

IN THE HIGH COURT OF MALAYA AT KUALA LUMPUR

IN THE FEDERAL TERRITORY OF KUALA LUMPUR

CIVIL SUIT NO.: WA-23CY-22-09/2023

BETWEEN

1. CHU KIM FOONG

(NRIC No.: 860417-56-5315)

2. FONG CHOONG FOOK

(NRIC No.: 760821-06-5365)

3. KENNETH SHAK JIAN WEN

(NRIC No.: 910715-01-5867)

4. LE GLOBAL SERVICES SDN BHD

(Company No.: 200501018357(700472-M))

... PLAINTIFFS

AND

LAI ZHEN YEAN

(NRIC No.: 970311-08-5089)

... DEFENDANT

JUDGMENT

[1] This action arises from a claim in defamation brought by three officers of the LGMS Group and a company within the LGMS Group against a former employee, following the publication of an article on the

latter's Medium account entitled "*My Experience Working at a Toxic Cyber Security Company*" (the Impugned Article). The Plaintiffs allege that the Impugned Article, in its natural and ordinary meaning and by way of innuendo, defamed them and caused serious injury to their reputations. The Defendant disputes that the article referred to the Plaintiffs and, in the alternative, relies on the defences of justification and fair comment.

[2] The matter proceeded to a full trial over two days, with both sides calling witnesses and tendering documentary evidence. Having considered the testimony, the documentary record, and the submissions of learned counsel, this Court finds that the Plaintiffs have proven their case and find that the Defendant's Impugned Article has indeed defamed all four Plaintiffs. The defence pleaded by the Defendant and adduced at trial were analysed and duly considered.

Introduction

[3] The 1st Plaintiff is the Chief Operating Officer (COO) of the LGMS Group. The 2nd Plaintiff is the Chief Executive Officer (CEO) of the LGMS Group. The 3rd Plaintiff is the Senior Manager of the LGMS Group. The 4th Plaintiff is LE Global Services Sdn Bhd, a cybersecurity company and within the LGMS Group. The Defendant was a former employee of the 4th Plaintiff, having been employed from 17.1.2022 to 29.4.2022 in the position of Cybersecurity Engineer.

[4] The Plaintiffs allege that the Impugned Article contains statements which, in their natural and ordinary meaning and/or by way of innuendo,

are defamatory of them. The statements are alleged to mean and/or be understood as conveying (as paragraph 16 Amended Statement of Claim), inter alia:

- (a) The 1st and/or 2nd Plaintiffs like to brag;
- (b) The 1st, 2nd and/or 3rd Plaintiffs are unprofessional, rude and/or prioritise profit;
- (c) The 1st, 2nd and/or 3rd Plaintiffs are not qualified to hold positions at LGMS Group;
- (d) The 2nd and/or 4th Plaintiffs set ridiculous rules at workplace;
- (e) The 4th Plaintiff forced the Defendant to sign his job offer letter;
- (f) The 4th Plaintiff did not treat new employees and interns fairly;
- (g) The 4th Plaintiff considers itself perfect and not in need of any improvement;
- (h) The 4th Plaintiff did not reimburse the Defendant for travel expenses and overtime work;
- (i) The 4th Plaintiff is able to profit by exploiting its employees;
- (j) The 4th Plaintiff is an unprofessional company that prioritises profit.

- (k) The service and quality of the 4th Plaintiff incompetent, unprofessional and unreliable
- (l) The 4th Plaintiff has instructed employees to publish false comments favorable to the Fourth Plaintiff and instructed third parties to remove or suppress negative comments about them;
- (m) The 4th Plaintiff is a company with a workplace that is terrible and unfit for any person;
- (n) The 4th Plaintiff does not respect the privacy rights of its employees and/or has violated the privacy rights of its employees;
- (o) The 4th Plaintiff is an authoritarian and oppressive company.
- (p) The Plaintiffs do not allow their employees to take breaks or interact at work;
- (q) The Plaintiffs will be angry with the defendant if the defendant asks any questions regarding the 4th Plaintiff's penetration testing process;
- (r) The Plaintiffs frequently criticize their competitors;
- (s) The Plaintiffs brainwash and manipulate recent graduates to become their puppets;
- (t) The Plaintiffs practice a toxic culture; and/or

(u)The Plaintiffs or any of them attempted to hack the defendant's email and thereby attempted to commit an offense under the Computer Crimes Act 1997

[5] The Plaintiffs received queries from friends, business associates and/or colleagues concerning the Impugned Article, and they claim to have suffered losses as a result of the publication.

[6] The Defendant denied that the Impugned Article referred to the Plaintiffs. He contended that the statements in paragraph 16 of the Amended Statement of Claim were merely the Plaintiffs' own inaccurate and misleading views and/or interpretations and therefore do not represent the perception and/or view of a reasonable person.

[7] The Defendant pleaded justification specifically in respect of:

- Sub-paragraph 13.9 of the Amended Statement of Claim (relating to Faking 5-Stars Reviews); and
- Sub-paragraph 13.11 of the Amended Statement of Claim (relating to Attempting to access personal Gmail).

[8] The Defendant claimed that the contents of these sub-paragraphs were supported by justification, evidence and/or strong reasons. The Defendant pleaded fair comment as a defence to the allegations of defamation, asserting that the contents of the Impugned Article constituted fair comments.

[9] The Defendant filed a Counterclaim alleging that the Plaintiffs defamed him through the letter of demand dated 22.8.2023 which was allegedly published to his employer, Deloitte. However, the Plaintiffs denied this and asserted that it was only addressed to the Defendant and not directed to Deloitte and that the publication and contents of the letter of demand are protected by absolute privilege as it was brought into existence for the purpose of the proceedings. This Counterclaim has been struck out by this Court on the basis that it did not disclose a reasonable cause of action and that the Letter of Demand was protected by absolute privilege. See ***Chu Kim Foong & Ors v Lai Zhen Yean*** [2024] MLJU 815.

The Impugned Article

[10] The Impugned Article is titled "*My Experience Working at a Toxic Cyber Security Company*" and was published by the Defendant on his Medium account at the URL: <https://louiszhenyea.medium.com/my-experience-working-at-a-toxic-cyber-security-company-9855ae025692> on or about 20.8.2023.

[11] The article was presented as an 'unlisted' post on Medium, meaning it could only be accessed by persons with the full link. According to the Defendant's testimony, he shared the article with some colleagues at Deloitte (his employer at the time) and had approximately 20 followers on his Medium account.

[12] The article describes the Defendant's experience working at a cybersecurity company (which the Plaintiffs allege refers to the 4th Plaintiff). The article contains the following sections and statements that the Plaintiffs allege to be defamatory:

(i) Death-like Atmosphere in the Office

The article described a lack of interaction between colleagues and a quiet office environment where keyboard typing sounds could be heard. The article stated: "If you have the time to chit-chat and chill during office hour, it means you are not productive enough."

(ii) "Arrogant Unhelpful Colleagues"

The article described colleagues as arrogant and unhelpful, particularly when the Defendant discussed his pursuit of OSCP certifications and was allegedly laughed at and told he was not ready. The article stated: "They assume you know everything about how the company works but nothing about technical stuff." Also: "They will get extremely mad if you ask them about the pentest process of the company."

(iii) "Unfair Treatment to New Joiners and Interns"

The article alleged that interns were limited to copying, pasting, and filing reports, and were prohibited from engaging in pentesting activities or learning about the pentest process. It stated: "What if I told you, in this company, interns are only

limited to tasks like copying and pasting, and filing reports? They are strictly prohibited from engaging in any pentesting activities, and they are not even allowed to learn about the pentest process. What is more, they are not given any information about the vulnerability scanner software that the company uses.

Only that you show loyalty and perform well, this earns you access to the necessary software, but your team leader holds the authority to grant it. ... Most of the time you will need to request to use the internal software when necessary. ... Whoever they saw your message, they tend to be curious “Why do you need this software?” This sceptical mindset can significantly hinder your workflow efficiency.

