex Acts/Pornography**

Any portrayal of sexual activity that a reasonable adult considers explicit, and pornographic is prohibited. The portrayal of sex crimes, including rape or attempted rape and statutory rape, as well as bestiality is not permitted including the portrayal of such sexual acts, through animation and whether consensual or otherwise.

#### **(ii) Child Pornography**

Child pornography, including the depiction of any part of the body of a minor in what might be reasonably considered a sexual context, and any written material or visual and/or audio representation that reflects sexual activity, whether explicit or not, with a minor is strictly prohibited.

#### **(iii) Sexual Degradation**

The portrayal of women, men or children as mere sexual objects or to demean them in such manner is prohibited.

### **4.0 Violence**

4.1 Violence occurs through the ravages of natural disaster, outrageous acts of terrorism, war, human conflict both in fact and through popular fiction, the antics of cartoon characters, (body) contact sports and more. Violence is a reality and Code Subjects need to be able to reflect, portray and report on it.

4.2 To deny narration or depiction of hard truths about the world would tantamount to a substantial disservice to understanding of the human condition. The portrayal of violence, with careful editorial justification, has played a major part in popular storytelling throughout human history, and must continue to have a place in the civilizing process.

4.3 Violence, psychological but especially physical or incitement to violence should be portrayed responsibly, and not exploitatively. Presentation of violence must avoid the excessive, the gratuitous, the humiliating, and the instructional. The use of violence for its own sake and the detailed dwelling upon brutality or physical agony, by sight or sound is to be avoided. Programs involving violence should venture to present the consequences to its victims and perpetrators. Particular care should be exercised where children may see, or be involved in, the depiction of violent behaviour. Specific considerations are as follows:

(i) Offensive violence

- a) The portrayal of violence, whether physical, verbal or psychological, can upset, alarm and offend viewers. It can cause undue fear among the audience and encourage imitation.
- b) Such public concerns require due consideration whenever violence, real or simulated, is portrayed. The treatment of violence must be appropriate to the context and audience expectations.
- c) Gratuitous and wanton presentation of sadistic practices and torture, explicit and excessive imageries of injury and aggression, and of blood, are to be avoided.
- d) The portrayal of violence is permitted to the extent of news reporting, discussion or analysis and in the context of recognised sports events in the following instances :
  - i. Use of appropriate editorial judgment in the reporting of audio and visual representation of violence, aggression or destruction within their content.
  - ii. Exercise of caution and discretion in the selection of, and repetition of Content, which depicts violence.
  - iii. Viewers to be cautioned in advance of showing scenes of extraordinary violence, or graphic reporting on delicate

subject matter with appropriate warnings to audiences in the case of gore or actual scenes of executions or of people clearly being killed.

**(ii) Imitable violence**

Due consideration must be given to the fact that violence portrayed visually may be imitated in real life. The presentation of dangerous behaviour, which is easily imitated, must be justified, and ideally excluded.

**(iii) Sexual violence**

Graphic representations of sexual violence, such as rape or attempted rape or other non-consensual sex, or violent sexual behaviour are not allowed.

**(iv) Violence and young, vulnerable audiences**

The susceptibility of younger audiences, particularly those impressionable minds must be considered.

## **5.0 Menacing Content**

5.1 Content that causes annoyance, threatens harm or evil, encourages or incites crime, or leads to public disorder is considered menacing and is prohibited.

5.2 Hate propaganda, which advocates or promotes genocide or hatred against an identifiable group, must not be portrayed. Such material is considered menacing in nature and is not permitted.

5.3 Information which may be a threat to national security or public health and safety, is also not to be presented.

### **Illustrations**

- i) Making available instructions and guidance on bomb-making, illegal drug production or counterfeit products;
- ii) Disseminating false information with regards to outbreak of racial disturbances in a specific part of the country;

- iii) Circulating information and statements with regards to possible terrorist attacks;
- iv) Circulating or making available information with regards to the outbreak of a deadly or contagious diseases.

## **6.0 Bad Language**

6.1 Bad language, including expletives and profanity is offensive to many people. The use of crude words and derogatory terms is most likely to cause offence and especially if the language is contrary to audience expectation. Bad language includes the following:

### **(i) Offensive Language**

The use of disparaging or abusive words which is calculated to offend an individual or a group of persons is not permitted.

### **(ii) Crude References**

Words, in any language commonly used in Malaysia, which are considered obscene or profane are prohibited including crude references to sexual intercourse and sexual organs. It is, however, permissible to use such words in the context of their ordinary meaning and not when intended as crude language.

### **(iii) Hate Speech**

Hate speech refers to any portrayal (words, speech or pictures, etc.), which denigrates, defames, or otherwise devalues a person or group on the basis of race, ethnicity, religion, nationality, gender, sexual orientation, or disability and is prohibited. In particular: *descriptions of any of these groups or their members involving the use of strong language, crude language, explicit sexual references or obscene gestures, are considered hate speech.*

### **(iv) Violence**

Where the portrayal of violence is permitted with appropriate editorial discretion as in news reporting, discussion or analysis and in the context of recognised sports events, care must be taken to consider the use of explicit or graphic language related to stories of destruction, accidents or sexual violence, which could be disturbing for general viewing.

## **7.0 False Content**

7.1 Content, which contains false material and is likely to mislead, due amongst others to incomplete information is to be avoided. Content providers must observe measures outlined in specific parts of this Code to limit the likelihood of perpetuating untruths via the communication of false content.

7.2 Content is false where prior to communications reasonable measures to verify its truth have not been adopted or taken.

7.3 Content which is false, is expressly prohibited except in any of the following circumstances:

- (a) Satire and parody;
- (b) Where it is clear to an ordinary user that the content is fiction.

7.4 Code Subjects must take all necessary steps outlined in the specific parts of this Code to limit the likelihood of provision of false Content.

## **8.0 Children's Content**

8.1 Content designed specifically for children of and below 14 years reaches impressionable minds and influences social attitudes and aptitudes. Code Subjects must closely supervise and monitor the selection, control of material, characterisations and plot. Nothing in the foregoing shall mean that the vigour and vitality common to children's imaginations and love of adventure need be removed. Specific attention must be paid to the aspects stated below.

### **(i) Violence**

- a) In children's content portrayed by real-life characters, violence should only be portrayed when it is essential to the development of character and plot.
- b) Animated Content for children, while accepted as a stylised form of storytelling, which can contain non-realistic violence, shall not depict violence as its central theme, and shall not invite dangerous imitation.

- c) Content for children must not contain scenes of violence, which minimise or gloss over the effects of violent acts. Any depiction of such violence must portray in human terms, the consequences of such violence to its victims and its perpetrators.

**(ii) Safety, Security and Imitable Acts**

- a) Content for children must deal carefully with themes which can threaten their sense of security, when portraying, for example; domestic conflict, the death of parents or close relatives, or the death or injury of their pets, street crime or the use of drugs.
  
- b) Content for children must deal carefully with themes which could invite children to imitate acts which they see on screen, such as the use of plastic bags as toys, use of matches, the use of dangerous household products as playthings, or dangerous physical acts such as climbing apartment balconies or rooftops.

**9.0 Family Values**

9.1 The principles of intellectual and emotional equality of both sexes and the dignity of all individuals are to be respected. Despite societal discrimination, content should reflect an awareness of the need to avoid and overcome biased portrayals on the basis of gender. Women and men should be portrayed as equals both economically and emotionally, and in both public and private spheres.

9.2 Content should portray all persons as supporting participants in the family unit, home management and household tasks. They should be portrayed as equal beneficiaries of family or single-person life, in both work and leisure activities and, as far as possible, under all types of thematic circumstances.

9.3 In the acquisition of or involvement in non-Malaysian Content, Code Subjects should make every effort to evaluate Content having with regard to family values in relation to this Code.

#### **10.0 Persons with Special Needs**

10.1 There is a risk of offence in the use of humour based on physical, mental or sensory disability, even where no malice is present. Reference to disability should be included only where relevant to the context and patronising expressions replaced by neutral terms. It should be possible for persons with special needs to be included in programmes of all kinds.

## 1.0 Scope and Coverage

1.1 This part serves as a guideline that applies to advertisements communicated electronically and includes television, radio, online services and audiotext hosting services otherwise referred to as premium rate services. In this part :

*“Advertisement”* means an announcement of a public nature whether for the sale or purchase or provision of goods or services or constituting of an invitation to participate in an activity and conveyed by or through any signage, image or sound disseminated through electronic medium for advertising purposes.

*“Advertiser”* means any person who utilises the electronic medium to advertise their products or services.

*“Providers of advertisement Content”* for this Part includes : (a) Advertisers; (b) Advertising agencies; and (c) Persons who control the dissemination effort.

*“Consumer”* is defined as any person who might be exposed to an advertisement whether as an end user of the product advertised or as a user who is doing business or as a purchaser of the product advertised.

