

## **RULES ON WEBSITES OF LAW FIRMS**

### **POLICY STATEMENT**

An Advocate and Solicitor may maintain a Website for the purposes of providing Approved Information concerning the Advocate and Solicitor or his firm and such other information as may be permitted under these Rules, or the Publicity Rules or any other rules or rulings from time to time prescribed by the Bar Council.

#### **1. INTERPRETATION**

For purposes of these Rules:

- (a) all references to “the Publicity Rules” are to the Legal Profession (Publicity) Rules 2001 as amended or re-enacted from time to time. All references to specific Publicity Rules are to the specific rules in the Legal Profession (Publicity) Rules 2001;
- (b) all references to “the Etiquette Rules” are to the Legal Profession (Practice & Etiquette) Rules 1978 as amended or re-enacted from time to time. All references to specific Etiquette Rules are to the specific rules in the Legal Profession (Practice & Etiquette) Rules 1978;
- (c) all references to “these Rules” mean the rules set out herein as may be amended from time to time by the Bar Council;
- (d) all references to an Advocate and Solicitor include a law firm, unless the context shall otherwise require;
- (e) all references to laws include guidelines, directives, directions, rules and rulings whether or not having the force of law;
- (f) all references to applicable laws include the applicable laws relating to publicity for Advocate and Solicitor of Malaysia, rules and rulings prescribed by the Bar Council from time to time;
- (g) all references to a Website include any Website or webpage created by or for an Advocate and Solicitor or his firm;
- (h) “Advocate and “Solicitor” has the meaning ascribed to that expression in the Legal Profession Act 1976 as amended or re-enacted from time to time;
- (i) “Approved Information” has the meaning attributed to that expression in the Publicity Rules;
- (j) “Website Address” shall mean the Universal Resource Locator or more commonly known as the URL of a particular Website and includes the domain name, title or any words necessary to gain access to a Website.

## **2. COMPLIANCE**

Every Website (including the Website Address) shall comply with the Publicity Rules, all other applicable laws and these Rules. For the avoidance of doubt, this Rule shall apply to each Website notwithstanding that the name of the Advocate and Solicitor or the name of his firm does not form any part of the Website Address.

## **3. PRESENTATION OF WEBSITE**

The presentation (look and feel) of a Website shall comply with the Publicity Rules, in particular Publicity Rule 5(1)(a)(i) and (ii).

## **4. WEBSITE ADDRESS**

- (1) The Website Address must be acceptable to the Bar Council.
- (2) An Advocate and Solicitor shall report the Website Address of his Website to the Bar Council within one (1) month after the publication of the Website on the Internet or 1 month from the date of coming into effect of this Rule whichever is the later. The Advocate and Solicitor shall also report to the Bar Council any change to the Website Address within one (1) month after the date of such change..
- (3) The absence of any response from the Bar Council to the reporting of any Website Address or any change to a Website Address shall not be construed as an approval by the Bar Council of the Website Address or any change thereto as reported or confirmation by the Bar Council that the Website conforms to all applicable laws or acquiescence by the Bar Council to any contravention of applicable laws. The compliance with all applicable laws remains the primary obligation of the Advocate and Solicitor.

## **5. PERMISSIBLE INFORMATION OR MATERIALS**

A Website may contain the following information or matters:

### **(a) Disclaimers**

Disclaimers may be inserted in a Website provided that they appear on the home page (front page) of the Website or are highlighted to the attention of visitors to the Website by way of a prominent link appearing on the home page. However, such disclaimers should not breach any Bar Council Rules or Rulings on disclaimers.

### **(b) Links**

Links that connect a Website to another website are generally permissible Provided That any website linked to a Website shall comply with the Publicity Rules, all applicable laws and these Rules.

**(c) Hidden text or hidden graphics**

Hidden text or hidden graphics which form part of the programming language or source code of a Website and are therefore necessary for the creation of the Website are permitted Provided That any such hidden text or hidden graphics does not breach Publicity Rule 5(1)(a).

**(d) Tracking**

An Advocate and Solicitor may keep track of the number of visitors to his Website but such information shall not be published or made available to the public.

