



LEGISLATIVE DEVELOPMENTS IN REGULATION OF ONLINE MEDIA IN RUSSIA



On 7 September 2017, the Federal Service for Supervision of Communications, Information Technology, and Mass Media (Roskomnadzor) held a seminar on the organisation of activities of web publications with the participation of the Roskomnadzor legal experts and the representative of the RU/RF Domain Coordination Centre.

The recent changes in legislation were discussed in detail, including the procedure for registration of an online media as a mass media, as well as requirements for founders and chief editors of mass media, specifics of registration and administration of Internet domain names and law enforcement practices in connection with violations of the laws on information and mass media.

Changes in the Procedure of Registration and Regulation of Mass Media

The Federal Law No. 239-FZ dated 29 July 2017 amended the Law of the Russian Federation 'On Mass Media' (the '**Mass Media Law**'), in particular, clarified the procedure for registration of mass media and introduced new requirements to the founders and chief editors of the mass media.

It is stipulated that the founder and chief editor of the mass media cannot be a citizen serving a sentence in detention facilities or having a criminal record for committing crimes using the mass media or information and telecommunication networks, including the Internet, or for committing crimes connected with extremist activities, as well as a citizen who has not reached the age of eighteen. Violation of these prohibitions and restrictions will serve as a basis for suspension of the mass media functioning by the court through administrative proceedings upon a claim of the registering authority. (Currently, the only reason for such a suspension is violation of the prohibition for a foreign state, an international organisation or organization controlled thereby, a foreign legal entity, a Russian legal entity with foreign participation, a foreign citizen, a stateless person, as well as a Russian citizen having the citizenship of another state to be the editorial office of the mass media, broadcasting organisation (legal entity), founder (participant) of the mass media.)

The applicant will be entitled to send an application for registration of the mass media and attached documents to the registering authority in the form of e-documents signed with the enhanced encrypted and certified digital signature, including through the uniform portal of state and municipal services.

At the same time, the period for consideration of the registration application by the registering authority is increased from 30 calendar days to 30 business days.

The mass media will be deemed registered from the date of adoption by the registering authority of the decision on registration and making the relevant entry in the register of registered mass media.

Within five business days following the decision on registration of the mass media an extract from the register of registered mass media (instead of a certificate of registration) will be handed or sent to the applicant.

Re-registration of a mass media is replaced with the procedures for making changes to the record on registration of the mass media and notification of the registering authority of certain changes.

In the event of a change of the founder, composition of co-founders, name, language(s), sample topic and(or) specialisation of the mass media, the territory of distribution, domain name of the web site (for online media), as well as the form and(or) type of periodic mass information, the respective

changes should be made to the registration records of the mass media in the same procedure as specified for registration of the mass media.

In case of a change in the location of the founder and(or) the editorial office, periodicity of the issue and the maximum volume of the mass media, making a decision to terminate, suspend or resume the mass media functioning, the founder should notify the registering authority thereof within a month. The notice can be submitted in the form of an e-document signed using the enhanced encrypted and certified digital signature.

The procedure for invalidation of the mass media registration is clarified as follows: the registering authority shall file with the court the appropriate administrative claim. Upon the entry into legal force of the court decision on invalidation the mass media registration, the registering authority shall enter the relevant record in the register of registered mass media within five business days after the receipt of such a decision.

The Federal Law No. 253-FZ dated 29 July 2017 establishes differentiated amounts of state duties:

- for the state registration of mass media, for making changes to the registration records of the mass media which is intended for distribution throughout the Russian Federation, beyond its borders, in the territories of two or more constituents of the Russian Federation - 8,000 roubles (thus, the state duty for mass media registration was reduced from 10,000 roubles);
- for the state registration of mass media, for making changes to the registration records of the mass media, which is intended for distribution in the territory of one constituent of the Russian Federation, in the territory of a municipal formation - 4,000 roubles.

The abovementioned amendments to the Mass Media Law and Tax Code of the Russian Federation become effective since 1 January 2018.

Registration of Websites as Mass Media

Specific features of registration of websites used for dissemination of mass information as a mass media in the form of periodic distribution 'Online Media' were covered at the event.

Currently, according to the Mass Media Law, registration of a website as an online media is optional. A website that is not registered as a mass media is not deemed as such, however, it is subject to the provisions of the Federal Law No. 149-FZ dated 27 July 2006 'On Information, Information Technologies and Information Protection', including the grounds for access restriction and website blocking.

The benefits of registering a website as an online media are:

- the right of the mass media editorial staff to accredit their journalists at state authorities, organisations, institutions, public associations;
- the right to request information on the activities of state authorities, local governments, organisations, public associations, and their officials;
- news aggregators prefer deal with online media registered as mass media because the former are not held liable for the dissemination of unreliable information received from the latter.

An application for registration of an online media filled with the central office of Roskomnadzor should be accompanied with a document confirming the right to use the website domain name, which is drafted, issued and certified by the registrar of domain names at the administrator's request. Confirmation of the right to use the website domain name when establishing an online media shall be its registration, i.e., entering information on registered second-level domain names into the database of the Coordination Centre of National Domain of the Internet.

Representatives of the RU/RF Domain Coordination Centre described the specifics of registering and administering domain names when establishing an online media.

Besides, at the event the problems of compliance with the requirements for websites registered as online media that are subject to the Mass Media Law were discussed and typical violations of the law on the basis of the law enforcement practice of Roskomnadzor and applications received thereby were analysed.

Best Regards,

GRATA International Law Firm (Moscow)

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What we do:

- advising on regulation of mass media activities and information security;
- preparing a set of organisational and administrative documentation on personal data protection;
- drafting notices of processing personal data submitted to the Federal Service for Supervision of Communications, Information Technology, and Mass Media (Roskomnadzor);
- representation of clients during Roskomnadzor inspections.

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