1.2 Responsibility for observing this part primarily falls on advertisers. Others involved in producing and transmitting advertisements such as agencies, online publishers, broadcasters and other advertising service suppliers such as production houses, music composers and designers shall also accept an obligation to abide by this part and the specific guidelines that apply to them.

## 2.0 Objectives

2.1 The main objective of this part is to ensure continued reliable standards of advertisements through self-regulation in accordance with expectations of consumers and

internationally recognised good practice governing advertisement Content disseminated by the electronic media.

2.2 The Malaysian advertising fraternity recognises that creative freedom carries with it the responsibility of ensuring that the rights of its audiences are protected.

2.3 This Part, in addition to the recommended guidelines in this Content Code, serves as a guide towards upholding the high standards expected of the advertising service industry in a practical and commercially feasible manner and at the same time foster, promote and encourage its development.

### **3.0 Principles**

3.1 The following principles shall guide Advertisement Content providers who are affected by and/or are subject to this Part of the Code :

- (a) All advertisements must conform with this part and to the general guidelines on Content.
- (b) All advertisements should be legal, decent, honest and truthful.
- (c) All advertisements should be prepared with a sense of responsibility to consumers and to society.
- (d) All advertisements should respect the principles of fair competition generally accepted in business.

### **4.0 Specific Guidelines**

4.1 By way of amplification of the scope, objectives and principles the following specific guidelines shall apply to advertisements.

#### **(i) Legality**

Advertisers have primary responsibility for ensuring that their advertisements comply with the law and should not incite anyone to break it.

(ii) Decency

- a) Advertisements should contain nothing that is likely to cause serious or widespread offence. Particular care should be taken to avoid causing offence on the grounds of, but not limited to, race, religion, sex, sexual orientation and physical or mental disability.
  
- b) Advertisements must not contain statements, audio or visual presentations that are offensive to the standards of decency prevailing among those who are likely to be exposed to them. The fact that a particular product is offensive to some people is not sufficient grounds for objecting to an advertisement for it.

(iii) Honesty and Truthfulness

- a) Advertisements must not be so framed as to abuse the trust of the consumer or exploit his lack of experience or knowledge.
  
- b) No advertisement should mislead by inaccuracy, ambiguity, exaggeration, omission or otherwise.

(iv) Fear and Distress

Advertisements must not without justifiable reason play on fear. They may, however, issue an appeal “to be fearful” to encourage prudent behaviour or to discourage dangerous or ill-advised actions, taking into consideration that the fear likely to be aroused should not be disproportionate to the risk.

(v) Safety

Advertisements should not show or encourage unsafe practices except in the context of promoting safety. Particular care should be taken with advertisements addressed to or depicting children and young people.

**(vi) Violence/ Anti-social behaviour**

Advertisements should contain nothing that condones or is likely to provoke violence or anti-social behaviour.

**(vii) Protection of privacy**

a) Advertisements shall not portray or refer to, by whatever means, any living person, unless their express prior permission has been obtained.

b) This requirement applies to all persons, including public figures and foreign nationals. Advertisers shall also take note not to offend the religious or other susceptibilities of those connected in any way with deceased persons depicted or referred to in any advertisement.

**(viii) Claims**

a) Advertisers must hold documentary evidence to prove all claims made in an advertisement whether direct or implied that are capable of objective substantiation. If there is a significant division of informed opinion about any claims, they should not be portrayed as generally agreed.

b) Claims that have not been independently substantiated should not exaggerate the value, accuracy, scientific validity or practical usefulness of the product advertised. Obvious untruths or exaggerations that are unlikely to mislead and incidental minor errors and unorthodox words are all allowed provided they do not affect the accuracy or perception of the advertisement in any material way.

**(ix) Testimonials and Endorsements**

Advertisements shall not contain or refer to any testimonial or endorsement unless it is genuine and related to the personal experience over a reasonable period of time of the person giving it.

(x) Prices

- a) Any stated price should be clear and should relate to the product advertised. Advertisers should ensure that prices match the products illustrated.
- b) If the price of one product is dependent on the purchase of another, the extent of any commitment by consumers should be made clear.
- c) Price claims such as '*up to*' and '*from*' should not exaggerate the availability of benefits likely to be obtained by consumers.

(xi) Free Offers

- a) In making a free offer conditional on the purchase of other items, consumers' liability for any costs should be made clear in all material featuring the offer.
- b) An offer should be described as free only if consumers pay no more than the :
  - i. Current public rates of postage.
  - ii. Actual cost of freight or delivery.
  - iii. Costs, including incidental expenses, of any travel involved if consumers collect the offer.
- c) Advertisers should make no additional charges to consumers for packing and handling.

(xii) Availability of Products

- a) Advertisements shall not be electronically disseminated unless the advertiser has reasonable grounds for believing that he can supply any demand likely to be created by his advertising.
- b) In particular, no attempt shall be made to use the advertising of unavailable or unregistered products (when registration is compulsory) or

non-existent products as a means of assessing likely public demand, should such a product be offered in the future.

- c) Where it becomes clear that an advertised product is not available, (in circumstances where the public are not likely to assume from advertising its ready availability) immediate action must be taken to ensure that further advertisements for the products are promptly amended or withdrawn.

(xiii) Guarantees

- a) The word 'guarantee' should not be used in any way that could diminish consumers' legal rights. Substantial limitations should be spelt out in the advertisement. Before commitment, consumers should be able to obtain the full terms of the guarantee from advertisers.
- b) Advertisers should inform consumers about the nature and extent of any additional rights provided by the guarantee, over and above those stipulated by law, and should make clear how to obtain redress.

(xiv) Comparisons

- a) Advertisements containing comparisons with other advertisers, or other products are permissible in the interest of vigorous competition and public information, provided they comply with the terms of this section.
- b) All comparative advertisements shall respect the principles of fair competition and shall be so designed that there is no likelihood of the consumer being misled as a result of the comparison, either about the product advertised or that with which it is compared.
- c) The subject matter of a comparison shall not be chosen in such a way as to confer an artificial advantage upon the advertiser or so as to suggest that a better bargain is offered than is truly the case.

- d) Points of comparison shall be based on facts that can be substantiated and should not be unfairly selected. In particular:
  - i. The basis of comparison shall be the same for all the products being compared and shall be clearly stated in the advertisements so that it can be seen that like is being compared with like.
  - ii. Where items are listed and compared with those competitors' products, the list shall be complete or else the advertisement shall make clear that the items are only a selection.

(xv) Denigration

Advertisers should not attack or discredit other businesses or their products.

(xvi) Exploitation of goodwill

Advertisers should not make unfair use of the goodwill attached to the trademark, name, brand, logo, slogan or the advertising campaign of any other organisation.

(xvii) Imitation

No advertisement should so closely resemble any other that it misleads or causes confusion.

(xviii) Unacceptable Products and Services

Advertisements for products or services coming within the recognised character of, or specifically concerned with the following are not acceptable :

- (a) Cigarette, tobacco and its accessories;
- (b) Any item banned in the Postal Services Act 1991 (Act 465) for the purpose of cheating or misleading;
- (c) The occult and fortune tellers;
- (d) Marriage agencies and friendship clubs;
- (e) Unlicensed employment agencies;
- (f) Any form of gambling including betting and gambling tips;
- (g) Clothing which is printed with word(s) or symbol(s) that has an inappropriate message;

- (h) Scenes which are sexual in nature or are indecent including kissing scenes between adults;
- (i) Scenes which are sexually explicit or impolite;
- (j) Pornography;
- (k) Pig, pork products and its derivatives;
- (l) Betting and gambling;
- (m) Fire crackers;  
*Note: whilst the actual advertising of the product is banned, there is no issue with DEPICTING fireworks in commercials related to other products/services.*
- (n) Any form of financial speculation intended to promote or attract interest in any stocks and shares;  
*Note: only advertisements related to newly approved Initial Public Offering (IPO) is allowed – subject to the relevant applicable Acts.*
- (o) Death notices, funeral and burial service notices and burial monuments;
- (p) Disco scenes;
- (q) Slimming products, whether it is used orally or physical application.

## **5.0 Indirect Advertising and Product Placements**

5.1 An advertisement for an acceptable product or service shall be unacceptable in the event a significant effect would be to publicise indirectly an unacceptable product or service.

5.2 “Product Placements” relevant to the context of the situation are allowed but services and goods that are specifically banned are not allowed.

5.3 “Joint promotions” of products of different brands and products, if exercised for a certain period of time is permissible.

## **6.0 Identifying Advertisers and Recognising Advertisements**

6.1 Advertisers, online publishers, broadcasters and owners of other electronic media should ensure that advertisements are designed and presented in such a way that it is clear that they are advertisements.

6.2 Features, announcements or promotions that are disseminated in exchange for a payment or other reciprocal arrangement should comply with this Code if their content is controlled by the advertisers and should also be clearly identified as such.

