



Suruhanjaya Komunikasi dan Multimedia Malaysia
Malaysian Communications and Multimedia Commission

GUIDELINES FOR TRIAL, EXPERIMENT AND DEMONSTRATION

(MCMC/G/01/19)

4 September 2019

Notice: *The information in this document is intended as a guide only. For this reason, it should not be relied on as legal advice or regarded as substitute for legal advice in specific cases. Parties should still refer to the legislative provisions contained in the law.*

Malaysian Communications and Multimedia Commission
MCMC Tower 1, Jalan Impact, Cyber 6
63000 Cyberjaya,
Selangor, MALAYSIA
Tel: +60 3 8688 8000
Fax: +60 3 8688 1000
Website: www.mcmc.gov.my

MALAYSIAN COMMUNICATIONS AND MULTIMEDIA COMMISSION

GUIDELINES FOR TRIAL, EXPERIMENT AND DEMONSTRATION

1.0 BACKGROUND

- 1.1 The communications and multimedia industry is highly dynamic. In order to sustain, the industry needs to continuously innovate more efficient, better and cheaper services or products.
- 1.2 Innovation process involves research, development, trial and error. In promoting and facilitating this process, Malaysian Communications and Multimedia Commission (MCMC) may provide some regulatory flexibility (e.g. usage of non-standard apparatus, equipment or device; from licensing and quality of service requirement) and temporary usage of spectrum, subject to an approval on a case-by-case basis.
- 1.3 This Guidelines for Trial, Experiment and Demonstration (the “Guidelines”) lays down the general procedures for reference in which an approval can be obtained.

2.0 SCOPE

- 2.1 Approval for trial, experiment and demonstration (“Activities”) is only required if the Activities are within the regulatory purview of MCMC under the Communications and Multimedia Act 1998 and its subsidiary legislations (hereinafter collectively referred to as the “CMA”).
- 2.2 An approval will have the effect of an authorisation by MCMC where such authorisation is required, though, it is still subject to other relevant laws within the purview and jurisdiction of other relevant authorities.
- 2.3 As a guidance, the following types of Activities may not fall within the scope of the Guidelines:
 - a. use of certified¹ apparatus, equipment or device where there would be no concerns on interference, safety, security and interoperability;
 - b. does not involve the use of spectrum where there could be concerns on interference, safety, security and interoperability issues;
 - c. where there is no regulatory flexibility or assistance required (e.g. by a valid licence² / assignment³ holder, where the Activities is within the scope of the rights conferred by the licence / assignment);
 - d. involving only pure commercial matters (i.e. non-technical) within applicant’s own business risk assessment and consideration; and
 - e. does not involve the provision of service to end user where there could be concerns on customers’ protection and network / data security.

¹ Under the Communications and Multimedia (Technical Standards) Regulations 2000.

² Network Facilities Provider, Network Services Provider, Applications Services Provider or Content Application Services Provider licence.

³ Spectrum Assignment, Apparatus Assignment or Class Assignment.

NOTE: Although the above are outside of the scope of the Guidelines, they may still be governed under other existing laws and regulations (e.g. existing technical standard; assignment or licence requirements / conditions⁴).

3.0 DEFINITION

Notwithstanding any reference used by the applicant (e.g. proof of concept, field / technical trial, pilot study, showcase, etc.), only Activities falling within the following definitions would require approval under the Guidelines:

“Experiment” involves testing of any non-standard⁵ communications apparatus, equipment or device over a specific period of time and confined to a specific laboratory environment.

“Demonstration” involves operationalisation for the purpose of exhibition of any non-standard communications apparatus, equipment or device over a specific period of time and confined to a specific and limited geographic location.

“Trial” means operationalisation for the purpose of evaluation of any communications apparatus, equipment or device, that is either non-standard, or by a person unauthorised by valid licence; over a specific period of time and confined to a specific and limited geographic location. If the trial involves provision of service to end user, it will be limited by number or location, and no charges may be imposed.

4.0 GUIDELINES

4.1 Eligibility

Any person or entity, local or foreign, who has a reasonable purpose to conduct the Activities in Malaysia may apply; including licensees, potential licensees, consultants, commercial / academic researchers, developers and / or fabricators / manufacturers.

