

**BERJAYA SCHOOL OF COMMUNICATION AND MEDIA ARTS****FACULTY OF LIBERAL ARTS****FINAL EXAMINATION**

Student ID (in Figures) :

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Student ID (in Words) : _____

Course Code & Name : **COM2304 Communication Law**
Trimester & Year : May – August 2020
Lecturer/Examiner : Ms Amalina Mustaffa
Duration : 3 Hours

INSTRUCTIONS TO CANDIDATES

1. This question paper consists of 2 parts:
 - PART A (30 marks) : TWO (2) essay questions. Answer only ONE (1) question. Answers are to be written in the column provided.**
 - PART B (70 marks) : ELEVEN (11) structured questions. Answer ALL questions. Answers are to be written in the column provided.**
2. Candidates are not allowed to refer to any unauthorized materials during the online exam.

WARNING: The University Examination Board (UEB) of BERJAYA University College regards cheating as a most serious offence and will not hesitate to mete out the appropriate punitive actions according to the severity of the offence committed, and in accordance with the clauses stipulated in the Students' Handbook, up to and including expulsion from BERJAYA University College.

Total Number of pages = 5 (Including the cover page)

INSTRUCTION(S) : ANSWER ONLY ONE (1) QUESTION

Question 1

Kamalanathan Ratnam J in Mohamed Azwan Bin Haji Ali v Sistem Television (M) Bhd & Ors [2000] 4 MLJ 120 held that;

“...It is my judgement that the whole statement is not defamatory when looked upon in its natural and ordinary meaning. The statements also do not carry any secondary meaning or innuendo because the whole statement is not derogatory and is not an attack upon the moral character of the plaintiff, nor does it attack the plaintiff in his professional capacity as an artiste. In fact the plaintiff testified that he is presently involved in the production of a programme called ‘Chit Chat Azwan Ali’ which was voted as the 3rd Best Asian Programme. This to my mind is a clear indication that the plaintiff’s name and credibility as an artiste has never been tarnished nor tainted by the statements made by the fourth defendant in the programme ‘Melodi’. It therefore does not behove the plaintiff to contend that he is shunned or avoided by the public or is exposed to hatred, ridicule or contempt since the plaintiff is still accepted by the viewers and the public as an accredited artiste”

Examine the above court decision with reference to the following;

- a. The fact of the case; (5 marks)
- b. Elements of defamation and whether the statement made by the defendant satisfied the elements. (5 marks)
- c. Type of defamation against the media and **FOUR (4)** ways it can be made against the media. (10 marks)
- d. **FIVE (5)** defenses that can be used in defamation (5 marks)
- e. Relate the decision of the court to the plaintiff’s existing reputation. (5 marks)

Question 2

The defendant on their rebuttal to the action brought by Sherinna Nur Elena in the case of Sherinna Nur Elena bt Abdullah v Kent Well Edar Sdn Bhd [2014] 7 MLJ 298 argued that the plaintiff has no *locus standi* to bring the action against them, and the Court apparently agreed with the plaintiff.

- a. Summarize the fact of the case above (5 marks)
- b. Explain the rebuttal claimed of the defendant on the statement that “the plaintiff has no *locus standi* to bring this case to court”. (4 marks)

c. Explain the plaintiff's ground for bringing the action against the defendant for the use of her image without her consent as well as the amount of damages that she claimed. (4 marks)

d. Explain why the Court was not in favour of her in regards to her claimed against the defendant for the use of her image without her consent. (11 marks)

e. Analyse the conclusion for this case. (6 marks)

END OF PART A

INSTRUCTION(S) : ANSWER ALL QUESTIONS

Question 1

Illustrate the following using **ONE (1)** example: (4 marks)

- i. Law
- ii. Slander
- iii. Libel
- iv. Ethics

Question 2

In the Federal Constitution, the Yang Di Pertuan Agong (YDPA) serves as the Constitutional Head of the Country and under the same Constitution, different institutions exist to do different tasks. There are three main Constitutional Institutions, namely - The Executive; The Legislative; and Judiciary. Explain **THREE (3)** functions for each institution as identified in Malaysian Federal Constitution.

(9 marks)

Question 3

Explain the authority given to **TWO (2)** agencies involved in the enforcement of the Copyright Act 1987.

(5 marks)

Question 4

Using **TWO (2)** examples, illustrate what copyright is.

(2 marks)

Question 5

Explain the duration of a copyright work to be protected under the Copyright Act 1987.

(3 marks)

Question 6

Describe **THREE (3)** conditions for a work to be eligible for protection under the Copyright Act 1987.

(3 marks)

Question 7

Explain any **TWO (2)** categories of films and TV programs in Malaysia.

(4 marks)

Question 8

Discuss the Freedom of Information Enactments under the two states in Malaysia. (11 marks)

Question 9

Illustrate the effect of the Official Secrets Act 1972 using the case of Malayan Trade Union Congress & Ors v Menteri Tenaga, Air dan Komunikasi & Anor [2014] 3 MLJ 14. (4 marks)

Question 10

The Film Censorship Guidelines 2010 is a set guideline that was issued by the Prime Minister's Department and is used by the Malaysian Film Censorship Board in making censorship decisions. Films will be examined in the light of these four aspects, namely security and public order, religion, decorum and morality; and socio-culture. Discuss the security and public order as well as the religion aspects of the said guideline. State **ONE (1)** example for each of aspect discussed. (15 marks)

Question 11

Examine **TEN (10)** ways of copyright infringement. (10 marks)

END OF EXAM