The reason for their caution is their concern we might misuse the internal software for personal purposes, which might lead to exposure of business secretive process. Additionally, he emphasized that we are strictly prohibited from disclosing the details of the vulnerability scanner to the interns.

Every sauce is private and confidential, here is North Korea's kitchen."

(iv) “Garbage-Tier of Pentest Quality Delivery”

The article criticized the quality of penetration testing work, alleging that it relied heavily on automated tools and that complex attack vectors were omitted from reports if they were too difficult to replicate. It stated: “No need to forward requests to the Burp Repeater tab for further testing. Just browse the

application and let the extensions do their work. The information takes care of the findings, making the process remarkably streamlined.

Copy pasta the findings, which already organized in an Excel sheet, into a Word report. ... Well, her is the deal: If not too complicated or time-consuming to replicate, you cannot include those findings in the report. Simple as that.

... Whether you are a recent graduate or having 10 years of experience, the company maintains a uniform output standard from everyone.

Our Standard Operating Procedure is perfect. No improvement needed."

(v) "No Growth Mindset"

The article criticized the company leadership, particularly mentioning the "CEO" who allegedly did not value growth and only cared about profits. It stated: "The idea is that once you have obtained OSCP, further skill enhancement is not seen as necessary.

... the CEO believes that individual possessing certifications does not necessarily bringing values to the company. Hence, in order to earn salary increments, demonstrating loyalty is deemed more important. ...

... However, their response suggest that my actions are viewed against from their SOP, which includes manually

checking the 7000 rows of vulnerabilities listed in the Excel sheet.”

(vi) Ultra Micro-Management

The article described surveillance and monitoring of employees, including restrictions on YouTube usage during working hours. It stated: “The only explanation could be that they had installed some sort of spyware on our work laptop, allowing them to track our activities.

...the management can track our contributions to ensure we are delivering value to the company.

I don’t have the time to do my resume and interview with other companies. They are watching me.”

(vii) Brainwashing Employees

The article alleged the 4th Plaintiff of destroying the employees’ self-confidence and their ability to think independently. It stated: “Additionally, he highlighted that our salaries consistently the highest among the market rates.

...Alongside this, he often criticised other competitors’ companies portraying them in a negative manner. ... the ONLY path to success is through dedicated work for him.

These repetitive brainwashing activities have a clear impact. As a result, employees who stayed longer than a year tend to lose their ability to think independently. This process destroys their self-confidence and make it difficult for them to survive outside this company."

(viii) The Dream to be a Celebrity

The article described a "coffee meet event" where the "CEO" allegedly publicly humiliated the Defendant for using his phone during the event to respond to an urgent client incident. The CEO allegedly said loudly: *"Please don't be like him. Not pay attention to the boss and play with his phone" and that it is "not what professional behaved."* It stated "I am here dealing with YOUR client, generating revenue for YOUR company.

... .. the CEO sets some silly rules, like making it a top priority for everyone to be present in the office. Also, water bottles are not allowed on the tables to keep the office looking more professional.

The more embarrassing aspect is that we are expected to appear busy when reporters are filming. The CEO would approach, glance at your screen, and inquire "*Which client are you working with?*" Before you could even respond, he'd continue loudly, "*Oh London. Cool!*" It is almost as if he is making sure the reporter captures the fact that this company is working with UK companies and earning foreign currencies.

Yet, he still pay his employees the lowest amount compared to the market rate, while proclaiming that it is the highest in the market.

I came here to work, not to play clown.”

(ix) “Faking 5-Stars Reviews”

The article alleged that employees of the company pretended to be customers and left glowing 5-star reviews. It stated: “ ... pretending as customers, leaving themselves glowing 5-star reviews.

... the company employs a specialized individual to remove negative reviews about them, if found publicly. What is more astonishing is that they are even willing to pay job posting platforms like Glassdoor to remove negative reviews.”

(x) “Unpaid Overtime”

The article described an incident where the Defendant worked overnight at a client site until 3am, arrived at the office at 12pm the next day, and was questioned by the "Senior Manager" (described as a "creepy creature") about being late. It stated: “Let’s skip the details of how I managed to handle the situation against that creepy creature. Moving forward to the end of the month, when I expected to receive overtime pay and reimbursement for travel expenses. However, the HR’s response was that due to my probationary period, I was NOT

entitled to any overtime payment or travel expenses reimbursement.”

(xi) “Attempting to Access Personal Gmail”

The article suggested that the company attempted to access the Defendant's personal Gmail account. The Defendant described taking precautions by formatting his laptop twice to ensure complete erasure of his laptop activities. It stated: “I will leave it to your imagination to guess who is that creepy creature attempting to access my Gmail.”

(xii) “Threatening, is it a part of Professionalism?”

The article described threatening behaviour by the company management. It stated: “He pretended not to understand Mandarin (as speaking English is deemed more highclass) attempting to embarrass me.

...When that creepy creature found out that the company laptop was erased, he was jumping upside down. He threaten to lock me in their office and until they can recover the data, or else he will let the police come over and talk to me, as he accused me of damaging their company data.

... That creepy creature run over to the HR office and quickly review all the paperworks, hoping to find something that could be used against me.”

(xiii) “Just My 2 Cents: An Eye Opener”

The article contained observations and commentary critical of the company and its leadership. It stated: “..by exploiting and squeezing every last drop of their employees...

... Their lack of exposure to the corporate world makes them easier to get brainwashed and manipulated into their puppet – essentially, report generators and money printing machine for the company.”

(xiv) “If You Want to Work in This Company, Think Twice”

The article concluded with a warning to readers to "think twice" before joining the company, suggesting that only people with "no technical skill", "no growth mindset", "can't leave comfort zone", or "indulged in fake fames" should join the company. It stated:

- “1. You don’t have technical skills. The technical skills required in this company are relatively basic. Knowing how to click the scanner and proficiency with Microsoft Words and Microsoft Excels allow you to survive in this company.
2. You don’t have the growth mindset. In this company, demonstrating loyalty is a crucial factor for your salary increment. No pressing need to continually enhance your technical skills.

5. You are indulged in fake fames. The company will gift you Mercedes Benz as loyalty rewards. Its marketing approach is more like an insurance company rather than a traditional cybersecurity company.
6. ...being a 24/7 full time slave, getting dominated occassionally and being exploited completely?

Lastly, I must to take some measures to protect myself for writing this articles about the Malaysia's North Korea."

[13] The Plaintiffs pleaded that the Impugned Statements referred to the 1st Plaintiff when COO was mentioned, and the 2nd Plaintiff when the Impugned Statements mentioned CEO. The "Senior Manager" or "creepy creature" referred to the 3rd Plaintiff. The basis for these is that the offices or posts they respectively held at the material time were such.

Evidence

[14] The Defendant submitted his employment application form to the 4th Plaintiff on 14.12.2021. A letter of offer was issued on 3.1.2022 by the 4th Plaintiff to the Defendant for the position of Cybersecurity Engineer. Having accepted the job offer, the Defendant commenced employment with the 4th Plaintiff as a Cybersecurity Engineer on 17.1.2022. This is the same date that matched the timeline referenced in the Impugned Article –

“time travel back to a year ago in January 2022.” The Defendant’s employment is also reflected on his LinkedIn profile.

[15] During the Defendant’s employment period from January to May 2022, the 1st to 3rd Plaintiffs held posts as per paragraph 13 above. The 3rd Plaintiff was the only Senior Manager of the 4th Plaintiff at that material time. The 4th Plaintiff was part of the LGMS Group which is the industry pioneer in cybersecurity services in Malaysia.

[16] The next ostensible evidence is the coffee meet video shooting on 27.8.2022 and 28.4.2022. The Defendant and the other employees attended the gathering. They sat together and heard the talk/speech(es) by the 2nd Defendant.

[17] This Court observed that it was meant to be motivational in nature and the sharing of company updates. This is also from the Impugned Article under *“Brainwashing Employees”*. On those two dates, there was video shooting that took place. It seemed that it was likely meant for marketing/promotional purposes or media coverage for the benefit of the 4th Plaintiff.