4.2 Approval

a. The Activities may involve 3 types of approval as follows:

- i. approval to use spectrum;
- ii. approval to use any non-standard communications apparatus, equipment or device (“Special Approval”); and / or
- iii. approval to perform the Activities (“Activity Approval”).

b. Approval to use spectrum:

For the use of spectrum, unless the applicant is an existing assignment holder and the Activities is within the scope of the spectrum right; or using spectrum under Class Assignment; an Apparatus Assignment (“AA”) to use the spectrum is required. Please refer to the Guidelines for Apparatus Assignment⁶ for further information.

c. Special Approval:

⁴ Some activity would require a valid licence under the CMA.

⁵ For the purpose of the Guidelines, “non-standard” means non-availability of standards or non-compliance with standards under the Communications and Multimedia (Technical Standards) Regulations 2000.

⁶ Please visit: <https://www.mcmc.gov.my/spectrum/assignment-of-spectrum>

For the use of non-standard communications apparatus, equipment or device, the Communications and Multimedia (Technical Standards) Regulations 2000 (“Technical Standards Regulations”) would require a Special Approval, either by MCMC or the registered certifying agency (i.e. SIRIM) as the case may be⁷.

d. Activity Approval:

- i. Most Activities would only require AA and / or Special Approval. An Activity Approval is only applicable to Activities requiring other regulatory flexibility or exemption within the purview of MCMC (e.g. from complying with any regulatory provisions such as licensing requirement). It shall only be granted for exceptional cases with strong justification on a case-by-case basis.
 - ii. Where granting of Activity Approval is not appropriate, MCMC will guide the applicant in aligning the activity with the relevant regulatory requirements instead (e.g. advise the applicant to apply for the necessary licence).
- e. As a guidance, MCMC may approve an application based on the following considerations:
- i. that it may contribute to the improvement of any technology, business process, product or service;
 - ii. that it is in an ordinary course of research, development or education purposes;
or
 - iii. that it would be in the national or public interest; and
 - iv. that the benefit, outweighs the detrimental risk (if any).
- f. MCMC may grant an approval subject to any conditions deemed necessary.

4.3 **Duration**

- a. The Activities must be for a fixed duration, which shall not exceed twelve (12) months. The period may be extended, either once or cumulatively, for a maximum period of six (6) months based on evaluation and discretion of MCMC.
- b. Where spectrum is required, the maximum duration allowed for the AA is twelve (12) months, which may also be extended as the case may be, either once or cumulatively, for a maximum of six (6) months via variation or fresh application in accordance with the Communications and Multimedia (Spectrum) Regulations 2000 (“Spectrum Regulations”).
- c. As a guidance, the trial and experiment shall be based on the applicant’s requirement. For demonstration, the period shall be based on the showcase, exhibition or conference period.

⁷ As provided under subregulation 19(3) of the Technical Standards Regulations. For further information, please visit: <https://www.skmm.gov.my/communications-equipment/certification-of-communications-equipment>

NOTE: Any application for an extension may be considered based on MCMC's evaluation of the report of the Activities (under paragraph 4.6) and the justification for the extension⁸.

4.4 Fees

- a. There is no fee for an application or approval. However, there are fees for the application and issuance of AA; and for the registration of non-standard apparatus, equipment or device with the registered certifying agency. Nevertheless, MCMC reserves the right to impose any fee should there be any reasonable circumstances to do so.
- b. Fees for the AA shall be as specified in the First and Second Schedule of the Spectrum Regulations⁹.

4.5 Participation of MCMC

MCMC personnel shall be allowed to participate, observe or monitor the Activities where it is necessary or required, pursuant to the roles and functions of MCMC provided under the CMA.

4.6 Reporting requirement

- a. A report on the result, outcome or findings of the trial and experiment, including any issues faced and the resolutions, shall be submitted to MCMC within 30 days from the conclusion or expiry (whichever earlier) of the Activities.
- b. Additionally, the Activities may be subjected to any other reporting requirements (e.g. one-off, ad hoc or periodic status / progress reporting) whenever necessary, in accordance to the frequency and format specified by MCMC (for example, MCMC's 5G Demonstration Project-Call for Collaboration¹⁰).
- c. MCMC reserves the right to request further details if necessary, particularly on spectrum interference or other matters involving safety, security and interoperability (e.g. affecting other equipment). Failure to provide the report may result in the termination of the approval and / or applicant not being considered for future applications.

4.7 Trial involving provision of service

- a. Where a trial involves the provision of service to end user, it shall be limited either by number or location approved by MCMC. The service provision shall be on a non-commercial basis with no charges; and the end user participation shall be on a voluntary basis.
- b. The end user shall be informed of the nature of trial (e.g. temporary for trial purposes, non-commercial, may not meet the quality of service requirements, etc.) and that there

⁸ For extension by way of fresh application of AA, the application must be made 60 days prior to the expiry date, together with the report.

