



**MENTERI TENAGA, KOMUNIKASI DAN MULTIMEDIA, MALAYSIA**  
*MINISTER OF ENERGY, COMMUNICATIONS AND MULTIMEDIA*

**COMMUNICATIONS AND MULTIMEDIA ACT 1998**

**MINISTERIAL DETERMINATION ON THE GUIDELINES ON LIMITED  
CONTENT APPLICATIONS SERVICE**

**DETERMINATION No. 4 of 2003**

IN exercise of the powers conferred by section 10 and subsection 209(3) of the Communications and Multimedia Act 1998 [the Act], the Minister makes the following determination:

**CITATION AND COMMENCEMENT**

1. This determination may be cited as "Ministerial Determination on The Guidelines on Limited Content Applications Service 2003" and shall come into operation on the date of registration of this Determination.

**INTERPRETATION**

2. Unless the context otherwise requires any term used in this determination shall have the same meaning as that contained in the Act, including subsidiary legislation and statutory instruments made under it.

**DEFINITION OF "LIMITED CONTENT APPLICATIONS SERVICE"**

3. Section 6 of the Act defines "limited content application service" as a content applications service the appeal of which is limited because of:-

- (a) it being targeted to a special interest group;
- (b) it being available in a restricted geographical area;
- (c) it is available for a short time;
- (d) it being based on content of limited appeal; or
- (e) reasons set out in a Ministerial Determination made under section 10 of the Act.

## **CLARIFICATION OF CRITERIA FOR LIMITED CONTENT**

### **4. Targeted to a special interest group**

- (a) Content that is targeted to special interest groups must be relevant to the specific requirements of the group. "Special interest groups" must be differentiated from general interest groups based on similarities such as sex, race, religion, ethnicity or occupation. A special interest group may also be identifiable by membership of a sporting, cultural, or professional association, club or organization or a common need or requirement such as that of students in a school or university.
- (b) The term special interest group does not include groups that are formed arbitrarily. For example, it does not include groups such as the aged unless the service in question addresses interests or tastes that are common to all or most aged people. Similarly the term does not cover general groups such as youths, farmers or tourists who happen to be in the country or at a particular public place unless they consciously share some common lawful purpose. Content that is of a general nature or content that can be of interest to many groups cannot be limited content.
- (c) The test for a service that is targeted to a special interest group is whether the content sufficiently addresses a specific need or requirement of the targeted group to prevent it from being either pervasive or influential. Consideration of the target audience or users, including its size will therefore be of particular importance in deciding whether the service is indeed of limited appeal or whether it possesses the pervasiveness which requires a more interventionist form of regulation. Accessibility issues will also be relevant where the restricted availability of a service limits its appeal

### **5. Available in a restricted geographical area**

- (a) A content applications service may be restricted to a geographical area so that only those who are within that area have access to it. Examples of such services are networked content applications services in hotels, highway rest areas, buildings, trains, airport, rail and bus terminals.

- (b) Where the service is transmitted by wireless means, these services will generally be low powered services which can be received only within the perimeter of the intended service area. Where the service is delivered by wired means, these services will generally be available on a small network or a subset of a small network.
- (c) Apart from the geographical area covered, it will also be necessary to consider the number of people or premises which have access to the service. For this reason, a service in an urban area with a high population density will need to cover a smaller area than a comparable service in a rural area to be considered a "limited" service.
- (d) Thus the test for a service that is restricted to a geographical area will cover both whether it can only be accessed in the designated area or areas as well as the features of the designated areas in terms of population and reach.

**6. Available for a short time**

- (a) A service may be provided for a short period of time, generally to cater for social, cultural or sporting events. Such a service will be "one-off in nature.
- (b) In contrast, a service which is available for a substantial part of the day, week or year and is expected to be available indefinitely, would not be considered "limited" by virtue of this criterion.

**7. Content of Limited Appeal**

- (a) A service may be of limited appeal by virtue of the content provided. Factors that may be relevant to the appeal of the content may include the level of public interest in the content, the social or cultural relevance of the content, and whether the content is specialized to a small audience or group of users.
- (b) The level of public interest in a content applications service of limited appeal may be small due to the specialized nature of the content provided and its relevance to only small sections of the population.
- (c) The test for a service of limited appeal is whether the content provided is sufficiently specialized or narrow in scope so as to

appeal to only small sections of the population i.e. it would lack pervasiveness or influence by its very nature.

#### **AMENDMENTS**

8. This determination may be amended from time to time in accordance with the provisions of the Act.

Made: 17 July 2003

[ KTKM(S) 110/186/2-19(15)



**DATUK AMAR LEO MOGGIE**  
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