

OCC GUIDELINES

BEST PRACTICES FOR ONLINE CURATED CONTENT SERVICE PROVIDERS

CONTENT
FORUM



THE COMMUNICATIONS AND MULTIMEDIA CONTENT FORUM OF MALAYSIA

Guidelines for Online Curated Content Service Providers

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INTRODUCTION

The advent of movie streaming platforms, also known as Online Curated Content (OCC) platforms, in the last several decades, marked the beginning of a revolutionary age in on-demand entertainment. With a few clicks, these platforms provide users with the freedom to choose what they want to watch, when they want to watch it, wherever and however, redefining the way people interact with movies and other such content.

The immediate and convenient nature of streaming has become the more conventional means of content consumption. In light of this rapid growth, a comprehensive regulatory framework governing OCC platforms is imperative to ensure the smooth integration of this innovative landscape into the broader media landscape.

Attempts to use existing regulatory frameworks to govern OCC services have produced misalignments due to conflicting standards of content regulation. Thus, in order to bridge the gap and streamline content standards to veer towards self-regulation, the Content Forum collated this "Best Practice Note for Content on Online Curated Content Service Providers".

A COLLABORATIVE INSTRUMENT

Significant calls to regulate Over-The-Top platforms (OTT) were made during the national public consultation on the revised Content Code in 2021. As there is a significant difference between OTT and linear television services, particularly when it comes to content consumption processes and content regulation, using the same criteria for both was determined as risking unfeasibility and an unfair playing field.

A Working Group was formed to craft the best solution in ensuring the progressive adoption of general standards within the industry. Starting with acknowledging that the guidelines is more accurately meant for OCC services, Working Group members put in months of dedicated work in shaping a robust governance framework to ensure both the growth of creativity and the safeguarding of consumers.

This guideline aims to set forth best practices for OCC services. It was designed to protect consumer interests, foster innovation and creativity in the content sector, and guarantee the adoption of higher content standards and self-regulation.

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PREAMBLE

1. This Best Practice Note for Content on Online Curated Content Services (“this Note”) seeks to ensure the progressive adoption of higher standards of content in safeguarding the best interest of consumers while encouraging the growth of creativity and innovation in the content industry.
2. This Note outlines the general standards to be observed by providers of Online Curated Content Services (“Service Providers”), and refers to those who offer curated content, including but not limited through subscription, over the internet or computer networks, directly to paying subscribers via an Internet connection to the subscriber’s computer, TV, or mobile device.

These Service Providers empower consumers by offering them the ability to exercise control over the content they access from the service’s carefully curated library. This approach provides users with greater choice, awareness, and the necessary tools to make informed decisions regarding age-appropriate content for themselves and their families, at their own pace and convenience.

For the avoidance of any doubt, this Note does not apply and specifically excludes providers which make available user generated content and intermediaries that provide access to a repertoire of Service Providers.

3. Service Providers whether local or foreign, shall exercise discretion and due caution in ensuring that the programmes and content provided that is targeted towards and accessed by Malaysian audiences is in accordance with the prevailing laws and regulations of Malaysia, and does not infringe any third party’s copyright, nor contain any prohibited content, such as pornography, excessive and offensive violence, and terrorism.

Service Providers are committed to take into consideration the applicable laws of the land. As this pertains to prohibited content, a non-exhaustive list of examples of these prohibited categories are as follows:

- Child pornography;
- Deliberate and malicious disrespect towards the national flag, national emblems, national anthems, etc of Malaysia;
- Content which deliberately calls for terrorism and other forms of violence against the Malaysian state or state institutions;
- Content which deliberately calls for violence against segments of the population;
- Content which knowingly infringes copyright.

4. This Note should be applied in spirit and read in conjunction with other relevant legislation, regulations, codes and/or licence conditions.
5. This Note does not create legally enforceable responsibilities for Service Providers, but constitutes recommendations and an expression of best practices. In the spirit of self-regulation, the Content Forum may advise Service Providers to withdraw content that is against the prohibited categories of this Note.
6. This Note deals in general principles and does not seek to address each and every possible case or scenario that could arise. Service Providers may face cases or scenarios which are not specifically referred to or directly addressed in this Note. Examples included in this Note are not exhaustive. However, the principles and provisions in the following sections, should make clear what this Note is designed to achieve and help Service Providers make the necessary judgements.

