

29 May 2025

Malaysia Content Forum

Comments on Revisions to the Malaysian Content Code 2025

On behalf of the Asia Video Industry Association (AVIA), I am writing this regarding the consultation on the Malaysia Online Content Code. AVIA is the trade association for the video industry and ecosystem in Asia Pacific. It serves to make the video industry stronger and healthier by promoting the common interests of its members. AVIA is the interlocutor for the industry with governments across the region and leads the fight against video piracy, as well as publishes reports and hosts industry conferences. Its aim is to support a vibrant video industry for the benefit of all stakeholders.

AVIA welcomes the opportunity to provide comments regarding the Malaysian Communications and Multimedia Content Code by the Malaysia Content Forum (MCF). We particularly wish to highlight the risk of possible unintended consequences that any changes to the content code may have on the Online Curated Content (OCC) industry. A defining feature of OCC services is their provision of a completely curated content catalogue, which allows OCC providers to have direct and complete control over the content made available on their services and permits the use of this content and other assets by third parties.

Distinguishing OCC Providers

As responsible content providers, OCC providers make substantial economic contributions to the societies in which they operate, complying with prevailing laws and regulations pertaining to taxation, data protection, and intellectual property rights, amongst others. Furthermore, in addition to adhering to the prohibited content categories in Malaysia, it is important to emphasise that OCC providers already have guardrails in place and possess suitable mechanisms for content control, incorporating “safety by design” features such as PIN codes, passwords, or alternative methods to restrict access to content that is not intended for all audiences. This is in line with the recent 2024 Communications and Multimedia Act (CMA) amendments, where Section 213, part 2(b) refers to “tools which allow end users to filter or control content which they access”.

In addition, OCC providers have extensive consumer support and complaint handling mechanisms in place. These provide consumers with an avenue to provide feedback, or directly raise their concerns with any content made available by the relevant OCC provider, and to receive timely assistance 365 days a year on these issues through dedicated digital assistants, localised FAQs, helplines and customer service representatives.

As such, we would like to commend the MCF for publishing the OCC Guidelines - Best Practices Note for OCC Service Providers in 2023, which was developed through extensive engagement with a working group of industry stakeholders, including AVIA, to safeguard the best interests of consumers while encouraging the growth of creativity and innovation in the content industry. This collaborative approach in designing this Content Code ensured that industry concerns were taken into account, whilst providing assurance to the Malaysia Communications and Multimedia Commission (MCMC) that signatories would act responsibly. We commend this approach to other regulators in the region.

Upholding General Principles of Content Code Revisions

In order to uphold the general principles of the current Content Code, it is essential that any amendments do not inadvertently infringe upon consumer choice. In light of the recent 2024 amendments to the CMA, we appreciate the acknowledgement included in Clause 82, which proposes amendments to Section 212. This acknowledgement underscores the necessity for distinct content codes that address the various segments within the communications and multimedia industry. It is essential that any approach takes into account the differing forms of online content, which often has different means of consumption. That is, the world of online content includes, for example, OCC, user-generated content, social media, and pirated content, amongst others. All of these forms of content come with different issues and therefore require differentiated regulatory approaches. Therefore, we strongly urge the MCF to consider that any revision of the 2023 Best Practices Note for the OCC industry should continue to be specifically aimed at ensuring effective self-regulation within the OCC industry. Future content codes should be clearly delineated and categorised, incorporating feedback from industry stakeholders to ensure that these codes will meet overarching objectives.

Avoiding Overlapping Definitions and Interpretations

AVIA feels that it is essential to ensure that the clarity and consistency of terms, particularly those related to the online content industry, are harmonised across all relevant legislation. Aligning the definitions and interpretations across various bills will ensure that there is no overlap or ambiguity that may impede the growth of the local creative economy and should not contradict the existing content code. Moving forward, AVIA advocates that the Content Code remains an industry-led, voluntary document, as it has effectively served the local creative economy and continues to contribute significantly to it.

AVIA recognises that Malaysia, like other governments, remain concerned about online safety, particularly that of minors. OCC providers share this concern, having built-in safety by design features such as parental controls or PINs to prevent minors from accessing inappropriate content. Additionally, all content comes with ratings and content descriptors, enabling consumers to make informed and suitable choices. This system works well for both consumers and the industry, and AVIA would urge Malaysia to ensure that any measures intended to introduce online safety measures do not undermine the existing Content Code.

In conclusion, AVIA welcomes the MCF's initiatives to revise and enhance the Content Code by collating public feedback. The evolution of digital content platforms necessitates a more nuanced and forward-looking approach, one that recognises the distinct nature of OCC providers and their unique characteristics, particularly their commitment to ensuring consumers' safety-by-design and safeguarding consumer choice. We firmly maintain that upholding an industry-led, self-regulatory framework is not only consistent with the tenets of the Content Code but is also vital for fostering innovation, attracting investment, and promoting diversity within Malaysia's local creative content ecosystem.

To this end, we respectfully urge the MCF to uphold distinct definitions for the OCC industry, as was previously established, avoid overlapping definitions, and ensure that any revisions continue to reflect the collaborative spirit underpinning the publication of the 2023 Best Practices for OCC Service Providers.