**(e) Comments or inquiries**

An Advocate and Solicitor may create means through his Website for a visitor to contact him for the purposes of comments or inquiries on anything published on his Website.

**(f) Website on another website**

An Advocate and Solicitor may create or operate a Website on or within another website provided that the host website does not violate the Publicity Rules, these Rules or any other applicable laws.

**(g) Establishment of solicitor-client relationship**

A Website may provide such Approved Information as may be required to assist any person to make a decision whether to retain the relevant Advocate and Solicitor in a particular matter or a Website may enable any person to obtain further information from the Advocate and Solicitor to assist that person in making such decision. An Advocate and Solicitor shall avoid the establishment of a solicitor-client relationship directly or merely through his Website.

**6. OTHER PERMISSIBLE INFORMATION OR MATERIALS**

A Website may be used by an Advocate and Solicitor to publish a journal, magazine or newsletter referred to in Publicity Rule 13 or to publish any notice referred to in Publicity Rule 14; subject to compliance by the Advocate and Solicitor with the Publicity Rules (in particular Publicity Rules 13 and 14), these Rules and all other applicable laws.

## **7. INFORMATION OR MATERIAL WHICH IS NOT PERMITTED**

Without limiting the other provisions of these Rules and any other applicable laws, the following material or information is not permitted on Websites:

- (a) material or information which is indecent, obscene, false, offensive, defamatory or seditious under the laws of Malaysia;
- (b) publicity which is presented or published in a manner which is contrary to the laws (relating to publicity for Advocate & Solicitor) of Malaysia;
- (c) publicity which is presented or published in a manner which, in the opinion of the Bar Council, is likely to diminish the confidence of the public in the Other Countries as regards the legal profession of Malaysia or to otherwise bring the legal profession of Malaysia into disrepute;
- (d) publicity which infringes Publicity Rule 5 in any way; or
- (e) any advertisement or publicity which relates to parties other than the Advocate & Solicitor or his firm.

## **8. NO TOUTING**

- 8.1 Nothing in these Rules shall be construed as permitting the doing of or causing or allowing to be done of anything which, in the opinion of the Bar Council, is for the purpose of touting directly or indirectly; or which, in the opinion of the Bar Council, is calculated to suggest that it is done for that purpose.
- 8.2 Without prejudice to the generality of the foregoing, an Advocate and Solicitor shall not engage the services of a service provider or any other person to promote his Website or to give an advantage to the Advocate and Solicitor over other Advocates and Solicitors when an Internet search is made.

## **9. INTELLECTUAL PROPERTY RIGHTS**

An Advocate and Solicitor shall take appropriate measures to ensure that third parties' rights (including intellectual property rights) are not infringed in the development or presentation of his Website.

## **10. PRESERVATION OF WEBSITE MATERIALS**

- (a) Where a Website does not incorporate multi-media effects, an Advocate and Solicitor shall retain at his principal place of business, a printed copy of such Website page appearing in his Website, including a copy of each version of the Website as changes are introduced for a period of at least 12 months from the date of publication of each Website page or each version of the Website

and shall, upon being requested to do so by the Bar Council, produce the same to the Bar Council for inspection within the time specified by the Bar Council.

- (b) Where a Website incorporates multi-media effects, the Advocate and Solicitor shall provide to the Bar Council within the time specified by the Bar Council, a copy of each Website page appearing in his Website, including a copy of each version of the Website as changes are introduced, in a medium or format accurately reproducing the Website (including all the multi-media effects of the Website) and readily accessible for viewing by the Bar Council at its own premises.

## **11. RULE 52 OF THE ETIQUETTE RULES**

Rule 52 of the Etiquette Rules shall apply to an Advocate and Solicitor in connection with the operation or maintenance of or access to his Website.

## **12. CESSATION OF PRACTICE**

Upon the dissolution or cessation of practice of his firm, an Advocate and Solicitor shall forthwith cause all access to his Website to be terminated and remove his Website from the internet.

## **13. EFFECTIVE DATE**

These Rules shall come into effect on 1.7.2005 and shall supersede and replace Rule BCR 02/2002 – Website Rules for Law Firms which came into force on 1.5.2002.