[18] The recount by the Defendant of what had happened at the coffee meet event is stated in the Impugned Article under *“The Dream to be a Celebrity”*. At the coffee meet event, the Defendant was using his phone to respond to an urgent office incident. The 2nd Plaintiff’s reaction when he noticed the Defendant on the phone was that former pointed his finger at

the latter and asked, *“Who is this guy?”*. The Defendant was called out publicly in front of other colleagues whereby the 2nd Plaintiff said loudly, *“Please don’t be like him, not paying attention to the boss and playing with his phone. That is not what a professional behave.”*

[19] The Defendant felt publicly humiliated despite being engaged in legitimate work dealing with a client. This was pictured as having happened when the cameras/reporters were present for the video shoot, adding to the Defendant’s embarrassment.

[20] The Defendant testified that his observation of the incident was that the 2nd Plaintiff was arrogant and selfish by the way he talked. In the 4th Plaintiff’s records that documented the Defendant’s exit interview, it was stated that the main reason for the Defendant’s leaving employment was *“I have no intention to serve a cocky boss like CF Fong.”* The basis for resignation concentrated on the 2nd Plaintiff, as to the answer of what he liked least about the 4th Plaintiff was the 2nd Plaintiff, and that the 2nd Plaintiff had already informed all that there was no such thing as a work-life balance in the 4th Plaintiff.

[21] After the Defendant resigned from the 4th Plaintiff in May 2022, he joined Deloitte in June 2022. He worked as a Risk Advisory Consultant for two years and his employment was terminated in May 2024. During his tenure at Deloitte, the Defendant received an award for a certain achievement. He claimed he was forced to leave Deloitte because the Plaintiffs had sent their Notice of Demand to his workplace at Deloitte. The

Defendant had also confirmed that the posting on the Low Yat thread was also a partial reason.

[22] On the Impugned Article, the Defendant acknowledged writing an article titled '*My Experience Working at a Toxic Cyber Security Company*'. The Defendant testified that he shared the article with some colleagues at Deloitte. The Impugned Article was uploaded onto his Medium account, and he has about 20 followers. He does not know who the 20 followers are. Furthermore, in denying that the Impugned Article is defamatory, the Defendant claimed that it is a true statement of fact and justified.

[23] At the footer of the Impugned Article on Medium states 'Written by Z.Y. Lai'. The Defendant's full name is Lai Zhen Yean. The profile is public, although the Impugned Article is unlisted, which means only those who have the whole link can access the Impugned Article. The Impugned Article does not appear in public search results on Medium. It does not appear on the Defendant's profile page either. Only those with the direct URL can assess it, and once that link is shared, it can be forwarded infinitely.

[24] The Defendant's testimony confirmed that he had published the Impugned Article on Medium on 20.8.2023. The Impugned Article printout confirms this with the estimated reading time and the date of the printout. The Defendant further confirmed at trial that he shared the link to his article on Medium to some of his Deloitte colleagues, although the number was not specified. The Impugned Article on Medium can no longer be

assessed. However, the Plaintiffs claim it could be assessed through the web of WayBack Machine.

[25] There is no evidence on any specific person who 'republished' the Impugned Article on WayBack Machine. It seemed to be operated by the internet archive that automatically crawls and archives publicly accessible web pages. There does not seem to be any human intervention that was required for this archiving to occur. From the records, WayBack Machine automatically archived the article on 20.8.2023, the same day as the publication by the Defendant on Medium.

[26] Third parties identified the personalities in the Impugned Article with the Plaintiffs. The 2nd Plaintiff received a WhatsApp message from one Cheng that included the link and stated his conclusion that the Impugned Article referred to them. This is direct evidence that shows identity has been proven, which the Plaintiffs were referred to. There are also multiple business partners and colleagues who sent queries thereto, some of whom identified the Plaintiffs with the Low Yatt Forum link. Screenshots of WhatsApp messages were tendered at trial. Additionally, there were telephone calls received by the 1st and 3rd Plaintiffs from external parties including customers, clients and business partners.

[27] It was shown that that was how the Plaintiffs became aware of the Impugned Article. The Plaintiffs issued a letter of demand to the Defendant on 22.8.2023 that demanded him remove the Impugned Article and issue them a public apology. There was also a claim for damages. On 23.8.2023 the Defendant had instructed the process server to leave the letter of

demand (in a sealed envelope) at the reception of his Deloitte office. The Defendant's response in line with his Defence pleaded, was that the Impugned Article was not defamatory but a true statement of fact and was justified in the circumstances of the case.

[28] Evidence further shows that a user by the name of Kaya Butter Toast posted on the Low Yatt Forum on 26.8.2023 at 12.50pm, the Plaintiffs' letter of demand to the Defendant, together with a link to the Impugned Article published on the archived WayBack Machine. This has since been requested to be taken down by one Shariman. From the documentary evidence, the letter of demand was presumably a scanned or photographed copy. The letter of demand was subsequently removed. No evidence to show that the Defendant was/is that Shariman. Evidence from the Defendant is that one Muhammad Shariman bin Shamsudin whom he does not know, campaigned for crowdfunding to assist the Defendant in his legal battle with the Plaintiffs.

[29] A fact produced at trial is that the Defendant had shared the Impugned Article with people who knew the context – he confirmed such when he further informed that he had shared it with '*Some Deloitte colleagues.*' The Plaintiffs' media prominence was adduced through extensive documentations. The 2nd Plaintiff who is the CEO and Founder has granted numerous television and radio interviews. There were many newspaper articles quoting him and magazine features. The 1st Plaintiff has also conducted multiple media appearances and public speaking engagements. The 4th Plaintiff has received company awards and

recognitions. There is media coverage of the 4th Plaintiff's company achievements, and it is listed on Bursa Malaysia.

This Court's Findings

[30] From January to May 2022, the Defendant was employed by the 4th Plaintiff and had worked under the 1st, 2nd 3rd Plaintiffs. As to the issue of the Defendant's LinkedIn profile where he initially claimed that parts of the LinkedIn profile were not his, the Defendant could not satisfactorily answer during trial why the inaccurate parts were not removed. Be that as it may, this Court is satisfied that it is a fact that the Defendant was with the Plaintiffs in terms of employment from January to May 2022.

[31] The coffee meet event occurred on 27-28 April 2022. This established fact is further confirmed by the Defendant's own written statement in the Exit Interview Form dated 1.5.2022. The nature of the event was that it was a company gathering organized by the CEO where employees would listen to motivational stories and company updates. On these specific dates, there was video shooting taking place. As per the evidence, during the event, the 2nd Plaintiff noticed the Defendant using his phone, called him out publicly in front of colleagues, and stated he was not behaving professionally. The Defendant perceived this as public humiliation. This Court finds that it was indeed this event that directly caused the Defendant's resignation.

[32] The Defendant's denial that the coffee meet event was the one referred to in the Impugned Article, this Court is unable to accept it as the

following evidence confirms that it was the catalyst for the Defendant's departure and the harbour of dissatisfaction against the Plaintiffs, which are:

- (a) The Defendant's explicit written statement in the Exit Interview Form identifying this event as the trigger for his discontent and decision to leave the 4th Plaintiff
- (b) The temporal proximity (resignation submitted the very next day)
- (c) The multiple negative references to the CEO (the 2nd Plaintiff) in the Exit Interview Form
- (d) The hostile Kim Jong Un imagery in the resignation letter and the reference to the North Korea regime in the Impugned Article

[33] Hence, despite the Defendant's denial at trial, the evidence overwhelmingly establishes this connection because only one such event occurred. The details match precisely, as the timing matches (late April, just before resignation), the same players involved (the 2nd Plaintiff as the CEO calling out Defendant) at the same type of gathering. It is the same perceived grievance (public humiliation).

