



COMMUNICATIONS AND MULTIMEDIA CONTENT FORUM OF MALAYSIA
Forum Kandungan Komunikasi dan Multimedia Malaysia

THE CONTENT CODE - Media Self-regulation

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Executive Director

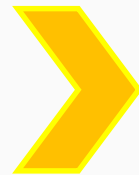
MARRIOTT HOTEL, PUTRAJAYA
30 OCTOBER 2013



The CMCF is designated under the
Communications and Multimedia Act
1998 and under the purview of SKMM.



Evolution of Mass Communication





Accessibility Of Content

- Currently almost every individual may access some form of content at any time in a given day.
- Monitoring content has now become a challenging endeavor as available content is in a global scale.
- Subjectivity of content raises various significant issues that tests the limits of what is acceptable and vice versa.



Self-regulation of Media



Self-Regulation of Media

- **Self-regulation**, it must be stressed, **begins at home** – not in the office of law makers.
- Similarly, self- regulation is encouraged for **players in the communication and multimedia industry** – being part of a value chain that represents the interest and requirements of the **public**.
- This **care stretches to the users and content developers who must be alert** to the ever evolving digital expansions.
- Raise awareness of the media's competence in delivering content.



Self-Regulation of Media

- Self-regulation is the **best tool to combat against negative use of content** over various multimedia platforms. Methods of self-regulation includes:
- Having a **commercial sector supervised by statutory regulators that apply a variety of laws, guidelines and/or codes** which are imposed on licensees directly through a license condition on the use of electromagnetic spectrum; or
- **Self-monitoring through dedicated internal bodies**, as a way of implementing independence from the government of the day.

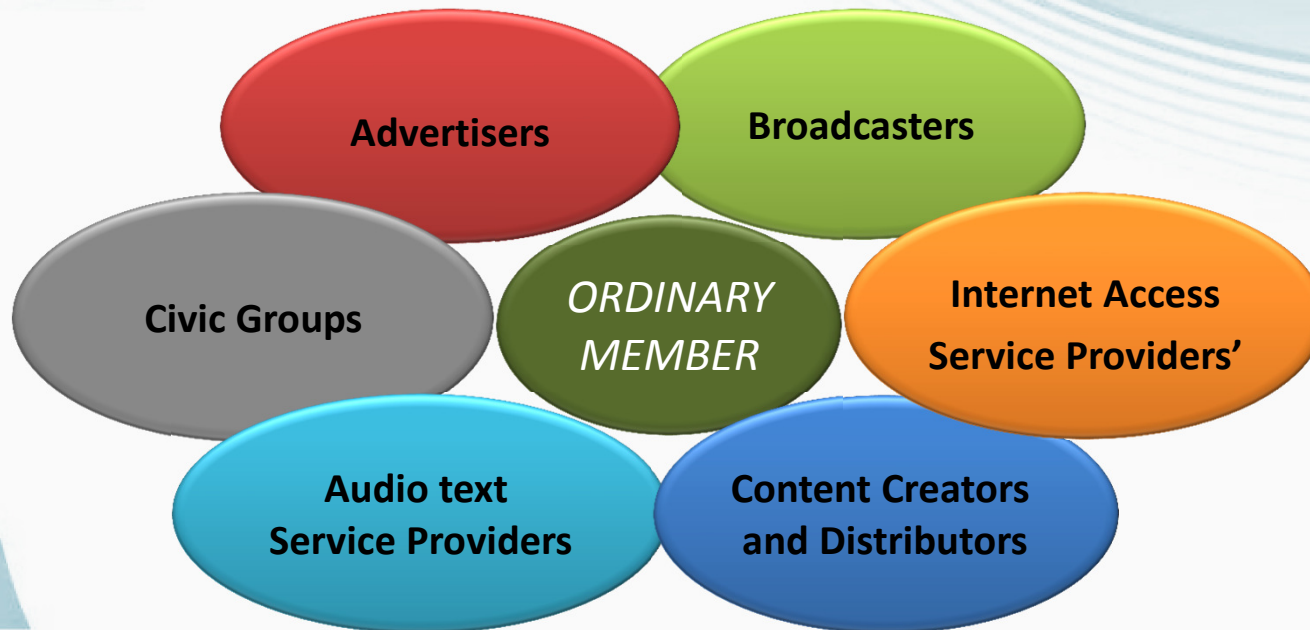


Who is CMCF?