PART 1: CLASSIFICATION

- 1.1 To aid parental guidance and allow for informed viewing choices, all content shall be classified, based on the nature and type of content. Service Providers may opt to exercise self-classification guided by the following Classification Guidelines (appended in Annex A) or similar appropriate Classification Guidelines. The five (5) ratings set forth in Annex A are as follows:
- U – General Viewing
 - P13 – Parental Guidance for Children below 13
 - 16 – For 16 and above, no Children below 16 years of age
 - 18 – Mature 18, for persons 18 years and above
 - 21 – Restricted to persons 21 years and above.

PART 2: SAFETY FEATURES, RATINGS AND CONSUMER ADVISORY

- 2.1 Service Providers should provide reasonable consumer safeguards including but not limited to programme info, classification ratings, consumer advice and content warnings. This is to facilitate consumers in exercising their right to choose their own content and use the available control measures based on their individual self-evaluation.
- 2.2 Service Providers' systems should prioritize "safety by design," incorporating features such as user profiles, PIN codes, passwords, or other mechanisms to restrict access to content that is not intended for all audiences. The instructions on how to use these tools should be straightforward and easily accessible.
- 2.3 To ensure the well-being of all users, particularly younger audiences, program ratings should be prominently displayed. The ratings system employed by Service Providers should either adhere to locally recognized frameworks or, if unique to a particular service and its content, be easily comprehensible. Furthermore, whenever feasible, program ratings should align with the technical control tools provided by each service to enhance content protection for minors.
- 2.4 Service Providers shall inform viewers about the content they are about to watch and highlight sensitive themes or depictions. These methods may include, but are not limited to, pre-roll advisory messages, on-screen notifications, prominent icons or descriptors, information in the detail page or synopses of the specific content or series, or messaging during playback. These labels and advisories, when used, should be clear, prominent, and designed to assist viewers in making informed decisions. Examples of sensitive categories that may require labelling include sex, violence, nudity, and offensive language. These measures would empower consumers to make informed choices about their viewing experience.

- 2.5 The rating classification must be clearly and prominently displayed, ensuring that consumers are informed of the program's rating before making a decision to view or purchase it.
- 2.6 For programs rated P13 or above (or its equivalent), the consumer advisory should also be provided along with the rating, indicating the key elements that have led to the classification, such as "Rated 18 for Strong Violence."

PART 3: CONTENT ADVERTISING AND PROMOTION

- 3.1 Service Providers are expected to exercise prudent judgement and due diligence in ensuring that advertisements, posters, still images, or excerpts of titles do not contain controversial or sensitive content concerns and themes.
- 3.2 Service Providers are required to adhere to the relevant content codes and regulations when promoting services and programs through advertisements on television and radio.
- 3.3 Service Providers are strongly encouraged to incorporate appropriate program rating symbols and consumer advice for programs rated 16 and above (or its equivalent) in their promotional and publicity materials, both in print and online.
- 3.4 Any tag-on promotional trailers to a programme made available must be edited to the equivalent or lower classification standard of that offering, e.g. the trailer of an 18-rated programme tagged on to a 16-rated programme must be edited to 16-rated standards or below.
- 3.5 Tag-on promotional trailers for programmes rated P13 (or its equivalent) or higher are not allowed as part of a programme targeted at children and rated as suitable for General Viewing.

PART 4: GENERAL PRINCIPLES

4.1 Programmes must:

- a. take into consideration the prevailing laws of Malaysia;
- b. not undermine national interest, national security, public interest, public security, or public order;
- c. not be detrimental to Malaysia's relationship with other countries; and
- d. not contain extremist or anarchic messages, such as advocating or promoting the use of violence.

4.2 Service Providers should ensure that due impartiality is observed in factual programmes dealing with matters of public policy or controversial issues of public importance in Malaysia. Due impartiality requires factual programme producers to deal even-handedly when opposing points of view are presented in a programme. On matters of public importance, balance should be sought through the presentation, as far as possible, of principal relevant viewpoints. Reasonable effort should be made to ensure that the factual content of programmes is accurate.

Racial and Religious

4.3 For the purposes of this Note, race includes dialect groups and ethnic groups.

4.4 Service Providers should bear in mind Malaysia's multi-racial and multireligious context. They should exercise due caution and discretion when featuring the activities, beliefs, practices, or views of any racial or religious group. In featuring any religious belief or view, Service Providers should ensure these do not in any way disparage or cast other religious faiths in poor light.