6.3 Distance selling advertisements with written response mechanisms (e.g. postal, fax or e-mail) and advertisements for one-day sales, homework schemes and the like should contain the name and address of the advertisers. Distance selling advertisements for business opportunities should contain the name and contact details of the advertisers. Unless required by law, other advertisers are not normally obliged to identify themselves.

## **7.0 The Use of People in Advertising**

### **7.1 Women in Advertising**

- a) Advertisements must not project women as an object for sex or be shown to merely satisfy men's desire and satisfaction.
- b) Advertisements must portray positive images of women.

### **7.2 Children and Advertising**

Special care and attention is to be paid to children in advertisements. This requires a need to comply with requirements set out below :

- a) The use of children is not encouraged unless the products advertised are relevant to them and or except in the context of promoting safety for the children as depicted within paragraph (d).
- b) Advertisements addressed to children or young people or likely to be seen by them, shall not contain anything whether an illustration or otherwise, which result in harming them physically, mentally or morally or which exploits their credulity, their lack of experience or natural sense of loyalty.

- c) Advertisements pertaining to activities of a society or club for children must be that of a club or society that is properly supervised.
- d) In any situation where children are projected, careful consideration must be given for their safety

#### Illustrations

- i. Children must not be seen leaning on a window or a bridge railing or climbing a steep cliff in a dangerous manner.
- ii. Small children must not be shown climbing a high rack or to reach for something on a table higher than their head level.
- iii. Medicines, disinfectants, antiseptics, caustic substances, pesticides and all aerosol preparations must not be shown within reach of children without close parental supervision or neither can they be shown using them.
- iv. Children must not be shown using matches or any gas, petrol, paraffin, electrical or mechanical appliances which could cause them suffering burns, electric shocks or other injuries.
- v. Children must not be shown driving or riding agricultural machines (including tractor-drawn carts) or any other heavy machines.
- vi. Children are not allowed to be exposed to any form of fire without being observed by adults.
- vii. Children must not be shown playing with firecrackers or fireworks which are banned in Malaysia.

### **7.3 Professionals in Advertising**

Care shall be taken, where a testimonial is given by a person with professional qualifications, that in indicating those qualifications the advertisers do not cause the person giving the testimonial to transgress any regulations of the professional institution(s) to which he belongs.

## **8.0 Other Specific Advertisements**

### **8.1 Commercials on Medical Products, Treatments and Facilities**

Advertisements on medicines, remedies, appliances, skill and services relating to diagnosis, prevention and treatment of diseases or conditions affecting the human body are under the authority of the Medicine Advertisements Board, Ministry of Health Malaysia (K.K.L.I.U).

### **8.2 Pesticide Advertisements**

Advertisements on pesticides are under the authority of Pesticide Advertising Board and Ministry of Agriculture.

### **8.3 Food and Drinks**

Advertisements of food and drink products that claim therapeutic or prophylactic qualities will be subject to prior screening; however, food and drink products that help improve, restore or maintain the consumers' general health, physical or mental condition will not be subject to prior screening. All advertisements must comply with the requirement in the Food Act 1983 and Food Regulations 1985.

### **8.4 Direct Sales Advertising**

a) Infomercials and Direct Sales Advertising must also abide by this Code.

b) Unless otherwise provided by this Code, all advertisers must get relevant approval from the Ministries concerned and abide by the laws set by the Government from time to time unless stated otherwise.

### **8.5 Alcoholic Drinks And Liquor**

Advertisements on alcoholic drinks and liquor are not allowed. If an alcohol company is the title sponsor of an international sporting event held in Malaysia, it is only allowed to promote the event and not directly advertise its products. In addition to this, alcohol companies should only use the events' logo in the promotional on-air material.

## 8.6 Sanitary Protection Products and Incontinent Pads For Adults

Advertisements in this product category is unusually sensitive and commercials for it can easily cause offence or embarrassment, even among people who have no objection in principle to its being advertised on television. Because it is often viewed in a family setting, television advertising needs to be treated with restraint and discretion. Anyone intending to produce a commercial for a sanitary protection product and incontinent pads for adults **MUST** abide by the following :-

### (a) *Restriction on Times of Transmission*

Commercials portraying a sanitary protection product and incontinent pads for adults are permissible.

### (b) *Visual Treatments and Product Descriptions*

Sanitary protection products and incontinent pads for adults - visual treatments must be done with taste and restraint, particular care is needed with shots of unwrapped towels, pads or tampons, whether actual or diagrammatic. Detailed references, whether in sound or vision, should avoid graphic descriptions which might offend or embarrass viewers.

### (c) *Appeals To Insecurity*

Sanitary protection products and incontinent pads for adults - no commercial may contain anything which, either directly or by its implication, is likely to undermine an individual's confidence in her own standards of personal hygiene. No implication of, or appeal to, sexual or social insecurity is acceptable. Commercials may not suggest, by whatever means, that menstruation is in any way unclean or shameful and variations of the word "clean" are unacceptable in advertising for this product category, as are other potentially offensive words such as "odour". The same applies to the advertising of incontinence.

### (d) *Taste and Offence*

All advertisements for the category of sanitary napkins and incontinent pads for adults must not offend against good taste or decency or be offensive to public feeling and should not prejudice respect for human dignity.

## **8.7 Messages and Notices**

Messages broadcasted on television based on the following :

- i. Private messages (e.g. birthday greetings, well wishes, etc)
- ii. Congratulatory messages; and
- iii. Bereavement notices

are only acceptable at the broadcasters discretion and are to be aired after 10.00 p.m. Broadcasters are encouraged to exercise strict discretion so as to reflect the true intention and spirit of the message.

Messages that are indecent, obscene, false, menacing, or offensive in character with intent to annoy, abuse, threaten or harass any person is not permissible.

## **1.0 Scope and Coverage**

1.1 This part serves as a guideline for content that is broadcast through the following media:

- (i) Direct to Home (DTH) subscription broadcasting and/or video on demand services, whether via satellite or cable; and
- (ii) Terrestrial Free-to-Air TV and Radio.

Otherwise collectively known as “Broadcasters”.

1.2 This part excludes Content available Online [which is dealt with in Part 5].

## **2.0 Objectives**

2.1 The objective of these specific broadcast guidelines is to ensure continued reliable standards of Content disseminated by broadcasters in accordance with expectations of audiences and internationally recognised good practice of electronic media and journalism.

2.2 This Code is a manifestation of a paradigm change brought about by technological advancements in the broadcasting industry. It is acknowledged that compliance with the Content Code is what sets the standards for Content and not the other way around whereby content takes precedence over standards.

2.3 Malaysian Broadcasters recognise that creative freedom carries with it the responsibility of ensuring that not only are the rights of children protected, but also that of viewers and listeners in general. This necessitates the upholding of ethical and professional practices in the conduct of their business operations toward fulfilling social responsibility.

## **3.0 Specific Guidelines**

3.1 In amplification to the general principles and the general guidelines laid out in Part 1 and Part 2 of this Code respectively, the following specific guidelines on broadcast take into

consideration Content disseminated according to the nature of the broadcasting channel, the likely audience and in certain instances (as in free-to-air television and radio), the time of day.

### **Classification**

3.2 Viewers need adequate information about content to make informed viewing choices based on their personal tastes and standards. As such, Broadcasters (excluding radio operators) will provide an indication as to the type of Content shown by adopting the following classifications. The Broadcasters shall endeavour to display the said classifications at regular intervals of the programme :

#### **U**

The programme is intended for broad general audience and is suitable for viewers of all ages. The programme contains little or no violence, no strong language and little or no sexual dialogue or situation.

#### **PG-14**

Parental Guidance when allowing children below 14 to view this programme. The programme may contain mild physical violence, comedic violence, comic horror, special effects, fantasy, supernatural elements or animated violence. It may also contain some suggestive dialogue and mild sexual situations and innuendo, but depictions will be infrequent, discreet and of low intensity.

#### **PG-18**

Parents/Guardians are strongly cautioned to exercise discretion in permitting young persons below the age of 18 to view this programme without supervision. The programme may contain sophisticated themes, some sexual Content, discreet sexual references, suggestive language and in some instances strong and coarse language and violence which are dominant elements of the storyline and justifiable within the context of theme and character development. The programme may also contain and deal with mature themes and societal issues in a realistic and candid manner.

## **18 & above**

For those above 18. The programme is intended for adult viewing and may contain one or more of the following which is considered integral to the development of the plot, character or themes: intense violence and depictions of violence, graphic horror images, graphic language, mature themes, intense sexual situations and suggestive dialogue.