- The Communications and Multimedia Content Forum of Malaysia (CMCF) - established in February, 2001.
- Independent body committed to maintaining and promoting industry self-regulation.
- Supervision of content dissemination and related issues enforced by the Malaysian Communications and Multimedia Content Code.

Management of the CMCF

A Chairman and 18 Council Members - drawn from the "*Ordinary Member*" affiliations - manage the CMCF for a term of two years



Membership of the CMCF



COMMUNICATIONS AND MULTIMEDIA CONTENT FORUM OF MALAYSIA Members

MAA
Malaysian Advertisers Association (MAA)

Commercial radio
Commercial Radio Malaysia

TV3
Sistem Televisyen Malaysia Bhd

TIME
Timedotcom Sdn Bhd

yes
YTL COMMUNICATIONS
YTL Communications Sdn Bhd

Media Specialists Association
Media Specialists Association

innovate solutions
Innovate Solutions Systems Sdn Bhd

PIKOM
Peratuan Industri Komputer Dan Multimedia Malaysia (PIKOM)

capital fm
Capital FM Sdn Bhd

shinjiru
Shinjiru Technology Sdn Bhd

P&G
Procter & Gambia (M) Sdn Bhd

Cahayasurea
Cahayaasurea Communications Centre

National Council of Women's Organisations

KESKAM

SAKA

AMP
Association of Accredited Advertising Agents Malaysia (AAs)

Mastra Broadcast Sdn Bhd

Neteven TV Sdn Bhd

TMI
Telekom Malaysia Berhad

U Television Sdn Bhd

Star
Star Publications (M) Bhd

POSTAM
Association of Post Production & Animation Companies Malaysia (POSTAM)

VADS
VADS Bhd

DETV
DET TV (Bersepadu Nasional Televisyen) station under REGDARE Incorporated Bhd

my
My Domain Registry Bhd

COLGATE-PALMOLIVE
Colgate Palmolive (Malaysia) Sdn Bhd

Kesatuan Perkhidmatan Perguruan Kebangsaan

RIM
Recording Industry Association of Malaysia (RIM)

MAMPA
Measat Radio Communications Sdn Bhd (AMP Radio Networks)

Metropolitan TV Sdn Bhd

maxis
Maxis Mobile Services Sdn Bhd

U Mobile Sdn Bhd

primeworks
Primeworks Studios Sdn Bhd

Otelmedia
The VISION NETWORK
Otelmedia (M) Sdn Bhd

dapat
Dapat Vista (M) Sdn Bhd

AIMS
AIMS Data Centre Sdn Bhd

CyberSecurity MALAYSIA
CyberSecurity Malaysia

Nestlé
Nestlé Products Sdn Bhd

Jabatan Komunikasi, Fakulti Bahasa Modern dan Komunikasi, Universiti Putra Malaysia

ppfjm
Malaysian Association of Advertising Film Makers (PPFJM)

astro
Astro All Asia Networks plc (ASTRO)

Ch-9 Media Sdn Bhd

celcom
Celcom Technology (M) Sdn Bhd

STAr fm
Star Rfm Sdn Bhd

ABN
Asian Broadcasting Network (M) Sdn Bhd

alb media
Alt Media Sdn Bhd

SCLUB
Online e-Club Management Sdn Bhd

JARING
Jaring Communications Sdn Bhd

MMCP
Malaysian Mobile Content Providers Association (MMCP)

Unilever (M) Holdings Sdn Bhd

Fonterra
Fonterra Brands (M) Sdn Bhd

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Years of Self-Regulation
2001-2011

CMCF is a self-regulatory body designated under the Communications and Multimedia Act 1998 and under the purview of the Malaysian Communications and Multimedia Commission (MCMC)

Update January 2013





Malaysian Communications and Multimedia Content Code



What is the Content Code?

