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Communications and Multimedia Content Forum of Malaysia
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Comments on Revisions to the Malaysian Content Code 2025

On behalf of the Asia Video Industry Association (AVIA), I am writing to offer comments on the second consultation of the Malaysia Communications and Multimedia Content Code (Content Code). AVIA is the trade association for the video industry and ecosystem in the 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 through its Coalition Against Piracy (CAP) and provides insight through reports and conferences aimed at supporting a vibrant video industry for the benefit of all stakeholders.

AVIA welcomes the opportunity to provide further comments regarding the revised draft of the Content Code issued by the Malaysia Content and Multimedia Forum (CMCF). Whilst we understand the desire from the CMCF to seek to clarify and align language across multiple forms of content, we specifically wish to emphasise the risk of possible unintended consequences that revisions to the content code may have on the Online Curated Content (OCC) industry. As you will be aware, a key characteristic of OCC services is their provision of a fully curated content catalogue, with parental controls, which enables OCC providers to maintain direct and comprehensive control over the content available on their platforms, while also enabling users to select appropriate content for their own households.

Distinguishing OCC Providers

In our last submission in May, we emphasised the need to distinguish between OCC providers and other types of digital content. Unfortunately, this distinction has not been made, and there is a continuing lack of clarity regarding how the OCC guidelines published by the CMCF in 2023 will be preserved under these revisions. The revised Content Code appears to place all online content from digital platforms under one umbrella. However, OCC services provide professionally curated content on their platforms and should not be confused with other digital platforms or services that offer user-generated content.

Previously, we have commended the approach of the CMCF in publishing the OCC Guidelines - Best Practices Note for OCC Service Providers in 2023 to other regulators in the region as these guidelines were 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 resulted in a light-touch, voluntary set of guidelines, providing assurance to the Malaysia Communications and Multimedia Commission (MCMC) that signatories would act responsibly. Instead of carrying

the term OCC over to the Content Code, we note that Video-On-Demand (VOD) has been used to describe professionally curated content in electronic form. Although compliance with the Code is voluntary, we hope that the efforts put into developing the OCC Guidelines will be considered and continue to be the self-regulatory voluntary code for the OCC industry to abide by.

Tackling Online Harmful Content

Although the latest draft states that nothing in this Code shall be construed as permitting censorship of the internet, as provided under Section 3(3) of the Communications and Multimedia Act (CMA) 1998, despite more detailed definitions of harmful content, these definitions remain subjective and dependent on how members of the public construe online content. We would like to reiterate that OCC platforms already have established complaint mechanisms and a designated focal point for feedback, as established in the OCC Guidelines from 2023.

AVIA notes the requirement for platforms to act promptly on user reports or trusted flagger notifications, including temporary removal or restriction of access while assessments are undertaken. However, this does not reflect the current practices undertaken by OCC providers.

Children's Online Safety

We urge CMCF to ensure that any development of a future sub-code on children's online safety, as referenced in Section 8.6, is done in consultation with the industry so that it does not pose any unintended technical obligations that may be difficult for providers to implement or introduce additional and unnecessary burdens on the industry.

Labelling of AI-Generated Content

AI is a valuable tool in the curated content industry and is used in a variety of ways, including enhancing visual effects and streamlining production workflows, thus freeing humans to focus on more creative aspects of storytelling and their work.

We recognise and support the policy intent to address and prevent harms, as well as potential harms resulting from the use of AI, such as misinformation and disinformation. However, any voluntary measure(s) proposed in the Content Code should be targeted at the harm and the potential for harm, rather than the technology itself.

We are concerned with the proposed requirement in Section 15.3 to label or identify content that has been "generated, produced, remade, created, or edited" by AI. This would include the use of AI in the OCC industry. The use of AI in the OCC industry is considered a low-risk use of AI as there is no risk of misinformation and/or disinformation resulting from the use of AI in the OCC industry. Further, labelling curated content could detract from the audience's viewing experience and hinder creative innovation by human creators in the industry. We are of the view that curated content should be excluded from the scope of the proposed voluntary AI labelling measure. Any

voluntary AI labelling measure should focus on high-risk contexts. For instance, under the EU's Artificial Intelligence (AI) Act, mandatory labelling requirements are targeted at content that poses a more significant risk, such as AI-generated deepfakes.

In conclusion, AVIA welcomes the MCMF'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 MCMF to uphold distinct definitions for the OCC industry, as was previously established, and ensure that any revisions continue to reflect the collaborative spirit underpinning the publication of the 2023 OCC Guidelines.