### **Scheduling**

3.3 The scheduling of programmes that have been classified is applicable to free-to-air broadcasters (excluding radio operators) as follows :

**U** and **PG-14** – Can be shown any time of day

**PG-18** – Can be shown any time after 7.30 p.m

**18** – Can only be shown after 10.00 p.m

3.4 Promotion Content which contains scenes of excessive violence, or adult material intended for adult audiences must not be transmitted before 10.00 p.m. Broadcasters are required to endeavour to have their own Content Control Unit tasked with the responsibility of the classifications and scheduling.

### **General Content**

3.5 Broadcasters must endeavour to provide Content that, as far as possible, caters to the various tastes and expectations of Malaysian viewers and listeners. This is in view of the varied tastes of the Malaysian public.

### **Non-Discrimination**

3.6 Broadcasters must ensure, to the best of their ability, that their Content contains no abusive or discriminatory material or comment on matters of, but not limited to, race, religion, culture, ethnicity, national origin, gender, age, marital status, socio economic status, political persuasion, educational background, geographic location, sexual orientation or physical or mental ability.

## **News and Current Affairs**

3.7 Broadcasters recognise that the fundamental purpose of news dissemination and current affairs Content in a democracy is to enable people to know what is happening, and to understand affairs that may affect them as members of the community so that they may form their own conclusions.

3.8 "Current affairs Content" means Content focusing on social, economic or political issues of current relevance to the Malaysian community.

3.9 Broadcasters will ensure that Content of news and current affairs programmes are presented :

- (a) Accurately, fairly and objectively at all times and not manipulated resulting in a distortion of its original context with due regard being given to the circumstances at the time of preparing and the broadcast of the content (e.g. live coverage).
- (b) With due care, taking into consideration the likely composition of the viewing audience at the time of broadcast.
- (c) With sensitivity in the case of material likely to cause some distress to a substantial number of viewers such as images or interviews with victims of traumatic incidents. Such material should only be used when deemed editorially essential, and if so, sparingly.
- (d) With due respect to the cultural differences in Malaysian community.
- (e) With due respect to the rights of any individual group of persons who should not be portrayed in a negative light by placing gratuitous emphasis on matters pertaining, but not limited to, race, religion, culture, ethnicity, national origin, gender, age, marital status, socio economic status, political persuasion, educational background, geographic location, sexual orientation or physical or mental disability.

Where in the opinion of a broadcaster it is in the public interest, it may report events and broadcast comments in which such matters are raised.

- (f) With due respect to privacy of an individual. However, in the public interest, an intrusion into an individual's privacy may be justified such as in detecting or exposing crime or a serious misdemeanour, protecting public health or safety and preventing the public from being misled by some statement or action of an individual or organisation.
- (g) Presented by taking into account that news materials and current affairs always in line with government's principles. This is to avoid confusion and misunderstanding among the people and also other countries. Materials received from foreign countries must also be ensured that they don't contradict with national foreign policies.

3.10 Reasonable efforts must be made to correct significant errors of fact at the earliest opportunity.

### **Violence and Bad Language**

3.11 In strictly adhering to the general guidelines on violence and bad language set out in Part 2 of this Code, all broadcasters will:

- (a) Exercise appropriate editorial judgment in the reporting of audio and visual representation of violence, aggression or destruction within their Content.
- (b) Exercise caution and appropriate discretion in the selection of, and repetition of, Content, which depicts violence.
- (c) Exercise appropriate discretion in the use of explicit or graphic language related to stories of destruction, accidents or sexual violence, which could be disturbing for family viewing.

- (d) Caution viewers in advance of scenes of extraordinary violence, or graphic reporting on delicate subject matters.

### **Religious Content**

3.12 In dealing with Religious Content, broadcasters shall have regards to Islam as the official religion of the country and the constitutional rights to freedom of religion of all other communities.

3.13 Religious broadcasts are aimed at respecting and promoting spiritual harmony and to cater to the varied religious needs of the community. Broadcasters must ensure that its religious content is not used to convey attacks upon any race or religion or is likely to create any disharmony.

3.14 All religious programming on Islam must be approved by the relevant religious authorities prior to transmission. Advice from the appropriate religious authorities should be obtained in relation to Content relating to other religion.

3.15 However, the propagation of any religion other than Islam whether directly or indirectly is not permitted.

3.16 Content that is wrongful, fanatical, critical and insulting against any religion shall not be permitted.

### **Exploitation**

3.17 No audio and visual Content should condone the exploitation of women, men and children. Negative or degrading Content on the role and nature of women, men or children in society must be avoided.

3.18 Television Content that degrades either sex by negative portrayal such as implied lewd conduct through modes of dress or camera focus on areas of the body is not allowed. Similarly, the degradation of children through improper portrayal or behaviour is not acceptable.

## **4.0 Advertisements**

4.1 Broadcasters are responsible for the acceptability of advertising material transmitted and must ensure that:

- (a) All advertisements are in good taste and conform to applicable laws and regulations.
- (b) There is no influence by advertisers, or the perception of such influence, on the reporting of news or public affairs, which must be accurate, balanced and objective, with fairness and integrity being the paramount considerations governing such Content.

## **5.0 Information, Advice and Warnings**

5.1 Broadcasters must ensure that classification details and other information announcements have a helpful role in enabling viewers to make appropriate choices at all times.

5.2 Broadcasters should consider whether any elements or programming might disturb viewers, in particular, younger children. Appropriate information, advice and or warnings should be provided at the start of any programme, or news report, which might disturb younger children.

5.3 Broadcasters are to ensure that clear and specific warnings should be employed especially after 10.00 p.m where there is the likelihood that some viewers may find the programme disturbing or offensive. This does not diminish the broadcasters' responsibility for sensitive scheduling of programmes to reduce the risk of offence to the minimum.

## 1.0 Scope and Coverage

1.1 In adhering to this and the relevant parts of this Code, no action by Code subjects should, in any way, contravene Section 3(3) of the Act, which states that “Nothing in this Act shall be construed as permitting the censorship of the Internet”.

1.2 Code subjects in this Part are providers of online Content or those who provide access to online content through present and future technology. These include, but are not limited to:

- (a) Internet Access Service Providers;
- (b) Internet Content Hosts;
- (c) Online Content Developers;
- (d) Online Content Aggregators; and
- (e) Link Providers.

1.3 “Online” is defined as a networked environment available via a connection to a network service whereby Content is accessible to or by the public whether for a fee or otherwise and which originated from Malaysia. Content, for the purposes of this Part, means Content as defined in the Act but does not include:

- (a) Ordinary private and/or personal electronic mail other than bulk or spammed electronic mail;
- (b) Content transmitted solely by facsimile, voice telephony, VOIP and which is intended for private consumption; or
- (c) Content that is not accessible to the public whether freely, by payment of a fee or by registration, including (but not limited to) Content made available by way of a closed Content application service or a limited content applications service as defined under Sections 207 and 209 of the Act respectively.

## **2.0 Concept of Innocent Carrier**

2.1 Code Subjects providing access to any Content but have neither control over the composition of such Content nor any knowledge of such Content is deemed an innocent carrier for the purposes of this Code. An innocent carrier is not responsible for the Content provided. Nonetheless, this does not exempt such access providers from adhering to the General measures as outlined in Part 6.0 of this Part where it expressly applies to them.

## **3.0 Objectives**

3.1 The Online environment vastly differs from other existing traditional mediums directed to the general public at large where the use and dissemination of Content are concerned.

3.2 Not only are Online users able to exercise their choice on whether to access, read or digest various Online material at any time, they are also, by certain applications, able to contribute to Online Content in their own personal capacity.

3.3 Overwhelming benefits have been brought about by such a medium but where there is use, there is also the potential for abuse.

3.4 Online Content providers are committed toward taking a responsible approach to the provision of Content by implementing reasonable, practicable and proportionate measures and to provide a response mechanism in cases where prohibited material or activity is identified. End users should retain responsibility for the Content they place online, whether legal, or illegal.

3.5 The Online environment is not a legal vacuum. In general, if something is illegal "*off-line*", it will also be illegal "*on-line*". In this matter, the relevant existing laws apply.

3.6 Responsible Content providers must, therefore, be guided by the commitment to reassure consumers and businesses that online Content to inform, educate, entertain and facilitate commerce is safe and secure. Hence, the purpose of this Part is to:

- (a) Recommend guidelines and procedures relating to the provision of online Content through self-regulation by the industry in a practical and

- commercially feasible manner and at the same time foster, promote and encourage the growth and development of the Online services industry;
- (b) Promote the education of users in making an informed selection of the Content they consume; and
  - (c) Keep updated with international as well as national standards, trends and cultural sensitivities of the general Malaysian public in applying and reviewing this Part.