[34] The Defendant's denial that the article refers to this event lacks all credibility. His retreat to the 'fictional story' defence when confronted with the perfect correlation demonstrates consciousness of guilt and an attempt to evade liability. This Court further finds that the coffee meet event incident establishes malice. The Defendant felt humiliated and

developed intense animosity toward the 2nd Plaintiff. The publication of the Impugned Article 15 months later was motivated by this malice, not by any legitimate public interest purpose.

[35] This Court finds that it is the Defendant who is the author of the Impugned Article published on Medium. The content of the Impugned Article matches the Defendant's personal experience. The employment, duration date and the coffee meet event described match the event cited in his Exit Interview Form, align perfectly. The Defendant on his part, never denied authorship. Throughout the proceedings, the Defendant never claimed someone else wrote the article. He never claimed his account was hacked. He never disowned the content. At trial, he only claimed it was 'fictional' (undermining other defences, but not denying authorship).

[36] Aside from his own explicit admissions in pleadings, witness statement, and testimony, there is his lawyers' acknowledgment on his behalf. There are also the matching initials and personal details, and his sharing of the Impugned Article with others. The evidence overwhelmingly and conclusively establishes that the Defendant is the author of the Impugned Article published under the pen name "Z. Y. Lai" on Medium.

[37] This Court finds that the initial publication on Medium on 20.8.2023 had restricted access. Yet, it was not private. The Defendant, who admitted to having authored the article, testified that it was not out in the open to the public but only those with the full link had access to the Impugned Article. He had himself granted access to several of his Deloitte colleagues. Nevertheless, the fact remains (as confirmed by the

Defendant himself) that third parties other than the Plaintiffs and Defendant had access to it and read the Impugned Article.

[38] To this Court's considered mind, the Impugned Article was still publicly accessible. Unlisted does not mean private or unpublished, it only means restricted distribution to anyone with the link. The Defendant had actively shared the Impugned Articles with third parties, not limited to his 20 followers on his account on Medium.

[39] Publication of the Impugned Article on the facts and circumstances of this case had occurred. The element of publication for a case of defamation is fulfilled.

[40] The automatic archiving on WayBack Machine website allows retrieval of the Impugned Article. Evidence unchallenged before this Court is also the fact that the Plaintiffs' letter of demand had been downloaded at least 239 times. Although accessing the Impugned Article through WayBack Machine website is not the normal way, the subsequent conduct of the Defendant had caused public retrieval of the Impugned Article and the letter of demand.

[41] A disastrous consequence can be seen by Kaya Butter Toast's posting on the Low Yat Forum of the Impugned Article retrieved from WayBack Machine. The first post by Kaya Butter Toast contains the WayBack Machine archived link - https://web.archive.org/web/**20230820152019**/https://louiszhenyeaen.

medium.com/my-experience-working-at-a-toxic-cyber-security-company-9855ae025692.

[42] The analysis of the URL is that the timestamp in the URL of 20230820152019 translates to 20.8.2023, 15:20:19 (approximately 3:20pm). This is the same date the Defendant published the Impugned Article on Medium. The Low Yatt Forum became viral and attracted many replies and comments. The complete thread printout spanned 70 pages. There were hundreds of comments and replies from various users. The thread remained active for an extended period.

[43] The key facts observed by this Court are no human actor republished the Impugned Article on WayBack Machine website - it was automatic. The archiving occurred shortly after publication on the same day. Once archived, the article remained permanently accessible via the specific WayBack Machine URL. Even after the Defendant removed the article from Medium, it remained accessible via WayBack Machine website. The Defendant acknowledges that with the specific link, anyone can access the archived version.

[44] The significance of those key facts is that once the Impugned Article is published on the public internet (even if unlisted), automatic archiving is a natural and foreseeable consequence. The Defendant cannot claim that he did not know this would happen. The archived version extends the lifespan of the defamatory publication indefinitely. The letter of demand may have been removed, but the link to access the Impugned Article had remained.

[45] The evidence satisfied this Court that the Defendant knew about the WayBack Machine website and its purpose and function. He knew that the archived content could be accessed with the specific link. He should have known that publishing on the public internet, even if unlisted, could result in automatic archiving. Especially so when he is in the industry and seems to show he has knowledge and capability in the digital domain.

[46] It is this Court's finding that the Impugned Article is not merely defamatory – it is a systematic, malicious, calculated attack designed to destroy the Plaintiffs' reputation and business through false, extreme, and inflammatory allegations. **Below are this Court's analysis and findings that every legal test is satisfied.** Every defence has failed. The defamation is proven by the Plaintiffs.

[47] The Plaintiffs pleaded 15 parts as underlined, reproduced in paragraph 12 above. This Court is mindful that the underlined passages must not be read in isolation. To do that would ignore the context or the surrounding paragraphs which this Court cannot do. This Court must not consider only readers who would not identify the Plaintiffs; the test is whether any reasonable readers could identify, not whether all would. See the House of Lords decision in *Charleston v News Group Newspapers* [1955] 2 AC 65.

[48] This Court has read the Impugned Article as a whole, not in isolated fragments. The full 18-minute, 22-page article. The standard is what a

reasonable, ordinary reader would understand from reading the entire article. This Court is mindful that words that might not be defamatory in isolation can be defamatory in context, and vice versa. The cumulative effect and the overall impression from the whole publication determine whether it is indeed defamation. The importance of the underlined passages is that the passages must be understood in their context within their sections, and also in relation to the whole article and its themes.

[49] Also considered is the Defendant's resignation with Kim Jong Un image, the exit interview form, the Defendant's LinkedIn profile, the letter of demand, and the Low Yatt Forum thread.

[50] In determining the natural and ordinary meaning and what a reasonable, ordinary reader would understand, a fair reading as a whole was undertaken to take in the general impression the Impugned Article gave. For this case, this Court considers readers who know the cybersecurity industry in Malaysia and those who know the Defendant's employment history, who saw the Defendant's LinkedIn profile, and those who are business partners and clients of the Plaintiffs.

[51] The title '*My Experience Working at a Toxic Cyber Security Company*' by Z.Y. Lai with 20 followers dated 20.8.2023 gives the first impression that this is a serious, detailed exposé about a specific company and that the author had worked there. What the reader understands with the opening paragraph of '*Now the time feels right to recount my experiences working at a unscrupulous Cyber Security Company in Malaysia*' is that the piece will be an attack on the company

of cybersecurity industry in Malaysia. The author believes that the said company is dishonest and unethical when it used 'unscrupulous' in the description. There are multiple sections:

- "Arrogant Unhelpful Colleagues"
- "Unfair treatment to new joiners and interns"
- "Garbage Tier of Pentest Quality Delivery"
- "They Are Watching Me"
- "Brainwashing Employees"
- "The Dream to be a Celebrity"
- "Unpaid Overtime"
- "Attempting to access my personal Gmail"
- "Threatening, is it a part of Professionalism?"

[52] Each section contains detailed narratives, specific incidents, strong accusations, and emotional language. The reasonable reader's cumulative impression is that this company is terrible in multiple ways. Not just one problem was highlighted but multiple issues. There was professional incompetence ("garbage tier"), ethical violation (when it spoke about unpaid overtime and exploitation), privacy invasion (spying, hacking attempts), psychological abuse (the term was brainwashing) and criminal conduct (threats, attempted hacking).

[53] The closing of the Impugned Article, the reasonable reader sees '*If you want to work in this company, think twice.*' This was followed by a sarcastic list of who should join, all in the negative connotations. Then '*Lastly, I must to take some measures to protect myself for writing this articles about the Malaysia's North Korea.*' gives the final impression that

this company is so bad that it is compared to North Korea. The author issues a warning to others not to work there and the author fears retaliation.