- A set of **guidelines and procedures** for good practice and **standards** for content dissemination.
- Bound by the Communications and Multimedia Act 1998 (CMA 1998) which governs the distribution of offensive and objectionable content.
- Addresses the obligations of content providers within the context of Malaysian social values.
- Compliance to the Code is a **voluntary undertaking** save for **CASP (Individual) license holders** and signatories to the Code are responsible to uphold its aims and principles.



Jurisdiction

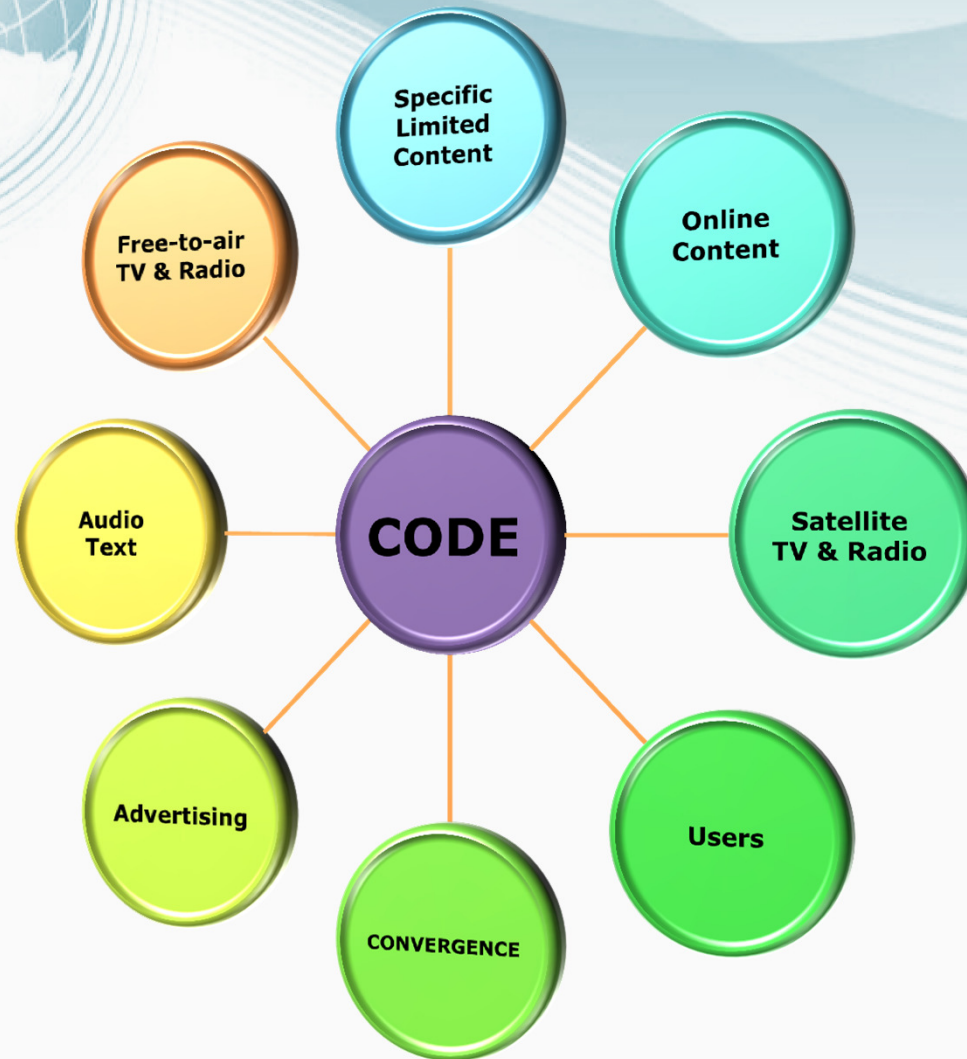
- The scope of the Content Code is defined under **Section 213 (1)** of the **CMA 1998** which states that the Code “shall include model procedures for dealing with offensive and indecent content extending and not exclusive to:
 - Content classification;
 - Collation of complaints;
 - Content suitability;
 - Portrayal of local culture and identity;
 - Public education on content regulation; and
 - Other related concerns to the society.