#### **4.0 Principles**

4.1 The following principles shall guide the parties who review, administer, apply, are affected by and/or are subject to this Part of the Code :

- (a) There shall be no censorship of the Internet as provided in Section 3(3) of the Act.
- (b) Responsibility for Content provided Online by Code Subjects primarily rests with the creator of the Content.
- (c) In acknowledging that in the fast-changing online environment, it is very often impractical, costly, difficult and ineffective to monitor Content, Code subjects will nonetheless fulfill, to the best of their ability the requirements of the Code.
- (d) Users are responsible for their choice and utilisation of Online Content.
- (e) As users are able to independently exercise the choice on whether to access, read or digest and consume various online materials, the application of the Code, by Code Subjects under this Part shall take cognisance of this fact.
- (f) Any measures relating to content which are recommended by this Part from time to time shall be:
  - (i) Technologically neutral;
  - (ii) Fair; and
  - (iii) Widely affordable and not adversely affect the economic viability of the communications and multimedia industry.

- (g) Any guidelines that apply to the provision of online Content should not unduly restrict the growth of the industry but serve to enhance a conducive environment to encourage and stimulate the Malaysian communications and multimedia industry.

## **5.0 Online Guidelines**

5.1 Code Subjects shall apply the guidelines set out in Part 2 of this Code in determining whether Content is indecent, obscene, menacing or offensive save where expressly provided in this Part.

(i) **Prohibition**

No Code subject shall knowingly provide Online prohibited Content.

(ii) **False Content**

Content that is not truthful and likely to mislead is prohibited except in any of the following circumstances:

- (a) Satire and parody;
- (b) Where it is clear to an ordinary user that the content is fiction; and
- (c) Where it is preceded by a statement that the content found on the web site is not factual.

## **6.0 Measures – General and Specific**

6.1 It is recognised that it is impractical, difficult and ineffective to monitor or control a user's access to Content available Online. It is left to the user to decide on the nature of Online Content to be consumed and the tools to be utilised by the user in controlling such Content.

6.2 The Content Forum will assist users in providing information on the type of tools that are available for users to control access to Online Content. Such information can be provided on the Content Forum's website which may be updated from time to time to reflect evolving technology. The Content Forum's website shall contain information on:

- (a) The types of tools available to assist users in filtering or controlling Online Content;
- (b) User ethics in accessing and providing Content over the Internet;
- (c) Responsibilities of adult users over children under their care in relation to Internet use;
- (d) Measures which can be taken by parents, guardians and teachers to control children's access to Online Content;
- (e) Content provider ethics;
- (f) This Content Code; and
- (g) The appropriate channel to which a complaint regarding online Content may be made, and the procedures by which such a complaint is to be made.

6.3 The information provided on the website is intended to assist Online users and the Content Forum is not responsible for any tools recommended or advice rendered.

6.4 Apart from the foregoing general measures the following specific measures as set out in Parts 7.1 – 10.2 must be complied with depending on the degree of control that a Code Subject may have over the Online Content.

## **7.0 Internet Access Service Provider (IASP)**

7.1 An IASP shall comply with and incorporate terms and conditions in the contracts and legal notices as to terms of use with subscribers of their services. This shall include the following terms:

- (a) Subscribers will comply with the requirements of Malaysian law including, but not limited to, the Code and shall not provide prohibited Content nor any Content in contravention of Malaysian law;
- (b) The IASP will have the right to withdraw access where a subscriber contravenes the above; and

- (c) The IASP shall have the right to block access to or remove such prohibited Content provided such blocking or removal is carried out in accordance with the complaints procedure contained in the Code.

7.2 The existence of terms and conditions will be displayed on the IASP's website in a manner and form easily accessible by its subscribers by way of a link or other similar methods.

7.3 Once an IASP is notified by the Complaints Bureau that its user or subscriber is providing prohibited Content and the IASP is able to identify such subscriber the IASP will take the following steps:

- (a) Within a period of 2 working days from the time of notification, inform its subscriber to take down the prohibited Content.
- (b) Prescribe a period within which its subscriber is to remove the prohibited Content, ranging from 1 to 24 hours from the time of notification.
- (c) If the subscriber does not remove such prohibited Content within the prescribed period, the IASP shall be entitled to suspend or terminate the subscribers' access account.

7.4 An IASP will place on its website a hyperlink to the Content Forum website to enable subscribers to obtain the information specified above. If an IASP does not have a website, it will provide its subscribers with the Content Forum website address.

## **8.0 Content Aggregator**

8.1 A Content Aggregator being a person who aggregates and/or purchases Content shall incorporate terms and conditions in the contracts and legal notices as to terms of use with users, subscribers and content providers of their services. This shall include the following terms:

- (a) Users, subscribers and Content providers will comply with the requirements of Malaysian law including, but not limited to, the Code and shall not provide prohibited Content nor any Content in contravention of Malaysian law; and

- (b) The Content Aggregator will have the right to remove such prohibited Content where a user, subscriber or Content provider contravenes the preceding (a) above provided the removal of such prohibited Content is in accordance with the complaints procedure contained in the Code.

8.2 Upon a Content Aggregator being notified by the Complaints Bureau that its user, subscriber or Content provider is providing prohibited Content and the Content Aggregator is able to identify such subscriber, user or Content provider, the Content Aggregator will take the following steps:

- (a) Within a period of 2 working days from the time of notification, inform the user, subscriber or content provider to take down the prohibited Content.
- (b) Prescribe a period within which the user, subscriber or Content provider is to remove the prohibited Content, ranging from 1 to 24 hours from the time of notification.
- (c) If the user, subscriber or Content provider does not remove such prohibited Content within the prescribed period, the Content Aggregator shall have the right to remove such content.

8.3 A Content Aggregator will place on its website a hyperlink to the Content Forum website to enable users and subscribers to obtain the information specified above.

8.4 Where a Content Aggregator has editorial rights over the substance of Content, it shall comply with Part 2 (*Guidelines on Content*) of the Code.

## **9.0 Link Provider**

9.1 A person who provides links to other sites containing prohibited Content shall remove the link to such sites within 24 hours of being notified by the Complaints Bureau of the continuing existence of prohibited Content on such site.

## **10.0 Internet Content Hosting Provider (ICH)**

10.1 An ICH being a person in its capacity of merely providing access to Content which is neither created nor aggregated by itself but which is hosted on its facilities shall incorporate terms and conditions in the contracts and legal notices as to terms of use with users and subscribers of their services. This shall include the following terms:

- (a) Users and subscribers shall comply with the requirements of Malaysian law including (but not limited to) the Code and shall not provide prohibited Content nor any Content in contravention of Malaysian law;
- (b) The ICH shall have the right to withdraw its hosting services where a user or subscriber contravenes (a) above; and
- (c) The ICH shall have the right to remove such prohibited Content provided such removal is in accordance with the complaints procedure contained in the Code.

10.2 Once an ICH is notified by the Complaints Bureau that its user or subscriber is providing prohibited Content and the ICH is able to identify such subscriber or user, the ICH will take the following steps:

- (a) Within a period of 2 working days from the time of notification, inform the user or subscriber to take down the prohibited Content.
- (b) Prescribe a period within which the user or subscriber is to remove the prohibited Content, ranging from 1 to 24 hours from the time of notification.
- (c) If the user or subscriber does not remove such prohibited Content within the prescribed period the ICH shall have the right to remove such Content.

10.3 An ICH will place on its website a hyperlink to the Content Forum website to enable users and subscribers to obtain the information specified in Parts 7.1 – 10.2 above.

## Examples in Applying Specific Measures

*X, who is based in Kuala Lumpur, provides an Online lifestyle magazine which can be accessed by anyone from any part of the world. X's portal is hosted on Y's servers. Y's servers are located in Penang.*

*X provides his own content and third party Content. In his arrangement with the third party Content providers, he does not have the rights to edit the Content. Most third party Content is pushed onto his site automatically without X having the opportunity to view the Content beforehand.*

*X is a subscriber of Z's Internet access services.*

*In this instance:*

- *X is both a content provider and Content aggregator*
- *Y is an ICH*
- *Z is an IASP*

*The Complaints Bureau receives a complaint that one of the web pages of X's online magazine contains Content which is obscene as defined in the Guidelines on Content contained in Part 2 of the Code.*

### Scenario 1:

*If X receives a notification from the Complaints Bureau it must:*

- where X has provided the Content, remove the prohibited Content.*
- where the Content is provided by a third party W, inform W to remove the Content within a period ranging from 1 to 24 hours. The period prescribed is at X's discretion. If W fails to remove the prohibited Content, it shall be removed by X.*

**Scenario 2:**

*If Y receives a notification from the Complaints Bureau, it must notify X to remove the Content within a period ranging from 1 to 24 hours. The period prescribed at Y's discretion. In this instance, Y gives X 4 hours. X may either remove the prohibited Content itself or direct W to remove the Content. If the prohibited Content is not removed within 4 hours, it shall be removed by Y.*

**Scenario 3:**

*If Z receives a notification from the Complaints Bureau, it must notify X to remove the Content within a period ranging from 1 to 24 hours. The period prescribed is at Z's discretion. In this instance, Z gives X 12 hours to remove the Content. X may either remove the prohibited Content itself or direct W to remove the Content.*

*If the prohibited Content is not removed within 12 hours, Z can suspend or terminate X's access to the Internet.*

*If X is not Z's subscriber, Z will not be required to take any measures.*

**11.0 Measures not required**

11.1 IASPs, ICHs and Content Aggregators shall not be required to undertake any of the following:

- (a) Provide rating systems for Online Content;
- (b) Block access by their users or subscribers to any material unless directed to do so by the Complaints Bureau acting in accordance with the complaints procedure set out in the Code;
- (c) Monitor the activities of users and subscribers; or
- (d) Retain data for investigation unless such retention of data is rightfully requested by the relevant authorities in accordance with Malaysian law.