⁹ The minimum fees for AA is 3 months, regardless of the actual Activities being lesser in duration.

¹⁰ Please refer to: <https://www.mcmc.gov.my/skmmgovmy/media/General/pdf/Appendices.pdf>

is no obligation to subscribe to such service should it be subsequently launched commercially.

- c. While the trial may be exempted from having to comply with quality of service requirement, the end user shall be treated in a reasonable manner at all times.
- d. For the purpose of this Guidelines, “end user” means the third party using the service during trial period. It may include the public or another facility / service provider, but does not include the facility / service provider undertaking the trial collaboratively with the applicant.

5.0 **GENERAL**

5.1 **Spectrum**

- a. Activities involving spectrum may not be implemented within the same geographical area that has an existing service of the same nature, unless it is to be undertaken with a critical and strategic justification.
- b. The use of spectrum in the Activities must not cause any interference to, and will not be protected from the interference of, any existing authorised services.
- c. The AA granted shall be used only for the purposes of the Activities subject to the Spectrum Plan, Spectrum Regulations and the conditions imposed (if any).
- d. For trial, the AA certificate will be issued during commissioning of the duly installed apparatus, equipment, device or system where MCMC personnel is required to witness.

5.2 **Safety and security**

- a. The applicant shall ensure the safety and security of the Activities, particularly, from causing any harm or damage to end user, the public or other third party equipment / property (which is not part of the Activities).
- b. The applicant shall assess the risk involved in the Activities; and shall take all necessary measures to ensure that any potential adverse impact is manageable.
- c. The applicant shall be solely liable for any harm or damage caused. The applicant may take the appropriate insurance coverage for the Activities to ensure sufficient coverage protection.

5.3 **Cessation and termination**

- a. The Activities shall, unless extended, cease upon the expiry of the approval, or upon early termination by MCMC where there is a reasonable ground to do so (e.g. breach of approval conditions, interference issues, etc.).
- b. MCMC shall not be liable for any costs (e.g. decommissioning, dismantling, removal of equipment) or loss suffered by the applicant or any other party as result of the cessation or termination.

5.4 **Approval only for purposes of the Activities**

- a. The approval shall not be interpreted or construed in any way as an approval or indication of future approval from MCMC that any licence will be issued or the spectrum being available or will be assigned after the conclusion / expiry of the Activities.
- b. If the applicant decides to operationalise the system or launch the service commercially in the future, appropriate licence and / or spectrum under the CMA shall be obtained accordingly.

5.5 **Confidentiality**

Any information shared between MCMC and the applicant for any purposes under the Guidelines is treated as confidential and shall not be disclosed to another party except with MCMC or the applicant's consent (as the case may be) or when required by law.

6.0 **APPLICATION PROCESS**

6.1 All applications shall be made via letter to the:

**Head, Technology and Standards Division
Malaysian Communications and Multimedia Commission
MCMC Tower 1
Jalan Impact Cyber 6,
63000 Cyberjaya, Selangor,
MALAYSIA**

Email: tsd@mcmc.gov.my

6.2 As a guidance, the application letter shall specify the intended request (i.e. approval for "trial", "experiment" or "demonstration"), and should include the following details with the relevant supporting documents:

- a. Details of applicant¹¹
- b. Objective / scope of trial, experiment or demonstration
- c. Location of the Activities
- d. Technology / standard involved
- e. Equipment technical specification
- f. Network configuration
- g. Coverage map (only applicable to trial)
- h. Duration and time line
- i. Potential risk / interference (if spectrum is involved) and mitigating measures
- j. Sampling size and category
- k. Data collection method

¹¹ Including proof of identity (e.g. copy of identification card, passport or certified true copy of business registration document, as the case maybe). A foreign person/entity requires a local office or local authorised representative for the purposes of discharging the obligations under the approval and settling the payment of any applicable fees (e.g. AA)

NOTE: Please refer the **Appendix** for the brief process flow as reference.

6.4 Category and status of applicant

Applicant will need to specify its nationality status (i.e. local / foreign), licence category (i.e. Network Facility Provider (NFP), Network Service Provider (NSP), Application Service Providers (ASP), Content Application Service Provider (CASP) or non-licensee), the personal or organization category, such as individual, vendor, university, manufacturer, etc.