[54] A reasonable reader, having read the entire 18-minute article, would understand that this is a comprehensive attack on a cybersecurity company in Malaysia with multiple serious allegations of criminal conduct, professional incompetence, ethical violations, and psychological abuse. The company can be identified as a cybersecurity in Malaysia with the author having worked there starting January 2022. The company has a CEO, COO and a Senior Manager and is well-known enough to be compared to things/matters (the North Korea example). This meant to damage the company as potential employees were warned, calling for avoidance of the company. The tone of the Impugned Article is hostile and mocking with the use of '*creepy creature*', '*Dream to be a Celebrity*', '*Malaysia's North Korea*', and the sarcastic suggestion as to who should work there.

[55] Each allegation by the Plaintiffs, standing alone, might be dismissible as opinion or explainable as workplace friction and defensible as exaggeration. However, when read as a whole, the pattern of allegations creates a comprehensive picture where each accusation reinforces the others, and the volume of complaints suggests systematic problems. The extreme language throughout the Impugned Article shows that this is a serious attack. The opening and closing frame everything in between as evidence of an 'unscrupulous' company that is '*Malaysia's North Korea*'. The reader would form an overall impression that the

company is terrible, unethical, incompetent, abusive, and should be avoided. That overall impression is the defamation.

[56] The Disclaimer: '*This story does not reveal the name of any specific company or individuals. Additionally, no confidential company processes are exposed in this article.*' does not work/apply as a defence. This is because the legal principle from **Charleston** (supra) provides that the disclaimer must be read as part of the whole article. A reasonable reader when the reading the disclaimer then thinks that there is no company named, but the author gave many identifying details (January 2022, cybersecurity, Malaysia, CEO, COO, Senior Manager structure). The author's LinkedIn profile shows that he worked at the 4th Plaintiff from January to May 2022. This Court finds that the disclaimer is a token attempt at protection and does not actually prevent identification. The identification is reasonably foreseeable.

[57] The Defendant's contention that the Impugned Article was a fiction is not accepted as it would still be a deliberate attack on the Plaintiffs. The allegations are serious, which the Defendant knowingly made. Fiction can still be defamatory if it identifies real people and reasonable readers believe it refers to real people, it damages those people's reputations. In this case, the 'fiction' identifies the Plaintiffs (temporal markers, structural details, shared with colleagues). Reasonable readers understood it to refer to the Plaintiffs (evidence by the third parties having contacted the Plaintiffs). It damaged their reputations (business inquiries, viral spread). This contention of fiction also destroys the justification defence.

[58] The defence of justification was pleaded by the Defendant specifically for faking the 5-stars reviews and attempting to access Gmail. At trial on the other hand, the Defendant claimed it was a work of fiction and a fantasy. This is a fatal contradiction. The legal effect of on his justification defence is destroyed. Admission of falsity proves defamation. This amounts to malicious defamation. The Defendant had failed to adduce any evidence to the truth of the contentions pertaining to the 5-stars review and the attempts to access Gmail.

[59] In any event, the Defendant had failed to produce any evidence that what he wrote was in fact true. Aside from proving that he was publicly called out by the 2nd Plaintiff, there was no other evidence on the alleged toxicity of the work environment in the 4th Plaintiff.

[60] The fair comment defence is additionally destroyed. For this defence to prevail, the matter must be of public interest and based on true facts – here the Defendant at trial claimed otherwise. Fair Comment would be sustained if the Impugned Articles is an honestly held opinion and not made with malice. There is overwhelming evidence of malice:

- Exit interview hostility
- *"Cocky Boss like CF Fong"*
- *"I do not like CF Fong"*
- Sarcastic wallpaper ("ilovebos.png")
- Kim Jong Un resignation letter
- Formatted laptop twice
- Deleted emails
- Port scanned server

- Admitted 'fiction'

[61] This Court finds that the defence of qualified privilege is inapplicable. The requirements that the communication must be made in good faith and that the recipient has a corresponding interest are not met. Neither was there any legal, social, or moral duty to communicate the contents of the Impugned Article. The publication of the Impugned Article on Medium to the general public is not a duty. The sharing of the link with Deloitte colleagues for access, among other evidence of malice, defeats qualified privilege.

[62] This Court finds in the affirmative the answers to the following questions:

(a) Does the article, read as a whole, lower reputation?

(b) Does it expose to hatred, contempt, or ridicule?

(c) Does it cause shunning or avoidance?

(d) Does it disparage in business?

[63] The statement-by-statement assessment by this Court is best seen in a table form as follows:

(a)

Statement as per paragraph 12 of the Amended SoC	A reasonable reader would understand that the author is accusing this cybersecurity company of: • Operating without ethical principles • Engaging in dishonest business practices • Being morally corrupt • Cannot be trusted Primarily refers to the 4th Plaintiff Secondarily refers to the 1st, 2nd and 3rd Plaintiffs as director/senior management since a company 'unscrupulous' necessarily reflects on those who run it
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It is defamatory because it lowers the estimation of right-thinking people. They would think poorly of a company described as "*unscrupulous*". They would question its integrity and ethics. Clients would hesitate to engage in an "unscrupulous cybersecurity company. Potential employees would avoid working there and business partners would be wary.

(b)

Statement as per paragraph 13.1 of the	A reasonable reader would understand that: • The workplace is extremely depressing • Employees are miserable
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Amended SoC	• The environment is oppressive and soul-crushing • There is no joy, collaboration, or positive culture Primarily refers to the 4th Plaintiff Secondarily refers to the 1st, 2nd and 3rd Plaintiffs who create and manage the workplace culture
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It is defamatory because people would think poorly of a company with such an environment. It suggests poor management and leadership. Potential employees would absolutely avoid applying, current employees might seek to leave and clients might wonder about employee morale affecting service quality. In competitive industries, attracting talent is crucial. This statement directly interferes with recruitment. It suggests the 4th Plaintiff cannot retain quality employees.

(c)

Statement as per paragraph 13.2 of the Amended SoC	A reasonable reader would understand: • The company has a toxic workplace culture • Employees don't help each other • There's no teamwork or support
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	• Management allows or encourages this behaviour Refers to all the Plaintiffs
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It is defamatory because a company with "*arrogant unhelpful colleagues*" is poorly managed and suggests a toxic culture. Job seekers would avoid the Plaintiffs and clients might worry about poor teamwork affecting service delivery. For a professional services firm, teamwork and collaboration are essential. This suggests the company cannot work effectively as a team

(d)

Statement as per paragraph 13.3 of the Amended SoC	A reasonable reader would understand: • The company underpays interns and fresh graduates. • The company charges clients RM10,000 but pays workers only RM2,300. • This is exploitation - the company is profiting excessively from underpaid labour. • The company is unethical in its treatment of vulnerable workers (interns, fresh graduates). Refers to the Plaintiffs
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Right-thinking people would be appalled by the exploitation of interns and fresh graduates. It suggests that unethical business practices and taking advantage of vulnerable workers is morally reprehensible. Job seekers (especially fresh graduates) would avoid. Universities might stop recommending the company for internships, and clients might question the company's ethics. There are disparages in the attacks on the company's business ethics, as it suggests profit over people. It could even trigger labour/human resources investigations. The evidence of this actual harm can be noted from the posting by Kaya Butter Toast on the Low Yatt Forum that shows third parties accepted and repeated the exploitation allegation.

(e)

Statement as per paragraph 13.4 of the Amended SoC	A reasonable reader would understand: • The company's core professional service (penetration testing) is of extremely poor quality • Work delivered to clients is worthless • The company lacks professional competence • Clients are being defrauded - they pay for quality service but receive "garbage" Refers to all the Plaintiffs
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This is defamation as it lowers the estimation severely - a cybersecurity company delivering "*garbage*" quality is incompetent. Right-thinking people would lose all confidence in the company. It exposes the Plaintiffs to contempt because clients who paid for services would feel cheated. So, the company would be despised for taking money for worthless work. There are causes for the Plaintiffs to be shunned - no client would engage a company whose work is "*garbage*" and existing clients might terminate contracts, prospective clients would go elsewhere.