**12.0 Definitions**

12.1 For the purposes of interpretation, should there be any inconsistencies between the definitions in this Part and definitions elsewhere in this Code, those in this Part shall apply. In this Part, unless the context otherwise requires —

***Access*** means its ordinary meaning i.e. a means of entering; a means or a right of using, reaching or entering. It is not the definition in section 6 of the Act;

***Content*** for the purposes of this Part, means Content as defined by the Act transmitted through a variety of technology but does not include:

- a) ordinary private and/or personal electronic mail other than bulk or spammed electronic mail;
- b) Content transmitted solely by facsimile, voice telephony, VOIP and which is intended for private consumption; or
- c) Content which is not accessible to the public whether freely, by payment of a fee or by registration, including (but not limited to) content made available by way of a closed Content Application Service or a limited Content Applications Service under Sections 207 and 209 of the Act respectively;

***Content Aggregator*** means a person who aggregates and/or purchases Content;

***Internet Access Service Provider*** means a service provider who provides users with access to the Internet including (but not limited to) the World Wide Web;

<b><i>Internet Content Hosting Provider</i></b>	means a provider in its capacity of merely providing access to content which is neither created nor aggregated by itself but which is hosted on its facilities;
<b><i>Link Provider</i></b>	means a person who provides links to other sites;
<b><i>Online</i></b>	means a networked environment which is available through a connection to a network service wherein Content is accessible to and/or by the public whether for a fee or otherwise;
<b><i>Online Developer</i></b>	<b><i>Content</i></b> means a Code Subject who develops files of content for the Code Subject or on behalf of others to be made accessible online;
<b><i>Prohibited content</i></b>	means such Content expressed to be prohibited under Part 2 of the Code and Part 5.1 of this Part;
<b><i>Provide</i></b>	in relation to Content means for a Code Subject to make available Online content where the Code Subject has: <ul style="list-style-type: none"> <li>a) full knowledge of the substance of the Content; and</li> <li>b) control over the substance of such Content.</li> </ul>

To the extent it does not conflict with the above definition, the following activities are excluded from the ambit of the above definition:

- a) the enabling of access including (but not limited to) by way of providing connectivity or links to such Content;
- b) the aggregation of such Content; and
- c) the hosting of Content online;

*User* a person accessing Online Content; and

*Web page/ web site/ site* means files of Content accessible on the World Wide Web by a requested URL.

## **1.0 Scope and Coverage**

1.1 An Audiotext Hosting Service is defined as a service provided pursuant to a licence issued by the Commission, such service being accessed by utilising a telephone or any other future communication tool, and having access via numbers beginning with the prefix 600 or any other number/mode determined by the Commission.

### **Objectives**

1.2 The major purpose of these specific guidelines is to allow Audiotext Hosting Service Providers to self-regulate themselves in the best interest of users generally and in accordance with internationally recognised practice and national policy.

### **Principles**

1.3 The following principles shall guide Audiotext Hosting Service Content providers who are affected by and/or are subject to this Part of the Code:

- (a) Audiotext Hosting Service Content providers shall apply the guidelines set out in Part 2 of this Code in determining whether Content is indecent, obscene, menacing or offensive unless otherwise defined in this Part.
- (b) No Audiotext Hosting Service provider shall knowingly provide prohibited Content.
- (c) Any content provided must not be misleading, likely to mislead or essentially out of date.
- (d) Guidelines will be adhered to on a self-regulatory basis in a manner that would encourage the development of Content and the positive growth of the industry.
- (e) While recognising the importance of the positive growth and commercial viability of the industry, Audiotext Hosting Service providers shall at all times abide by all relevant laws and consider the views and interest of the general public.

- (f) Where live Audiotext Hosting Services are offered, at least one adequately trained employee must be assigned and present at all times to moderate, facilitate and monitor the service to ensure that all activities within the service remain healthy. The service must provide facilities for the trained employee to immediately remove callers who misuse and abuse the service.

## **2.0 Specific Guidelines**

### **Rating Classifications**

2.1 All Audiotext Hosting Services must be classified according to the following rating classification below and displayed clearly in all advertising materials.

- (a) "U" - Information or Entertainment services suitable for all ages. However callers below 18 years of age must obtain permission from the person making payment for the use of the Audiotext Hosting Services.
- (b) "18+" - Services for the general public 18 years and above.

### **Specialist Information**

2.2 "Specialist Information" is defined as information or advice provided by professionals, corporations, the government, government agencies or any other persons who is appropriately qualified or an expert or specialist in relation to the area of expertise.

2.3 Audiotext Hosting Service content containing professional advice or opinion (e.g. Medical/Dental/Legal/Financial Services) must ensure that:

- (a) The person is appropriately qualified in his area of expertise;
- (b) The advice is prefaced with a disclaimer that such advice should not be acted upon without first consulting a suitably qualified practitioner, and be conveyed in a manner that accurately reflects the seriousness of the subject matter; and
- (c) Any advice involving scientific, statistical or other research data must indicate clearly the source of such data.

2.4 An Advertisement relating to an Audiotext Hosting Services containing Specialist Information or endorsement must clearly indicate:

- (a) The identity, current status and relevant professional qualification and experience of the person(s) involved; or
- (b) The identity of the professional association, statutory authority or government department involved.

### **Content Designed for Children and Young Persons or Dependent Persons**

2.5 Audiotext Hosting Services designed for, either wholly or mainly, and aimed at an audience of children, young persons or dependent persons must not

- (a) Include references to sexual practices, language or materials that are offensive to the standards of decency prevailing among those likely to be exposed to them;
- (b) Involve any information or noise or sound effect likely to alarm any child or young person, or of other dependent person, having regard to special protection for such dependent persons; and
- (c) Force or unfairly cause any of the above persons, mentioned in this paragraph to dial additional telephone numbers.

2.6 Advertisement of services aimed at young persons/children, must carry the following warning messages: "This call costs RMX.XX per minute/per call. Callers under 18 must seek parent's or guardians approval before calling".

### **3.0 Copyright**

3.1 Audiotext Hosting Services shall respect copyright ownership of recorded announcements or interactive Content and shall not utilise part or all of the Content from another medium without the permission of the copyright owner.

**1.0 Scope and Coverage**

Limited Content refers to programmes, advertisements and other related material conveyed through television, any networked medium or other means of transmission, which are displayed or communicated to a limited, specified or specific group of people or individuals. Providers of Content for this Part include:

- (a) In-house TV and radio broadcasting;
- (b) Electronic Boards (indoor/outdoor); and
- (c) Any related networked medium.

1.2 Limited Content include, but are not be limited to, Bus TV, Rail TV, Hotel TV and radio, Airport TV, Complex TV and radio broadcasting and Pay Per View TV.

1.3 Providers of all Limited Content Communications must abide by the provisions set out in this Code especially those of Parts 2, 3 and 4 referring to the Guidelines on Content, Advertisement and Broadcasting respectively.

## **1.0 Introduction**

1.1 The keyword in this Content Code is self-regulation. By virtue of this being a voluntary industry Code, all those subscribing to it have expressly undertaken the commitment and responsibility to uphold its objectives and principles. Good governance through self-discipline and self-monitoring is the best form of administration as it ultimately serves the interests of all parties concerned.

1.2 Content providers and Code Subjects are responsible for ensuring that Content and promotion of their services, whether produced by themselves or others on their behalf comply with the provisions of the Content Code.

## **2.0 Communications and Multimedia Content Forum of Malaysia**

2.1 The Communications and Multimedia Content Forum of Malaysia, designated on 29 March 2001, comprises a balanced representation of the relevant sectors of the industry to ensure the Code it has prepared, reflects the views of the community at large.

2.2 Any addition, amendment or review of the Code shall be deliberated upon by the relevant representative industry working group and referred to the Forum's Council. Its adoption shall be subjected to input by members and due consideration of public comment.

2.3 The Forum, under its registered Constitution, is responsible for the administration of this Code and for sanctions in the case of any breach.

2.4 The Content Forum through its Complaints Bureau shall receive, consider, mediate and if necessary, adjudicate and make a ruling on matters, such as complaints and grievances, relating to alleged breaches.