Jurisdiction

- The compliance with the Content Code is **voluntary** as provided under Section 98 (1) of the CMA 1998 .
- Under Section 98 (2) of the CMA 1998, the compliance with the Code shall serve as a **defence against prosecution**.
- Under Section 104 of the CMA 1998, the MCMC may introduce a mandatory standard to provide for the low level of compliance with a voluntary Code.
- Under Section 99 of the CMA 1998, the **MCMC is empowered to direct a person or class of persons to comply with a registered voluntary Code**.

Pathway



How does the Content Code work?

General Guidelines:

- The principal guideline is contained under **Section 211(1) of the CMA 98**, which states,
“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.”
- The Content Code defines:
 - ✓ Indecent;
 - ✓ Obscene;
 - ✓ False;
 - ✓ Menacing; and
 - ✓ Offensive.



Salient Points

- Sex and nudity cannot be shown under any circumstances, unless approved by the Film Censorship Board.
- Family values plus the principles of intellectual and emotional equality of both sexes be respected.
- People with special needs is provided for:
 - i. Reference to disability should be included only where it is relevant to the context; and
 - ii. Patronising expressions replaced by neutral terms.
- The Code prohibits biased portrayals of gender and sexual discrimination.



ADVERTISEMENT GUIDELINES



Advertisement Guidelines

- Key objective - to ensure continued reliable standards are maintained in the advertising service industry.
- Applies to advertisements communicated electronically and includes television, radio, online services and audio text hosting services.
- The advertiser is primarily responsible for the observance of these guidelines.
- Applies to all other parties including those involved in the production and distribution of the advertisements.



Advertisement Guidelines

- Providers of advertisements are defined under the Content Code as:
 - Advertisers
 - Advertising agencies
 - Persons who control the dissemination effort
- The Code advocates that all advertisements on specific product (especially specialised products) must meet the relevant authorities' approval.
(E.g. medical products (KKLIU) and pesticides must meet the requirements of the Ministry of Health and Ministry of Agriculture & Agro Based Industry)



Advertisement Guidelines

- Alcoholic Drinks and Liquor
 - 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.
- Advertisements for other products or services considered unacceptable includes the following:
 - Any item banned in the Postal Act 1991;
 - The occult and fortune tellers;
 - Marriage agencies and friendship clubs;
 - Unlicensed employment agencies;
 - Clothing which is printed with words or symbol that has an inappropriate message;
 - Scenes which are sexual in nature or are indecent;
 - Pornography;
 - Pig or pork products and its derivatives;
 - Fire Crackers;
 - Any form of Financial speculation- intended to promote or attract interest in any stocks and shares; and
 - Death notices, funeral and burial monuments.



Case Study

- Proton
- Top vs. Dynamo (laundry detergent)



SPECIFIC BROADCASTING GUIDELINES



Specific Broadcasting Guidelines

- Broadcasters are responsible for:
 - **The advertising material that is transmitted;**
 - **Ensuring that advertisements conform to applicable laws and regulations;**
 - **Ensuring that reporting of news or public affairs - which must be accurate, balanced and objective – is free from any influence of advertisers or ensuring the absence of the perception of such influence; and**
 - **Ensuring that such influence or messages from advertisers are not implied or stated in any manner in the newscast by the newsreader.**



Specific Broadcasting Guidelines

- 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 should endeavour to have their own Content Control Unit tasked with the responsibility of managing the classifications and scheduling.
- Broadcasters must **exercise appropriate editorial judgment** in reporting of audio and visual representation of violence, aggression or destruction within their Content.