(f)

Statement as per paragraph 13.5 of the Amended SoC	A reasonable reader would understand: • The CEO/management does not value professional development or skill enhancement • Obtaining OSCP (a prestigious cybersecurity certification) is treated as the end of learning • Further skill development is actively discouraged • The CEO believes certifications do not bring value to the company • Loyalty is prioritized over competence and professional excellence
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	• The company's approach to employee development is backward and anti-progress • Management claims their processes are "perfect" and rejects innovation • The company stifles employees who try to improve workflows • Professional growth is viewed as "against their SOP" Refers primarily to the 2nd Plaintiff as CEO Secondarily refers to the 4th Plaintiff regarding company culture
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It is defamatory because it portrays the 2nd Plaintiff as an incompetent leader who does not understand professional development in a technical field. Right-thinking people, especially in the technology and cybersecurity sectors, view continuous learning and skill enhancement as essential. A CEO who discourages professional development and values loyalty over competence is seen as backward and harmful to the industry. The statement exposes the 2nd Plaintiff to contempt as a leader who prioritizes personal loyalty over professional excellence - suggesting nepotism and poor business judgment. It suggests the 2nd Plaintiff is insecure and threatened by employees who seek to improve their skills.

For a cybersecurity company, where technical excellence is paramount, suggesting that management has "*no growth*

mindset" is devastating. It implies the company will fall behind competitors, cannot deliver cutting-edge services, and actively suppresses innovation and improvement. The characterization that the company rejects automation scripts and improvements to workflow portrays both the 2nd Plaintiff and 4th Plaintiff as technologically backward and resistant to efficiency - particularly damaging for a technology company. This directly undermines client confidence and business prospects.

(g)

Statement as per paragraph 13.6 of the Amended SoC	A reasonable reader would understand: • The company has an Orwellian surveillance culture • Management spies on employees secretly • The spyware was installed without consent (or employees would know how Senior Manager knew) • Employees cannot even look for other jobs because they're being watched • This is creepy, invasive, and potentially illegal Refers to all the Plaintiffs
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It is defamatory because right-thinking people view secret surveillance as unethical. Oppressive monitoring of employees is seen as paranoid and controlling. It suggests management

doesn't trust employees. This exposes the Plaintiffs to hatred and contempt. People hate feeling spied upon. 'Big Brother' surveillance is widely despised. The "creepy" characterization invokes disgust. Causes for the Plaintiffs to be shunned include job seekers would avoid a company with such practices. Current employees might leave. It creates fear of an oppressive environment. There are also discrepancies, as a cybersecurity company (which should respect privacy and security) is being hypocritical. Questions arose would be if they spy on employees, would they spy on clients? It suggests the company misuses its technical capabilities.

(h)

Statement as per paragraph 13.7 of the Amended SoC	A reasonable reader would understand: • The company engages in psychological manipulation of employees • Management intentionally destroys employees' critical thinking • Employees become dependent and unable to leave • The company operates like a cult • This is extremely serious psychological abuse Refers to all the Plaintiffs
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It is defamatory because "*Brainwashing*" is an extremely serious accusation. It suggests psychological abuse and manipulation. Cult-like behaviour is viewed with horror by right-thinking people. This defamatory statement exposes the Plaintiffs to hatred and contempt. People despise manipulative organizations. Destroying employees' self-confidence is cruel. Making people "*unable to survive outside*" is imprisonment. No one would work for a company that "brainwashes". It may be blacklisted, and the suggestion of toxic leadership that assumes criminal undertones and psychological abuse destroys recruitment capacity.

(i)

Statement as per paragraph 13.8 of the Amended SoC	A reasonable reader would understand: • The CEO is a bully who publicly humiliates employees • The CEO is vain and image-obsessed ("Dream to be a Celebrity") • The CEO doesn't care about actual work, only appearances • The CEO stages dishonest scenarios for media • The CEO has poor judgment and management skills Refers to the 2nd and 4th Plaintiffs
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Right-thinking people view public humiliation of employees as poor leadership. Bullying behaviour is despised. Vanity and celebrity-seeking ("*Dream to be a Celebrity*") suggest unprofessional priorities. Staging fake scenarios for the media is dishonest. The "*Dream to be a Celebrity*" title is mocking. It portrays the 2nd Plaintiff as vain, image-obsessed, more concerned with media than actual work, and dishonest (staging scenarios). It invites readers to laugh at the 2nd Plaintiff. Employees would avoid working for a bullying boss. Clients might question leadership competence. Industry peers would view the 2nd Plaintiff as unprofessional. This is an attack on the 2nd Plaintiff's management competence which alleges poor judgment (humiliating someone who was actually working) and shows he prioritizes image over substance.

(j)

Statement as per paragraph 13.9 of the Amended SoC	A reasonable reader would understand: • The company fabricates positive online reviews • Employees pretend to be satisfied customers • The company actively suppresses negative reviews • The company pays platforms like Glassdoor to remove criticism
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	• This is systematic deception of potential clients and employees • The company's good reputation is manufactured through fraud Refers to 4th Plaintiff primarily
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It is defamatory because fraudulent reviews constitute dishonest business practices. Right-thinking people despise companies that deceive the public. It suggests the company cannot earn genuine praise. For a cybersecurity company seeking to build trust with clients, being accused of fake reviews destroys credibility. The allegation of paying platforms to remove negative reviews suggests systematic suppression of legitimate criticism. Potential clients would question whether they can trust any representations made by the company. Job seekers would avoid a company with manufactured reputation. This directly interferes with the company's ability to attract both clients and talents. The accusation exposes the 4th Plaintiff to contempt as a company engaging in deceptive practices.

(k)

Statement as per paragraph 13.10 of the	A reasonable reader would understand: • The company violates employment law (unpaid overtime)
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Amended SoC	• The company exploits probationary employees • The company has unfair employment practices • The company takes advantage of workers who do not know their rights Refers to the 4th Plaintiff primarily
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Right-thinking people view unpaid overtime as exploitation. Wage theft is morally wrong and often illegal. It shows the company doesn't value employees. Job seekers would avoid this company and current employees might file complaints. The authorities might investigate. This is defamatory because it suggests illegal employment practices.

(I)

Statement as per paragraph 13.11 of the Amended SoC	A reasonable reader would understand: • The company or its management engaged in attempted hacking • This is unauthorized access to private accounts • This is potentially criminal conduct • The company went beyond workplace monitoring to personal privacy invasion
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	• "Creepy creature" suggests one of the managers/executives • This is extremely serious misconduct Refers to the 2nd and 3rd Plaintiffs
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Attempted hacking is viewed with horror, and the invasion of personal privacy is despised. For a cybersecurity company, this is the ultimate hypocrisy. It shows the company misuses its technical capabilities. People are naturally contemptuous and fear those who hack personal accounts. Furthermore, "*Creepy creature*" evokes disgust and illustrates a betrayal of trust. No one would work for a company that hacks employees' personal accounts. No client would trust a cybersecurity company that engages in hacking. There would be a destruction of trust. This destroys the fundamental trust required in the industry.

(m)

Statement as per paragraph 13.12 of the Amended SoC	A reasonable reader would understand: • Management engaged in threatening, intimidating behavior • Threatened false imprisonment - a criminal offense • Made false accusations of criminal conduct
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	• Held employee for hours on false pretenses • Management is vindictive and abusive • "Creepy creature" characterization dehumanizes the person Refers to the 2nd and 3rd Plaintiffs
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Threatening false imprisonment is criminal conduct. Making baseless threats shows abuse of power. Holding someone for 3 hours on false pretences is wrongful detention. Right-thinking people view such threats as despicable. No one would work for someone who makes such threats. Vindictive behaviour towards departing employees creates fear. Industry word-of-mouth would spread. The Plaintiffs' business would naturally be disparaged.

(n)

Statement as per paragraph 13.14 of the Amended SoC	A reasonable reader would understand: • The company is compared to one of the regimes not viewed favourably generally by the world • The company is oppressive, abusive, totalitarian • Employees are prisoners who cannot leave • Management is dictatorial
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	• This is extreme hyperbole but makes a devastating point • This is the umbrella accusation that encompasses all other allegations Refers to all the Plaintiffs
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Suggestions of oppression and inhumane treatment are defamatory to the Plaintiffs The comparison invites contempt for the management. The company is mocked and there is suggestion that it ought to be shut down.