2.5 Any complaint on matters covered by this Code received by a Code subject should be resolved by the parties concerned. However, if the complaint cannot be resolved, it may be referred to the Complaints Bureau.

### **3.0 The Complaints Bureau**

3.1 The Complaints Bureau shall :

- (a) Consider and deal with complaints relating to content as provided for in the Code;
- (b) Investigate any Content which is considered to be in breach of the Code without there necessarily having been a complaint;
- (c) Rule on any dispute arising between members of the Forum or between a member and a non-member; and
- (d) Interpret provisions of the Code when the need arises or a request is made.

3.2 The basis of the action of the Bureau is the Code and provision of the Communications and Multimedia Act 1998.

3.3 The Bureau will deal with all complaints of a general or specific nature that relate to this Code provided the complaint is made within two (2) months after its occurring, and if deemed valid, with reasonable basis and not frivolous.

3.4 The Bureau is not permitted to consider complaints if they concern matters that are the subject of legal proceedings, or if the Bureau decides it would be inappropriate. The Complaints Bureau may hold an inquiry into a complaint:

- (a) In response to a written request from a person or persons; or
- (b) On its own initiative.

3.5 On receiving a complaint and prior to adjudication, the Complaints Bureau shall provide the necessary assistance and guidance to the parties involved with the intention of mediating an amicable resolution by mutual consultation.

3.6 In the event mediation attempts fail, the Bureau will proceed with dealing with the complaint. The Complaints Bureau will convene an inquiry as and when the need arises and may combine the hearing of two or more complaints into a single inquiry.

#### **4.0 Procedure for General Public Complaints**

4.1 Any complaint received from the public must be made in writing specifying, if possible, the part of the Content Code that has been breached together with supporting documents or details of the alleged misconduct.

4.2 The complaint will be referred to the Chairman for his consideration. If the chairman is of the view that the complaint is frivolous or *prima facie* lacking in merit or outside the scope of the Code, he will notify the complainant that no further action is being taken and the reasons therefore.

4.3 If the Chairman is of the opinion that the complaint warrants further investigation to determine its validity, the complaint will be forwarded immediately to the party complained against for a response within two working days.

4.4 After two working days, the Chairman will review the complaint and the response, if any. If the Chairman feels there are insufficient grounds for upholding the complaint, the chairman will circulate to Bureau members his views together with the complaint and the response, if any, within 4 working days of the receipt of the complaint.

4.5 Within three working days, if the majority of the members agree with the view of the Chairman, the Bureau will write to the complainant stating that there are insufficient grounds to uphold the complaint.

4.6 If the Chairman is of the view that the complaint has merits, copies of the complaint together with the response of the party complained against will be circulated to members for their views within two working days and:

- (a) If the views of the members are unanimous, the Bureau will inform the parties involved of the decision.
- (b) If there is a difference of opinion, the Bureau will convene a meeting within three working days to deliberate the matter.

## **5.0 Procedure for Industry Complaints**

5.1 Any complaint that any member or person from the industry has should first be raised with the alleged offending party in writing, specifying the Part of the Code which it is claimed has been breached with a copy extended to the Complaints Bureau.

5.2 If within two working days, the complaint is not resolved, then either party shall in writing inform the Complaints Bureau which will then circulate copies of the complaint to its members for their views within two working days and:

- (a) If views are unanimous, the chairman will instruct the Secretaries on the action to be taken.
- (b) If there is a difference of opinion, the Bureau will convene a meeting within three working days to deliberate the matter.

## **6.0 Inquiry Proceedings**

6.1 In adjudication of all cases, the Bureau may require the parties concerned to provide evidence in support of or against the complaint and for this purpose may request:

- (a) A written submission with documents, recordings or transcripts of the relevant Content from the complainant and respondent;
- (b) The presence of the complainant and respondent and their respective witnesses at the inquiry;
- (c) The presence of any party to provide clarification on a document submitted as evidence; and
- (d) The presence of any outside independent party for further information or further evidence.

6.2 The Bureau will specify the time at which or within which the complainant, respondent, their witnesses and any other affected parties are required to be present at the inquiry.

6.3 The provision as to the time within which any party is required to act or respond shall be strictly observed. However, all time limits set out may, in the Bureau's discretion, be extended if it is considered that its strict application may cause injustice.

## **7.0 Decisions of the Bureau**

7.1 The ruling of the Complaints Bureau, on any matter and at any given time, shall be decided upon by a majority of votes of its members and rendered in writing.

7.2 The parties concerned will be notified in writing of the decision and of the subsequent action that is recommended or to be taken.

7.3 In the event that after the decision, any of the parties concerned comes into possession of evidence not earlier available, it may request the Bureau for reconsideration of its earlier decision. Such a request will be accompanied by a fee to be determined by the Bureau and any decision upon such reconsideration will be final.

## **8.0 Sanctions**

8.1 The Bureau after adjudicating on a complaint and upon finding that there has been a breach of the Code may impose fines and other penalties permitted by virtue of this Code. The Bureau may upon finding that there has been a breach of the Code:

- (a) Issue a written reprimand;
- (b) Impose a fine not exceeding fifty thousand (RM50, 000.00); and/or
- (c) Require removal of the Content or cessation of the offending act.

8.2 The Bureau may also refer the Offending Party to the Communications and Multimedia Commission for further appropriate action as may be required.

## **9.0 Publication of Decision**

9.1 The Complaints Bureau will report to the Forum's Council the outcome of its mediation efforts or the ruling made, and whether or not the party complained against has complied with or the party in breach has agreed to comply with the ruling.

9.2 The Bureau shall publish its findings within 30 days of the conclusion of the inquiry and in doing so shall not include in the report:

- (a) Any material of a confidential nature; or
- (b) Any disclosure or personal information about any individual deemed not relevant to the complaint.

## **10.0 Composition of the Complaints Bureau**

10.1 The Complaints Bureau comprises an appointed Chairman and six members of the Forum, one each representing Advertisers, Audiotext Service providers, Broadcasters, Civic Groups, Content Creators/Distributors and Internet Access Service Providers.

10.2 The appointed Chairman shall be a retired judge or judicial officer or anyone the Council deems fit. The Chairman may be appointed and reappointed for any duration as deemed fit by the Council. The members of the Complaints Bureau shall be appointed for a two-year term at the Annual General Meeting of the Content Forum. A member is eligible for reappointment but cannot hold office for more than two consecutive terms.

10.3 A Complaints Bureau member is entitled to appoint another member of the forum from the same category he/she represents, as an alternate and shall notify the Forum Secretary in writing.

10.4 A formal inquiry convened by the Bureau shall be made up of the Chairman and at least three members. In the event of the Chairman not being able to attend such a scheduled inquiry, it must nonetheless be convened by at least three Bureau members, one of who will be elected to be the Chairman of the inquiry.

10.5 In ensuring the fair hearing of a complaint, a Complaints Bureau member must disclose to the Chairman, as soon as practicable, any interest, direct or otherwise, in any particular matter related to the complaint. If the Chairman deems it necessary, all parties involved in the inquiry must be informed of such disclosure to determine whether the member may continue to execute his duties as a member of the Complaints Bureau in relation to that matter. If none of the parties objects, the member may then continue. If there is an objection, the member cannot proceed in his capacity as a member of the Complaints Bureau in relation to that matter.

10.6 Should any vacancy in the Complaints Bureau occur between the Annual General Meeting of the Forum, the position may be filled by a member of the Council until the next Annual General Meeting. The exercise of the powers, or the performance of the functions of the Complaints Bureau shall not be affected only by reason of there being a vacancy in its membership.

10.7 The Chairman or any member of the Complaints Bureau may, at any time, resign his office by giving a written notice to The Board of Directors/Council.

10.8 The Council may, at its discretion, suspend any member of the Complaints Bureau on the ground of inappropriate behaviour or incapacity or any other reasons which makes him unfit to be a member of the Complaints Bureau.

#### **11.0 Development, Amendment and Review of Content Code**

11.1 Any proposal for development, addition to, amendment of, or review of the Content Code required or necessary shall be referred to a Working Group comprising the six categories, namely Advertisers, Broadcasters, Audiotext Service Providers, Content Creators/Distributors, Internet Access Service Providers and Civic Groups.

11.2 Any such proposal for development, addition to, amendment of, or review of the Content Code shall be considered and formulated by the members of the Working Group and shall if approved by a resolution of a simple majority of the members of the Working Group (whereupon it shall be referred to as the Recommendation) be made available to members of the Society for their input.

11.3 The Working Group shall consider and deliberate on the input received from members and decide the extent to which the Recommendation is to be revised. If two thirds of the members are agreed on the Recommendation whether in its original form or as revised, the Recommendation shall be submitted to the Council.

11.4 So long as the Council by simple majority of its members present and voting approves the Recommendation the Council shall make available such Recommendations for Public

Comment (public consultation) for a reasonable period.