4.5 Programmes must:

- a. be kept neutral and be in respect of all religion;
- b. present references to race and religion accurately and in a dignified and sensitive manner;
- c. not denigrate or be intended to offend the sensitivities of any racial or religious group; and
- d. not incite or be likely to incite racial and/or religious intolerance or misunderstanding must not be broadcast.

4.6 Racial and religious stereotyping should be avoided.

Persons with Disabilities

4.7 Every Service Provider shall to the extent feasible, take reasonable efforts to improve the accessibility of online curated content transmitted by them to persons with disabilities through the implementation of appropriate access services.

PART 5: CLASSIFIABLE CONTENT ELEMENTS

5.1 The seven major content concerns addressed in this Note are as follows:

- Theme
- Violence
- Nudity
- Sex
- Language
- Drug Use
- Horror

5.2 The different degrees to which each content concern can be allowed at the various classification levels are spelt out in detail in the Classification Guidelines (appended in Annex A). These Guidelines serve as a basis for classifying programmes and should be read in conjunction with all the other provisions set out in this Note.

PART 6: ADDITIONAL CONTENT CONSIDERATIONS

News & Other Factual Content

- 6.1 Service Providers should deal even-handedly with diverse viewpoints in news and other factual programmes, such as current affairs and info-educational programmes. Balance should be sought through the presentation of different viewpoints, and not be slanted by the exclusion of facts or by misleading emphasis.
- 6.2 Reasonable effort should be made to ensure that factual content is fair and accurate.
- 6.3 The Government or its agencies are to be granted, as soon as practicable, a right of reply or an opportunity to respond to correct mistakes, wrongful reporting or misrepresentations. For private individuals or groups, an opportunity to respond should be considered based on the merits of each case. The Content Forum may recommend a Service Provider to give an aggrieved party the opportunity to respond over an appropriate medium.
- 6.4 Significant errors in factual programmes such as news, current affairs and info-educational programmes should be corrected and made available at the earliest opportunity.
- 6.5 News and other factual programmes, such as current affairs and info-educational programmes, that contain disturbing, alarming or graphic real-life visuals should carry consumer advice to alert viewers.

PART 7: CONSUMER PROTECTION AND FEEDBACK MECHANISM

- 7.1 Service Providers should commit to provide consumers with a mechanism to provide feedback about their viewing or user experience, whether positive or negative. This feedback mechanism should be easily located and include identifiable contact information (such as email or phone) for where to address complaints, concerns, or other commentary. Additionally, Service Providers should have internal protocols to allow the operator to consider and respond to consumers in a reasonable and timely manner. Where possible, this internal review process and timeline expectations for redress should be communicated to users.
- 7.2 In addition to an established complaint mechanism, Service Providers should consider including a help centre or 'frequently asked questions' section on their site or app to allow users to raise questions or concerns that might arise during their viewing experience.
- 7.3 Service Providers must take into account the interests of end-users with disabilities.

PART 8: COLLABORATIVE ENGAGEMENT

- 8.1 In the spirit of fostering effective governance and promoting trust within the curated content industry, Service Providers commit to engaging in a comprehensive and proactive collaborative engagement with relevant stakeholders.
- 8.2 By aligning practices with evolving regulations, Service Providers aim to enhance governance and build trust, establishing the groundwork for a dynamic and mutually beneficial partnership between Service Providers and the broader array of stakeholders.
- 8.3 Through open dialogue and knowledge exchange, Service Providers seek to facilitate the alignment of industry practices with dynamic regulatory frameworks, while also contributing to the development of responsible and accountable content standards.

CLASSIFICATION GUIDELINES

i. Classification Ratings

The purpose of classification is to provide sufficient information on the content offerings and to allow more viewing choices for viewers based on their personal tastes and standards. This classification is also meant to protect younger audiences from viewing content which is not suitable for their age. The five classification ratings are described as follows:

