

FINAL

ALTERNATIVE ASSESSMENT

Examination Paper

(COVER PAGE)

Session : August 2021

Programme : Diploma In Mass Communication (DMCN/DMC)

Course : COM1104 : Media Law and Ethics

Date of Examination : December 10, 2021 (Friday)

Time : 8.00am – 10.30am Reading Time : Nil

Duration : 2 Hours : 30 Minutes

Note: 30 minutes is added into the duration of the examination to factor in any connectivity matters and for you to scan and upload your scripts.

Special Instructions :

Answer ALL questions.

Materials permitted : Nil

Materials provided : Nil

Examiner(s) : Siti Baqiyatul Zahraa' Mohd Rahim and Sharniva Shajahan

Chief Moderator : Mr Christopher Alex Johnson

DIPLOMA IN MASS COMMUNICATION PROGRAMME (DMCN/DMC)
COM1104: MEDIA LAW AND ETHICS
FINAL ALTERNATIVE ASSESSMENT: AUGUST 2021 SESSION

ALTERNATIVE ASSESMENTS (40%) (TIME BASED)

DIRECTION/ INSTRUCTIONS/RULES AND REGULATIONS OF ALTERNATE ASSESSMENT:
TIME BASED

1. Students are required to answer ALL questions below. These rules are to be read together with the Alternate Assessment Guidelines
2. You have exactly 2 HOURS AND 30 MINUTES TO COMPLETE, SCAN AND SUBMIT VIA BB (WRITE, SCAN IN PDF , SUBMIT IN ONE PDF FOLEDR)
3. THE ASSESSMENT must be taken completely alone. Showing it or discussing it with anybody via any mode of communication is totally prohibited and forbidden, including (but not limited to) the other students in the course in current or previous, surrounding people, and any other people that may collude in committing academic dishonesty/ cheating in any way, consequences of which it will be regard as an academic dishonesty
4. YOU are prohibited to consult any external resources. This includes but not limited to internet searches, etc., nor can you share any documents with others. You are not allowed to video stream, google search and etc.
5. YOU are not allowed to submit the questions to internet discussion groups and if you are caught, serious academic dishonesty will be taken against you. Please bear in mind that these questions are copyrighted questions and hence if its publicly stated in online forum and etc, it is a violation of the copyright laws and other applicable laws.
6. Any non-compliance of any of the above stated rules will result in Zero marks and student may be liable for disciplinary actions.

Question 1

Krishna is a renowned author in Malaysia. Recently, he authored a book expressing his view on his country's politics. Krishna stated in his book that the politics in his country is corrupted with many politicians who are motivated by financial greed, power and do not care about the citizens' well-being. The book was an instant hit but it caused disharmony among the citizens and resulted in riots, although some have claimed that the book is a fiction and has no resemblance of the actual nature of the current political scenario in the country. To increase the popularity of his book and for purposes of marketing, Krishna organised a gathering against the government without giving notice to the police, circulated excerpts of his book via his social media accounts and his blog, and 500 of his ardent supporters attended the gathering . As a result, civilians were injured and public properties destroyed. At the same time, Krishna is also being sued by Kyle, as Kyle alleged that the excerpts of the book, the characters, the plot as well as the theme of Krishna's book is the same as Kyle's book which was published 5 years ago. Krishna denies the allegation and seeks to know his next course of action.

However, Krishna is currently being detained and charged under the Peaceful Assembly Act 2010.

Advise Krishna on all relevant legal issues including the charges under Peaceful Assembly Act 2010 with **TWO (2)** cases for each issue.

(Total: 25 marks)

Question 2

Marcus, an editor and journalist in Malaysia, intends to do a write-up about Ms. Betty, a well-known celebrity in Malaysia constantly under media scrutiny due to her lavish lifestyle and scandals. Marcus has been following Ms. Betty for the past 5 months to obtain further details of Ms. Betty's lavish lifestyle and scandals. For the past 5 months, Marcus obtained details and took numerous photographs while following Ms. Betty. On one occasion, Ms. Betty became aware that Marcus was following her, was shocked to see Marcus following her and caused fear in her. Marcus later uploaded an article with photographs of Ms. Betty in clubs behaving scandalously such as dancing topless with a certain prominent politician with the headline of "The Scandalous Acts of Ms. Betty" which was false which has injured the reputation of Ms. Betty.

Advice with reference to **THREE (3)** cases and the relevant statutory provision:

- (a) Whether Ms. Betty can sue for invasion of privacy and other potential criminal legal action against Marcus under Malaysian law. (10 marks)
- (b) Whether any action can be taken against Marcus under the respective provision of Malaysian Law for circulating the article that injured her reputation. (15 marks)

(Total: 25 marks)

Question 3

Michael is a film producer with Best Pictures Sdn. Bhd. Michael is inspired to produce and direct a film which is based on the life and death of Marilyn Monroe. Michael wrote the screenplay containing various scenes which are sexual in nature and involved sexual violence. The film was then directed by Michael's best friend, Alex, which has been released and is now showing in theatres. However, the film was not approved by the Film Censorship Board and this has been brought to the attention of the police since it became the No.1 film in Malaysia for 6 consecutive weeks and most downloaded film of the year. To promote his film, Michael posted a preview of the movie via his personal social media accounts such as Instagram, Twitter and Facebook. It was also posted at Best Pictures Sdn. Bhd.'s official Facebook page. The preview shows a 15 second clip with sexually inappropriate scenes such as rape and nudity.

- (a) Advise Michael and Best Picture Sdn. Bhd. on the potential legal charges under the Film Censorship Act 2002 with reference to **TWO (2)** case laws. (10 marks)
- (b) Advise Michael and Best Picture Sdn. Bhd. on the potential legal charges for airing the preview on various social media platforms with relevant provisions of laws and **TWO (2)** case laws as well as the possibility of legal action against the network provider (15 marks)

(Total: 25 marks)

Question 4

- (a) Explain the position of law pertaining to Comparative Advertisement in Malaysia pursuant to the Trademark Act 1976 with **ONE (1)** case law and the MCMC Content Code.
(15 marks)
- (b) Explain the relevant provisions under the Trade Description Act 1972 and the MCMC Content Code guidelines pertaining to False and Misleading Advertisements.
(10 marks)
- (Total: 25 marks)

-THE END-

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