

NEW LICENSING REQUIREMENT FOR SOCIAL MEDIA AND INTERNET MESSAGING SERVICES – SUBSIDIARY LEGISLATION GAZETTED

01 August 2024



On 27 July 2024, the Malaysian Communications and Multimedia Commission (“**MCMC**”) issued a statement announcing that all social media and internet messaging services with at least eight million registered users in Malaysia must apply for an Applications Service Provider (“**ASP**”) class licence. Our previous Alert on this can be read [here](#).

To give effect to the above, the Communications and Multimedia (Licensing) (Amendment) (No. 2) Regulations 2024 [P.U.(A) 205/2024] (“**Amendment Regulations**”) and the Communications and Multimedia (Licensing) (Exemption) (Amendment) Order 2024 [P.U.(A) 206/2024] (“**Amendment Order**”) were gazetted on 1 August 2024, amending the Communications and Multimedia (Licensing) Regulations 2000 (“**Licensing Regulations**”) and the Communications and Multimedia (Licensing) (Exemption) Order 2000 (“**Exemption Order**”) respectively. In line with the MCMC’s earlier statement, both the Amendment Regulations and Amendment Order will come into operation on 1 January 2025.

We set out below the amendments:

Amendment Regulations

The Amendment Regulations amend Regulation 30 of the Licensing Regulations by adding the following to the list of activities requiring an ASP class licence:

- “Social media service” – defined as “an applications service which utilizes Internet access service that enables two or more users to create, upload, share, disseminate or modify content”.
- “Internet messaging service” – defined as “an applications service which utilizes Internet access service that enables a user to communicate any form of messages with another user”.

Amendment Order

The Amendment Order amends paragraph 5 of the Exemption Order, which sets out the list of applications services exempted from the ASP class licence requirement, by adding the following exempted activities:

- Internet messaging service which has less than eight million users in Malaysia.
- Social media service which has less than eight million users in Malaysia.

Commentary

With the Amendment Regulations and Amendment Order gazetted, social media and internet messaging service providers with more than eight million users will need to apply for and obtain an ASP class licence by 1 January 2025 to ensure they do not contravene our telecommunications laws. It is currently unclear whether the application process for the ASP class licence for social media and internet messaging service providers differs from the usual process, and whether there are additional or different documents or information that need to be submitted to the MCMC as a part of the application.

Separately, the Ministry of Communications was reported to have said, via a written reply at the Dewan Negara (Senate), that social media and internet messaging service providers will be subject to “conduct requirements” under the new licensing requirement. These will reportedly include, among others, requirements to:

- adhere to anti-cyberbullying and content moderation policies;
- implement identity verification systems;
- adhere to regular transparency reporting; and
- adhere to accountability under existing legislation.¹

For further information, please contact [Charmayne Ong](#) (Partner), [Natalie Lim](#) (Partner) and [Jillian Chia](#) (Partner) of the Technology, Media and Telecommunications Practice of Skrine.

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¹[New Licensing Rules Require Social Media Providers To Ensure Safe Online Environment](#); BERNAMA; 01 August 2024



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