(o)

Statement as per paragraph 13.14 of the Amended SoC	A reasonable reader would understand: • This is a direct warning: DO NOT WORK HERE • The company is toxic, abusive, and exploitative • Only desperate or incompetent people would work there • The "24/7 slave" language is shocking and suggests abuse • This is designed to destroy recruitment Refers to all the Plaintiffs
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A company only attracts incompetent, submissive, or naïve workers is poorly regarded. It explicitly tells reader to avoid which tantamount to economic sabotage because the warning ensures no skilled workers will apply.

[64] This Court now turns to address the Defendant's liability for the republication of the Impugned Article through the WayBack Machine website. The Defendant contends that he cannot be held liable for automatic archiving by a third-party platform over which he had no control. The law on republication is well-settled. As established by the High Court in ***Suharnizan Md Sidek v Noorazira Pissal*** [2022] CLJU 2054, a person who first produces a defamatory statement is primarily liable for subsequent publication where the republication is reasonably anticipated. In that case, the High Court, quoting the Court of Appeal's decision in ***Chua Jui Meng v Hoo Kok Wing & Anor*** [2000] 6 CLJ 390, held that where defamatory statements are published to reporters, the subsequent republication in national publications is a natural and foreseeable consequence.

[65] The principle applicable is one of foreseeability. In the present case, the Defendant, being a cybersecurity professional with technical knowledge, must have known or ought to have known that:

- (a) Publishing content on the public internet, even if unlisted, exposes it to automatic archiving by services such as WayBack Machine website;

- (b) WayBack Machine website is a well-known internet archive that automatically crawls and preserves publicly accessible web pages;
- (c) Once archived, the content remains permanently accessible via specific URLs;
- (d) The archiving extends the lifespan of defamatory publications indefinitely; and
- (e) Even after removal from the original Medium platform, the archived version would remain accessible.

[66] The evidence before this Court establishes that the Defendant acknowledged knowing about WayBack Machine website and its purpose. His testimony confirmed that he understood archived content could be accessed with the specific link. Given his profession in the cybersecurity industry, the Defendant possessed the technical knowledge to appreciate that publishing on the public internet would result in automatic archiving.

[67] The automatic nature of WayBack Machine website's archiving does not absolve the Defendant of liability. The law does not require proof of direct human intervention in the republication. What matters is whether the republication was a natural and foreseeable consequence of the original publication. This Court finds that it was.

[68] The WayBack Machine website archived the Impugned Article on 20.8.2023, the same day it was published on Medium, at approximately 3:20pm as evidenced by the timestamp in the URL. This demonstrates the immediate and automatic nature of the archiving. However, the foreseeability of such archiving is precisely what makes the Defendant liable. A publisher takes his material as he publishes it, including the natural consequences that flow from publication in the digital age.

[69] The subsequent posting on the Low Yatt Forum, which utilized the WayBack Machine link, demonstrates the practical consequence of such archiving. The archived version enabled widespread dissemination that the Defendant should have anticipated. The thread generated hundreds of comments over 70 pages, evidencing substantial publication to third parties.

[70] This Court finds that the Defendant is liable for the republication of the Impugned Article through WayBack Machine website on the basis that the republication was a natural and foreseeable consequence of the original publication. The Defendant, with his technical knowledge, knew or ought to have known this would occur. The publication on Medium, though unlisted, was made to the public internet where automatic archiving is standard practice, and the Defendant intended the article to be accessible to third parties, as evidenced by his active sharing with colleagues.

[71] The principle that a defamer must take responsibility for the natural consequences of his defamatory publication applies with full force in the digital age. Publishers cannot escape liability by claiming lack of control over automated systems that are the predictable result of internet publication.

Conclusions

[72] Having carefully considered all the evidence, the submissions of counsel, and the applicable law, this Court makes the following conclusions:

- (a) Elements of Defamation Proven: The Plaintiffs have successfully proven all three essential elements required to establish defamation:
 - (i) The statements in the Impugned Article bear defamatory imputations;
 - (ii) The statements refer to and identify the Plaintiffs; and
 - (iii) The statements were published to third parties by the Defendant.

See ***Raub Australian Gold Mining Sdn Bhd v Hue Shieh Lee*** [2019] 2 MLRA 345; [2019] 3 MLJ 720; [2019] 3 CLJ 729; [2019] 2 AMR 525; ***Tan Sri Dato Vincent Tan Chee Yioun v Haji Hasan bin Hamzah & Ors*** [1994] 3 MLRH 203; [1995] 1 MLJ 39; [1995] 1 CLJ 117; [1995] 1 AMR 069

- (b) Reference to Plaintiffs: The Impugned Article, when read as a whole with its contextual clues (January 2022 employment, cybersecurity company in Malaysia, organizational structure matching the 4th Plaintiff, and the Defendant's own LinkedIn profile), clearly and unmistakably refers to the Plaintiffs. Third parties identified the Plaintiffs from the article, as evidenced by WhatsApp messages and telephone calls received by the Plaintiffs See ***Knupffer v. London Express Newspapers Ltd*** [1944] AC 116; ***Morgan v. Odhams Press Ltd & Another Case*** [1971] 1 WLR 1239.
- (c) Defamatory Meaning: The natural and ordinary meaning of the statements in the Impugned Article is defamatory of the Plaintiffs. The article systematically attacks the reputation of the Plaintiffs through multiple serious allegations including professional incompetence, ethical violations, criminal conduct, psychological abuse, and fraudulent practices. Each allegation lowers the estimation of the Plaintiffs in the eyes of right-thinking members of society, exposes them to hatred, contempt and ridicule, causes them to be shunned and avoided, and disparages them in their business and profession. See ***Chok Foo Choo @ Chok Kee Lian v The China Press Bhd*** [1999] 1 MLJ 371; [1999] 1 CLJ 461; [1999] 1 AMR 753; [1998] 2 MLRA 287.
- (d) Publication: Publication occurred through multiple channels:
- (i) Initial publication on Medium on 20.8.2023 to the Defendant's followers and colleagues with whom he shared the link;

- (ii) Automatic archiving on WayBack Machine website on the same date; and
- (iii) Widespread dissemination through the Low Yatt Forum thread which utilized the WayBack Machine archive link.

The Defendant is liable for the republication through WayBack Machine website as it was a natural and foreseeable consequence of his original publication.

- (e) Defences Failed: All defences pleaded by the Defendant have failed:

- (i) Justification: The Defendant destroyed his own justification defence by claiming at trial that the article was 'fiction' and 'fantasy', thereby admitting falsity. This fatal contradiction proves defamation and establishes malice. See ***Dato' Seri Mohammad Nizar Jamaluddin v Sistem Television Malaysia & Anor*** [2014] 4 MLJ 242; [2014] 3 MLRA 92.

- (ii) Fair Comment: This defence fails because fair comment requires the matter to be of public interest and based on true facts. The Defendant admitted at trial the article was not based on facts. There is no evidence to show that the Impugned Article is fair comment. Furthermore, evidence of his harboured malice defeats this defence. See ***Joshua Benjamin Jeyaretnam v***

Goh Chok Tong [1989] 3 MLJ 1; [1989] 1 MLRA 500;
Dato Sri Dr Mohamad Salleh bin Ismail & Anor v Mohd Rafizi bin Ramli [2022] 3 MLJ 758; [2022] 5 CLJ 487; [2022] 4 MLRA 718,

- (iii) Qualified Privilege: This defence is inapplicable. There was no legal, social or moral duty to publish the Impugned Article to the general public on Medium. The publication was motivated by malice arising from the coffee meet event incident, not by any legitimate public interest purpose. See **S Pakianathan v Jenni Ibrahim** [1988] 2 MLJ 173; [1988] 1 MLRA 110; **Utusan Melayu (M) Bhd. & Ors v Tjanting Handicraft Sdn. Bhd. & Anor** [2005] 2 MLJ 397; [2004] 2 MLRA 519

- (f) The conduct of the parties is observed throughout the whole trial. While the Defendant's conduct was improper in publishing the defamatory article, this Court is mindful that the Defendant's actions, though misguided and legally indefensible, arose from genuine workplace grievances experienced during his employment. The Defendant was not entirely motivated by pure malice but also by his perception of events that occurred during his tenure, particularly the coffee meet incident, which he found humiliating. The Defendant's conduct in subsequently attempting to have the Low Yatt Forum post removed demonstrates some recognition of the consequences of his actions.