Rating	Description
U	This category is for viewing by all walks of life without age limit. The programme portrays good values, decency and positive lessons as well as entertaining.
P13	Viewers under 13 years of age need parental/guardian supervision while viewing. Scenes in the programme contain elements of horror; scary; negative acts; suspense and frantic elements, but not excessive; elusive storyline; and elements that can disturb a child's emotion.
16	This category is suitable for the age of 16 and above. No children below 16 years of age. The programme may contain moderate physical violence, comedic violence, comic horror, special effects, fantasy, supernatural elements or animated violence with a sustained sense of threat. Infrequent, brief and non-detailed depictions of torture, drugs and psychoactive abuse can be observed. It may also contain some suggestive dialogue and non-sexual nudity, moderate sexual situations and innuendo, but depictions will be infrequent and of low intensity.
18	This category is for viewers aged 18 and above. The programme contains elements of horror, gory, and violent, but not excessive; adult scene and nudity that is not excessive; social, sensitive political and religious elements which require a high-level understanding.
21	This category is suitable for mature audience of 21 and above. May contains frequent frontal nudity, prolonged or frequent sexual acts with stronger details, strong sexual violence, deviant sexual activities, strong language, graphic violence and gore, strong drug usage and graphic horror.

Service Providers may classify content on their service by reference to the above ratings or may apply equivalent or similar ratings and classification frameworks designed to achieve the same objective as the above ratings.

ii. Content Concerns

The assessment of a programme includes the following seven content elements:

a. Theme and Message

Classification must consider the treatment of theme(s) and message(s) in a programme. For U and P13, theme(s) and message(s) should be presented and treated carefully due to the potential impact on the younger audiences. Programmes that carry mature element in the theme(s) or content would generally be classified 16, 18 or 21. Programme that contains distorted or misrepresented discussions or depictions of a subject matter may be classified at a higher rating or banned. Where there are programmes that carry theme(s) or message(s) which have been banned for local theatrical release, these programmes should be allowed, re-evaluated, and rated with suitable classification.

b. Violence

The degree and nature of violence in a programme will impact the classification rating. Depictions of violence may frighten, unsettle, or invite imitation, especially from children. Therefore, only mild depictions of violence may be allowed in programmes meant for children. For the higher ratings, stronger depictions of violence are permitted. However, programmes that contain detailed or gratuitous depictions of extreme violence or cruelty; detailed instructions on methods of crime or killings; or excessive or exploitative depictions of sexual violence will be rated for higher classification.

c. Nudity

The extent and context of depictions of nudity are classification considerations. There should be no nudity at a U rating. At 18 rating, depictions of nudity in a non-sexual and sexual context may be presented. There can be exceptions for programmes which feature infrequent and non-sexual depictions of nudity at P13 and 16 rating, e.g. nudity shall be allowed depending on the degree of inherent artistic, realism or fictional elements, educational merit and presentation of the content if it is not excessive and explicit in nature. Depictions of frequent frontal nudity may be featured at 21. Exploitative depictions of nudity will be refused classification or banned.

d. Sex

Classification of depictions of sexual activity in programmes depends on its explicitness, frequency, and relevance to the storyline. Generally, there should be no depictions of sexual activity at U and P13 ratings. Programmes that depict alternative sexualities, e.g. homosexuality, should be measured reasonably and may be classified at higher rating. Programmes containing stronger depictions of sexual activities such as sadomasochism, bondage, orgies, or sexual violence will be subject to strict review and/or edits and may be allowed at 21 rating. Programmes containing explicit depictions of deviant sexual activities (e.g. paedophilia, bestiality, and necrophilia) or exploitative depictions of sexual activities will be refused classification or banned.

e. Language

The classification of coarse language depends on the strength of the language, the context in which it is used, as well as community and cultural sensitivities associated with its usage. Coarse language, rude gestures, and gestures with sexual connotations must not be featured in U rating programmes as they are easily imitated by young children. In P13 programmes, there may be infrequent use of expletives such as "F" word and not in the context of contempt. Stronger language is acceptable at higher ratings, with due consideration given to the degree of offensiveness and frequency of usage. This includes coarse language that offends community and cultural sensitivities.

f. Drug and Substance Abuse (including Psychoactive Substance Abuse)

Programmes with depiction of drug and substance abuse rated U and P13 should be dealt cautiously. Programmes rated 16 may only feature infrequent or discreet references or depictions of drug and substance abuse, as these may have a negative influence on the young. Depictions of drug and substance abuse may be featured at 16, 18 or 21 ratings, depending on the frequency and level of details. Programmes with content that openly promote drug or psychoactive substance abuse or includes detailed and instructive depictions of drug or psychoactive substance abuse will be refused classification or banned.

g. Horror

In classifying programmes containing horrific or disturbing content, take into consideration the impact of such depictions to ensure that young audiences are protected.



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