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The Draft Regulation on Online Broadcasting via Radio, Television and On-demand Services Has Been Published.

The Draft Regulation on Online Broadcasting via Radio, Television and On-demand Services ("Draft Regulation") stipulating the implementation of the newly incorporated Article 29/A of the Law No.6112 on the Establishment of Radio and Television Enterprises and Their Media Services ("RTUK Law") was published on RTUK's website on 27 September 2018. This client alert aims to summarize major points within the Draft Regulation.

- Personal communication services (e.g. platforms such as Twitter) are not within the scope of the regulation.

- Online media service providers must obtain online broadcasting licenses, which may only be granted to joint stock companies established in accordance with the provisions of the Turkish Commercial Code for the purpose of providing radio, TV and on-demand broadcast services. RTUK will require companies to submit official documentation regarding the formation of such company in Turkey during the application process, along with certain application forms which have not yet been made available to the public.

- The online broadcasting licenses will be valid for 10 years.

- The official fees are set forth as follows:
  - INTERNET-RADIO broadcasting license fees shall be TRY 10,000.00;
  - INTERNET-TV broadcasting license fees shall be TRY 100,000.00;
  - INTERNET-ON DEMAND broadcasting license fees shall be TRY 1000,000.00.

Although the relevant provision does not explain whether the fees are paid monthly or annually, it is understood that these amounts refer to annual payments for licenses.

- Broadcasters that offer media services to their subscribers/users for a certain fee or subject to conditional access will be required to pay 0.5% of their net annual sales to RTUK until April of the subsequent year in addition to the above licensing fees.

- Online media service providers are expected to apply for broadcasting licenses within 1 month following the Regulation's entry into force; however, the provision concerning the sanctions will enter into force 1 month after the date of its publication in the Official Gazette.

- Online broadcasters that do not hold the required license once the provisions regarding the sanctions enter into force will still be allowed to resume their broadcasts for 3 months, provided that they apply for a license and pay 3 months' fee in advance. If the license procedures are not completed within this period, the media service providers are granted an additional three months if the pay another 3 month's fee in advance.

- Online broadcasting activities will be subject to the supervision and control of RTUK under the same principles applied to TV and radio broadcasts as per RTUK Law. In this regard, some of the significant obligations that are imposed upon online broadcasters are provided below:

    - They shall submit any and all information/document requested by RTUK with regard to the providers' company/partnership structure, their platform operators and number of subscribers;

    - In order to enable the inspection of RTUK, they shall provide RTUK with subscriptions, software and hardware that are necessary to watch the broadcasts;

    - On-demand media service providers shall declare their catalogues before RTUK, and remove content from their catalogues which is found to be contrary to RTUK Law;

    - They shall inform the audience as regards the contents of the program by using the protective symbol system. (🔣🔣➖🔣)

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