6.5 Further information

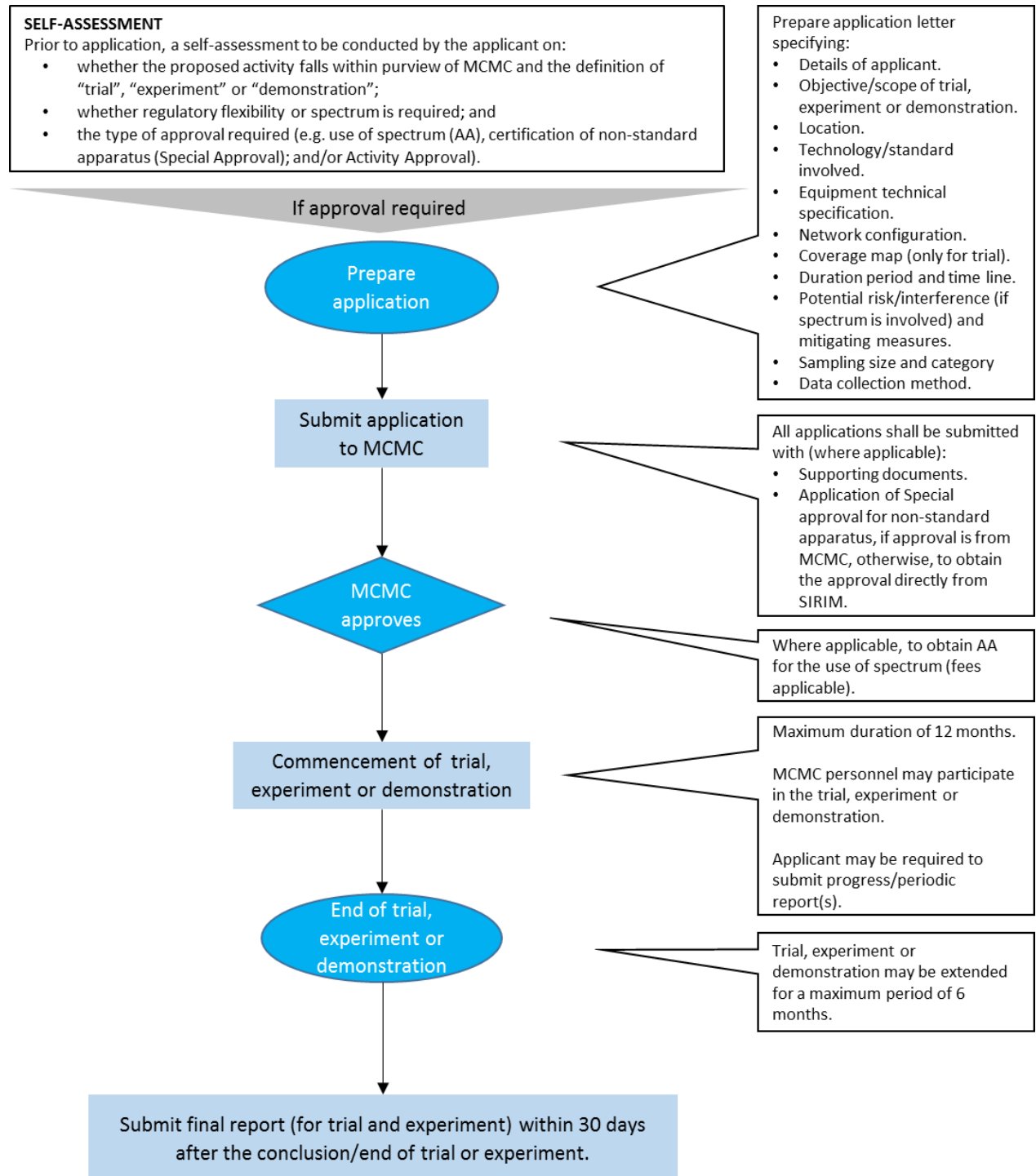
MCMC may request further information to facilitate the assessment of the application.

6.6 Enquiry

For any enquiry about the Guidelines and application process, please contact MCMC's **Technology and Standards Division** at **+603 8688 8000** or by email at tsd@mcmc.gov.my.

APPENDIX

Trial, Experiment or Demonstration Process Flow



As a guidance, the application will be processed within 30 working days. However, the process may take longer depending on the complexity of the applications (e.g. when AA is involved or exemption from regulatory compliance is required).

For any enquiry, please contact MCMC's **Technology and Standards Division** at **+603 8688 8000** or by email at tsd@mcmc.gov.my.