



**SAY GOODBYE TO SPAM?
MCMC PROPOSES UCEM
FRAMEWORK TO REGULATE
UNSOLICITED COMMERCIAL
MESSAGES IN MALAYSIA**

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On 13th August 2025, the Malaysian Communications and Multimedia Commission (“**MCMC**”) launched a public consultation paper (“**PCP**”) to seek public feedback on the proposed Regulatory Framework for Unsolicited Commercial Electronic Messages (“**Proposed Regulatory Framework**”) which will close on 27th August 2025, 5.00 pm.

Section 1: Background

In Malaysia, Unsolicited Commercial Electronic Messages (“**UCEM**”) are sent through email, SMS, internet messaging services, and social media. Notably, UCEM usually comprise misleading marketing content or hyperlinks to malicious websites which can result in scams, malware, identity theft, harassment, and misinformation. This was further highlighted by MCMC, which reported an almost 200% escalation in spam complaints between 2021 and 2025. Yet, there is a lack of a robust legal framework to address UCEM-related issues, as the

current provision in the CMA does not specifically address UCEM.

In light of this, MCMC has introduced the Proposed Regulatory Framework by implementing Section 233A CMA (a provision which expressly prohibits the sending of unsolicited commercial electronic messages) to combat such issues arising from UCEM, with the purpose of enhancing consumer protection, safeguarding national digital infrastructure, and ultimately supporting national cybersecurity efforts.

Section 2: Proposed Key Definitions

UCEM: any commercial electronic message sent through any communication mode, where there is no prior relationship between the sender and the recipient or no prior consent from the recipient.

Electronic Message: any message sent using a network service or application service to an electronic address, endpoint, or similar communication mode, regardless of whether the address exists or whether the message reaches its intended recipient.

Commercial Electronic Message: any electronic message sent by electronic

means for the purpose of promoting, offering, marketing, or supplying:

- (a) products or services;
- (b) land or any interest in land;
- (c) business or investment opportunities;
or
- (d) a person or entity that provides such products, services, or opportunities.

It also includes messages that contain promotional content, seek consent for future commercial content or direct recipients to commercial engagement.

Section 3: Core Elements of UCEM

- **Malaysian Link**

In order to exercise jurisdiction over commercial electronic messages, it is paramount that the commercial electronic message to have Malaysian link.

MCMC has provided that a commercial electronic message will be deemed to have a Malaysian link if any of the following conditions are fulfilled:

- (a) **Send-based connection**

The sender is physically present in Malaysia, a Malaysian citizen, or

permanent resident (irrespective of physical location) or an organisation formed, incorporated, or carrying on business in Malaysia (irrespective of the location of the message sent or the infrastructure used).

- (b) **Recipient-based connection**

The recipient is physically present in Malaysia, a Malaysian citizen, or permanent resident, or an organisation formed, incorporated, or carrying on business in Malaysia.

- (c) **Infrastructure-based connection**

The message is accessed through a computer, server, device, or telecommunications network infrastructure in Malaysia.

- (d) **Intent-based connection or undeliverable message**

Even if the message is undeliverable, a Malaysian link can still be established, provided that the email

address used is associated with Malaysia (e.g. domain ending with “.my”) or targeting indicators (language, currency, or geographic reference) show intent to target Malaysian users.

- **Prohibition of Address Harvesting and Dictionary Attacks**

The use of automated tools or software to harvest, generate, or compile electronic addresses is strictly prohibited. This includes “dictionary attacks” where addresses are guessed through automated patterns, and the creation or sale of harvested address lists. Essentially, senders are barred from sending UCEM to any addresses obtained through the above means, whether directly or indirectly.

- **Consent as the Foundation of Communication**

Commercial electronic messages may only be sent with valid consent, which must be voluntary, specific, informed, and unambiguous. Consent can be obtained in two ways: express consent and implied consent. The PCP has set out the requirements for these consents,

including how they can be obtained / implied, withdrawn, and maintained.

- **Mandatory Requirements for Commercial Messages**

All commercial electronic messages must meet certain mandatory requirements such as:

- (a) **Clear sender identification:** messages must clearly display the sender’s name or legal business identity and provide valid, accurate, and accessible contact details. This information must remain functional for at least 30 calendar days after the message is sent.
- (b) **Functional opt-out facility:** Every message must include a free, user-friendly, and effective unsubscribe mechanism. Opt-out requests must be processed within 5 business days. The opt-out facility must remain available for at least 30 calendar days after sending.
- (c) **Accurate message labelling and integrity:** Subject lines must accurately reflect the content and not mislead.

Advertisements are required to carry the “<ADV>” tag, followed by a space, at the beginning of the subject line (or in the first line of the message body if no subject line exists). Additionally, all header information and contact details must be accurate and non-deceptive.

Section 4: Submission of Responses

Following the format provided on Page 21 of the [PCP](#), any persons interested in submitting their feedback may do so to the MCMC by following the instructions [here](#) by 27th August 2025, 5.00 PM.

If adopted, the UCEM Framework will significantly reshape how businesses in Malaysia engage with consumers electronically. Organisations will need to ensure their marketing practices comply with new consent, labelling, and opt-out requirements, while also revisiting existing PDPA obligations. Consumers, on the other hand, can expect stronger safeguards against spam and online scams.

With the consultation period closing on 27 August 2025, stakeholders should take this

opportunity to provide feedback to MCMC, as the final framework will set the tone for Malaysia’s regulatory approach to digital communications and online marketing for years to come.

This article was written by our Intellectual Property, Media, Sports & Gaming partners, Sri Sarguna Raj, Steven Cheok Hou Cher & Nicole Chong, with the assistance of Soo An Qi, Lim Chaw Zen, Michelle Yap Siew Hui, Emily Ong Wenyen and Justin Ding Jiel Xin (Managing Associate, Associate & Pupils). It contains general information only. It does not constitute legal advice or an expression of legal opinion and should not be relied upon as such.