(g) Damages – the award of general damages: The Plaintiffs are entitled to general damages to compensate for the injury to their reputations and to vindicate their rights. However, this Court is of the considered view that the paramount objectives in this case are:

(i) The permanent removal of the Impugned Article from all online platforms and archives;

(ii) A public apology to set the record straight and inform the public that the allegations were false and defamatory; and

(iii) Injunctive relief to prevent future defamation.

These remedies serve the primary purpose of restoring the Plaintiffs' reputations and providing vindication of their rights. In this Court's view, while monetary compensation is necessary and appropriate, the restorative and vindictory functions of the other remedies are of greater importance in achieving justice for the Plaintiffs.

(h) Damages - Aggravated and Exemplary: This Court declines to award aggravated and exemplary damages. While the Defendant's conduct was not entirely proper, it was not so exceptional or malicious to a high tier as to warrant damages of a punitive nature. There is apparent evidence that the

Defendant was affected mentally and emotionally to the workplace grievances he experienced at the 4th Plaintiff. Aggravated and exemplary damages are reserved for cases of exceptional misconduct, and this case, while serious, does not reach that threshold.

[73] This Court concludes that the Defendant's publication of the Impugned Article constitutes defamation of the Plaintiffs. Every element of defamation has been proven. Every defence has failed. The Plaintiffs have established their claim on the balance of probabilities and are entitled to judgment with moderate damages and appropriate injunctive and restorative relief, which, in this Court's view, are more important than substantial monetary compensation.

This Court's Orders

[74] For the reasons set out herein, judgment is entered in favour of the 1st, 2nd, 3rd, and 4th Plaintiffs against the Defendant. This Court makes the following orders:

(a) General Damages

The Defendant shall pay to the Plaintiffs general damages as follows:

(a) To the 1st Plaintiff: RM50,000

(b) To the 2nd Plaintiff: RM50,000

(c) To the 3rd Plaintiff: RM50,000

(d) To the 4th Plaintiff: RM50,000

The quantum is assessed having regard to the factors set out by the Federal Court in ***Lim Guan Eng v Ruslan bin Kassim (and Another Appeal)*** [2021] 4 CLJ 155; [2021] 2 MLJ 514; [2021] 3 MLRA 207 and the recent judicial trend in cases involving businesses and professionals as seen in ***Ifcon Technology Sdn Bhd & Ors v Luqmanul Hakim Abd Rahim*** [2022] 1 LNS 1533, ***Jason Jonathan Lo v Star Media Group Bhd & Ors*** [2024] CLJU 470, ***Chua Chin Soon v Wong Yew Choong*** [2025] CLJU 101, and ***Lim Bee Chian v Hendrick Chia Miah Yang*** [2025] CLJU 965. The quantum is assessed having regard to the factors set out in *Lim Guan Eng* (supra), particularly:

- (i) The conduct of the Plaintiffs, who have maintained their professional standing and reputation;
- (ii) The Plaintiffs' position and standing in society as leaders in the cybersecurity industry in Malaysia;
- (iii) The nature of the libel, which contained multiple serious allegations across a lengthy and detailed article;
- (iv) The mode and extent of publication, which included Medium, WayBack Machine website archiving, and viral dissemination through the Low Yatt Forum;
- (v) The absence of an apology or retraction by the Defendant prior to this judgment; and
- (vi) The whole conduct of the Defendant from the time of publication to the conclusion of trial.

This Court is of the considered view that while the defamation is serious and proven, the paramount importance in this case lies not in substantial monetary compensation but in the permanent removal of the defamatory publication and the issuance of a public apology to restore the Plaintiffs' reputations. These moderate awards serve the compensatory function while recognizing that the Defendant's conduct, though improper, was not at the extreme end of malicious defamation warranting the highest awards. The awards are nevertheless substantial enough to vindicate the Plaintiffs' rights and signal that defamatory publications have consequences.

(b) Aggravated and Exemplary Damages

No award of aggravated damages or exemplary damages is made. While the Defendant's conduct in publishing the Impugned Article was improper and legally indefensible, he had made it clear in the Exit Interview on the reasons of his resignation. Yet, the Plaintiff had failed to address the issues personally and privately. The circumstances including the personal position of the parties do not warrant damages of a punitive in terms of aggravated damages or exemplary nature.

(c) Perpetual Injunction

A perpetual injunction is granted restraining the Defendant, whether by himself, his servants, agents or otherwise

howsoever, from publishing, causing to be published, or authorizing the publication of:

- (i) The Impugned Article or any part thereof;
- (ii) Any similar defamatory statements concerning the Plaintiffs or any of them; and
- (iii) Any statements with the same or similar defamatory meaning as those contained in the Impugned Article.

(d) Removal Order

The Defendant shall, within fourteen (14) days from the date of this judgment:

- (a) Take all necessary steps to procure the permanent removal of the Impugned Article from WayBack Machine website or any other internet archive or platform where it may be accessible;
- (b) Take all necessary steps to procure the permanent removal of any links to the Impugned Article from any forum, website or platform including but not limited to Low Yatt Forum;
- (c) Provide written notice to WayBack Machine website (Internet Archive) requesting the removal of all archived versions of the Impugned Article and any associated links, copied to the Plaintiffs;

- (e) Provide written notice to Low Yatt Forum administrators requesting the removal of any posts, threads or links relating to the Impugned Article, copied to the Plaintiffs; and
- (f) File and serve an affidavit of compliance evidencing full compliance with this order, including copies of all correspondence and confirmations of removal.

(e) Public Apology

The Defendant shall, within 21 days from the date of this judgment and at his own cost and expense, publish a clear and unconditional public apology to the Plaintiffs in the following manner:

- (i) Publication in two major newspapers in Malaysia (one each in the English and Chinese language) in a form and content to be approved by the Plaintiffs' solicitors
- (ii) The apology shall state unequivocally that the allegations made in the Impugned Article were false, defamatory, and unfounded, and shall retract all such allegations

(iii) The Defendant retracts all such allegations in their entirety

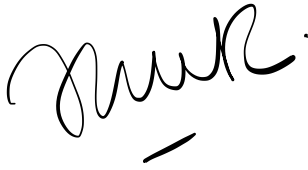
(iv) The Defendant apologizes unreservedly to the Plaintiffs for the injury caused to their reputations

In this Court's considered view, a public apology is essential to correct the false narrative created by the Impugned Article and to inform the public that the serious allegations made against the Plaintiffs were false and defamatory. This remedy serves the critical function of restoring the Plaintiffs' reputations in the eyes of the public, business associates, clients and potential employees who may have been exposed to the defamatory publication. The vindication of the Plaintiffs' reputations through public apology is of equal or greater importance than monetary compensation.

(f) Interest of 5% on the awarded damages from the date of judgment until full and final settlement.

(g) Costs - the Defendant shall pay the Plaintiffs' costs of this action in the sum of RM50,000 subject to allocation.

DATED 9 OCTOBER 2025



ROZ MAWAR ROZAIN

JUDGE

HIGH COURT OF MALAYA

KUALA LUMPUR

*For the Plaintiffs: Foong Cheng Leong together Rachel Tan Li Ying
Foong Cheng Leong & Co*

*For the Defendant: Lau Chee Foon together Ooi Xi Fang
Lau Partnership*