SPECIFIC ONLINE GUIDELINES





Specific Online Guidelines

- No action by Code subjects should, in any way, contravene **Section 3(3) of the CMA 1998**, which states that “Nothing in this Act shall be construed as permitting the censorship of the Internet.”
- 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.
- An innocent carrier is not responsible for the Content provided but access providers are not exempt from the measures as outlined in **Part 5, Paragraph 2** of the **Online Guidelines**.



Specific Online Guidelines

- Online users have the discretion to choose whether to access, read or digest content and they are also given the chance to contribute online in their own capacity.
- This part indicates that the Online environment does not operate in a legal vacuum and as such **if the content is illegal “off-line” then it is also illegal “on-line”**.
- In this instance, existing laws such as **Copyright, Seditious, Indecent Advertisements and Defamation Acts** will prevail.

Case Study : Advertisement on Alcoholic Beverages on a local daily newspaper Online portal

- Case: Advertisement on Alcoholic Beverages on a local daily newspaper Online portal.
- Issue: The advertisement featured in the local daily Online website had directly portrayed the alcoholic brand and provided direct link to the official website of the brand. This was seen as contravening the provisions of the Content Code.
- Decision: The Complaints Bureau issued a reprimand whereby the portal had then removed the advertisement in question.



Sports Home - Sports

Football Everyday
Star Golf

Wednesday, April 8, 2009

Malaysia show their colours with new strips

[PCN] Are the national hockey team discarding their old colours?

This question was raised at the Sultan Azlan Shah Cup after Malaysia played two matches, first in red jerseys.

And team manager George Koshy said yesterday the first colour of the national team and the team wore during matches against Pakistan and Egypt because of circumstances.

"The Malaysian Hockey Federation (MHF) have new team and at the moment, they (Reebok) do not have yellow jerseys," he said.

"It is likely that we will be back in yellow for the Asia Cup next month."

In the tournament thus far, Malaysia have performed brightly wearing new colours and a change may not be a bad idea after all.

Last year, Kappa were the sponsors of the national team.

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Heartland Hockey Camps
Steve Jensen's Hockey Clinics Two locations Minnesota and Florida
www.HeartlandHockey.com

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SPECIFIC AUDIO TEXT HOSTING SERVICE GUIDELINES





Specific Audio Text Guidelines

- An Audio Text Hosting Service refers to a service provided by utilizing a telephone or any other future communication tool, and having access via numbers beginning with the prefix 600 or any other number or mode determined by the Commission.
- All Audio Text Hosting Service providers are required to abide by the **General Guidelines (Part 2)** and **Advertisement Guidelines (Part 3)**.
- Audio Text Hosting Service providers must adhere to the Copyright Act 1987 pertaining to ownership of recorded announcements or interactive content.



SPECIFIC LIMITED GUIDELINES

Specific Limited Content Guidelines

- Specific 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:
 - **In-house TV and radio broadcasting;**
 - **Electronic Boards (indoor and outdoor); and**
 - **Any related networked medium.**



CODE ADMINISTRATION



Code Administration

- The Forum, under its registered Constitution, is responsible for the administration of this Code and for sanctions in the case of any breach.
- 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.
- The Complaints Bureau comprises an appointed Chairman (a retired judge or senior judicial officer) and **six members of the Forum, one each representing the six affiliations.**



Code Administration

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



Code Administration

- In the event of a breach of the Code, the Bureau may impose fines and other penalties permitted by virtue of this Code. This includes:
 - **The issuance of a written reprimand on the offender;**
 - **The imposition a fine not exceeding Ringgit Fifty Thousand (RM50,000); and/or**
 - **The removal of the Content or cessation of the offending act.**



Thank You

Contact Us



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Community [?]

CMCF, an industry self-regulatory body that regulates electronic content in Malaysia. Whether it's content via broadcasting, mobile or Internet, the CMCF enforces the

About



Photos

631 Likes

Likes



CMCF - General Ann...



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Highlights

Status Photo / Video Event, Milestone +

What have you been up to?

18 Friends Like The Communications and Multimedia Content Forum of Malaysia (CMCF)