11.5 The Working Group shall thereafter consider the input in the form of Public Comment that has been received and shall upon approval in its original or amended form by a simple majority forward its Recommendation to the Council.

11.6 Upon receipt of such Recommendation in relation to Content Code as so approved, the Council shall forward the same to the Malaysian Communications and Multimedia Commission for registration.

11.7 The Malaysian Communications and Multimedia Commission must be notified of any amendment or modification to the Content Code as it would be considered as a new Code and would therefore need to be registered to take effect.

**1.0 Public Awareness**

1.1 The Forum will be proactive in its approach to make the public and all users aware of the advantages of such a Content Code and the benefits of upholding its objectives.

1.2 The potential use of the wide array of Content choices created by the technological revolution of multimedia convergence is endless. But where there is use, there is also potential for abuse.

1.3 Of particular concern is the exploitation, particularly of young children. It is therefore the responsibility of all Content and service providers to work in conjunction with consumer groups and individuals such as parents and teachers to educate society on how to best manage this deluge such that the positive aspects are always paramount and the negative influences discarded.

1.4 In this regard, it is necessary for some form of self-guard, self-vigilance and self-censorship and to promote these checks and balances.

**2.0 Industry Awareness**

2.1 In the professional arena of the industry, all Content and service providers should consider it incumbent upon themselves to ensure that the provisions of this Code are brought to the attention of their employees entrusted with Content development and production, Content acquisition decisions and commercial message and news production.

2.2 Conscious efforts to adhere to stipulated standards of excellence and continuous measures to promote the responsible use and dissemination of Content can only lead to healthy growth of the industry and maximise the gains such technological development can bring to society at large.

## **1.0 Introduction**

1.1 In accepting, creating and disseminating Content, the need for protection of consumers is of paramount importance and a relevant consideration. For the purposes of this Code, "consumer" is taken to mean and understood to refer to a person who:

- (a) Acquires or uses goods or services of a kind ordinarily acquired for personal, domestic or household purpose, use or consumption; and
- (b) Does not acquire or use the goods or services, or hold him out as acquiring or using the goods or services, primarily for the purpose of –
  - (i) Re-supplying them in trade;
  - (ii) Consuming them in the course of manufacturing process;  
or
  - (iii) In the case of goods, repairing or treating, in trade, other goods or fixture on land.

## **2.0 Principles**

2.1 Consumers have certain rights as users of services provided by service providers and that such rights must be upheld and observed.

2.2 In creating and providing content in the context of this Content Code, it must always be in the basis, belief and philosophy and rationale that:

- (a) Consumers shall be given sufficient, up to date and accurate information in relation to the provision of and use of any communications and multimedia service;
- (b) Consumers are entitled to a level of service that is of an acceptable standard and quality;
- (c) The meeting of consumer requirements needs to be always be balanced with the service providers' business needs and practices; and

- (d) Consumers and service providers must always deal reasonably with each other.

### **3.0 General Guidelines**

3.1 The need for and the manner of protecting consumers are already reflected throughout this Content Code. Code Subjects shall follow the guidelines and procedures relevant to the service they provide, keeping in mind the national policy objective of promoting a high level of consumer confidence in service delivery from the industry.

#### **3.2 Child Protection:**

In reiterating the importance of protecting young children;

- (a) All content must have due regard to the welfare of a child at all times; and
- (b) All efforts must be made to ensure that any Content provided will not result in causing, encouraging or promoting physical injury or abuse of a child or expose a child to moral danger.

#### **3.3 Quality and Standards:**

Consumers have their expectations of content and related services:

##### Example

- (i) Consumers should be able to watch shows and view materials without being subject to lengthy commercials that affect the enjoyment of the viewing.
- (ii) Viewing or listening pleasure should not be marred by the dissemination of objectionable or prohibited material. As set out in the General Guidelines under Part 2.

- (iii) Content and materials should not glorify events and occurrence relating to horror, sex and violence unless it is in the context of an actual and real situation.

### **3.4 Cultural Diversity**

Content should respect, protect and promote cultural diversity. Interests of minority and marginalised groups such as the disabled or indigenous peoples should be protected and promoted.

3.5 Diverse cultural content (in terms of variety, mix, timing etc) must be actively promoted to avoid over-commercialisation of information.

### **3.6 Corrective Measures**

Corrective and Counter Advertising should be provided for and detailed rules and regulation drawn up to ensure adequate and effective compliance.

## **Appendix 1:**

Extracts from the Communications and Multimedia Act 1998 (Act 588).

### **Part I – PRELIMINARY**

#### **S.3 Objects**

- (1) The objects of this Act are -
  - (a) To promote national policy objectives for the communications and multimedia industry;
  - (b) To establish a licensing and regulatory framework in support of national policy objectives for the communications and multimedia industry;
  - (c) To establish the powers and functions for the Malaysian Communications and Multimedia Commission; and
  - (d) To establish powers and procedures for the administration of this Act.
  
- (2) The national policy objectives for the communications and multimedia industry are -
  - (a) To establish Malaysia as a major global centre and hub for communications and multimedia information and content services;
  - (b) To promote a civil society where information based services will provide the basis of continuing enhancements to quality of work and life;
  - (c) To grow and nurture local information resources and cultural representation that facilitates the national identity and global diversity;
  - (d) To regulate for the long-term benefit of the end user;
  - (e) To promote a high level of consumer confidence in service delivery from the industry;
  - (f) To ensure an equitable provision of affordable services over ubiquitous national infrastructure;
  - (g) To create a robust applications environment for end users;
  - (h) To facilitate the efficient allocation of resources such as skilled labour, capital, knowledge and national assets;
  - (i) To promote the development of capabilities and skills within Malaysia's convergence industries; and

- (j) To ensure information security and network reliability and integrity.
- (3) Nothing in this Act shall be construed as permitting the censorship of the Internet.

**Part V - POWERS AND PROCEDURES OF THE MALAYSIAN COMMUNICATIONS AND MULTIMEDIA COMMISSION**

**Chapter 9 – Voluntary Industry Code**

**S. 95 Code by the Industry Forum**

- (1) An industry forum may prepare a voluntary industry code dealing with any matter provided for in this Act -
  - (a) On its own initiative; or
  - (b) Upon request by the Commission.
- (2) The voluntary industry code shall not be effective until it is registered by the Commission.

**S. 98 Compliance with a registered voluntary industry code a legal defence**

- (1) Subject to section 99, compliance with a registered voluntary industry code shall not be mandatory.
- (2) Compliance with a registered voluntary industry code shall be a defence against any prosecution, action or proceeding of any nature, whether in a court or otherwise, taken against a person (who is subject to the voluntary industry code) regarding a matter dealt with in that code.

**S. 99 Directions to comply with a registered voluntary industry code**

The Commission may direct a person or a class of persons, in accordance with section 51, to comply with a registered voluntary industry code.

## **PART IX - SOCIAL REGULATION**

### **CHAPTER 2 CONTENT REQUIREMENTS**

#### **S. 211 Prohibition on provision of offensive content**

- (1) No content applications service provider, or other person using a content applications service, shall provide content which is indecent, obscene, false, menacing, or offensive in character with intent to annoy, abuse, threaten or harass any person.
- (2) A person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding one year or to both and shall also be liable to a further fine of one thousand ringgit for every day or part of a day during which the offence is continued after conviction.

#### **S. 212 Content Forum**

The Commission may designate an industry body to be the content forum for the purposes of this Part.

## **Appendix 2:**

### **Relevant Legislation**

Apart from the Communications And Multimedia Act 1998 (Act 588), Licensees may need to be aware of the following Acts of Parliament and are advised to have sufficient resources and expertise to ensure compliance where necessary.

#### **I. List of Malaysian Statutes Affecting or Relevant to Content**

Accountants Act 1967 (revised 1972)  
Children & Young Persons (Employment) Act 1966 (Revised 1988)  
Consumer Protection Act 1999  
Copyright Act 1969  
Defamation Act 1957  
Dental Act 1971  
Film Censorship Act 2002  
Geneva Conventions Act 1962  
Indecent Advertisements Act 1953  
Internal Security Act 1960  
Medicine (Advertisement and Sale) Act 1956  
National Anthem Act 1968  
Penal Code  
Pesticides Act 1974  
Poisons Act 1952  
Poisons (Sodium Arsenite) Ordinance 1949  
Printing Presses and Publications Act 1984  
Private Higher Educational Institutions Act 1996  
Private Hospitals Act 1971  
Perbadanan Kemajuan Filem Nasional Malaysia Act 1981  
Sale of Drugs Act 1952 (Revised 1989)  
Food Act 1983  
Food Regulations 1985  
Securities Industry Act 1983  
Sedition Act 1948  
Trade Description Act 1972  
Trade Marks Act 1976  
Women and Girls Protection Act 1973

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