

Newsletter

New reality for media business in Russia

December 23, 2022

Dear Ladies and Gentlemen!

In the last months of 2022, a number of new laws were adopted and came into force. The laws entail a need to revise the approaches of online platforms to content moderation and launching media campaigns in Russia.

These novelties of legal regulation include:

- Introduction of prohibition of LGBT propaganda;
- Tightening state control over the activities of foreign agents;
- Changing the rules for registration of domain names in the zone .RU, .RF;
- New procedure for restricting access to messengers and social networks upon a court decision.

In this regard, we present you with an overview of the key changes that online platforms need to take into account when carrying out business activity in Russia.

Prohibition of LGBT propaganda	
<p>In December 2022, the federal laws¹ introducing a general prohibition on LGBT propaganda were signed and came into force. The new regulation also establishes a number of new restrictions in relation to sale of media content and goods in Russia.</p>	
<p>New types of prohibited information</p>	<p>Information promoting:</p> <ul style="list-style-type: none"> • Non-traditional sexual relationships and/or preferences, • Pedophilia, • Gender reassignment, <p>is prohibited for distribution in Russia (hereinafter referred to as "LGBT propaganda")</p> <p>Thus, the prohibition applies to any materials (photos, videos, films, books) containing LGBT propaganda (<i>previously, a similar prohibition was established only for the distribution of such information among minors</i>).</p>
<p>Restrictions on sale of media content and goods</p>	<p>1. Materials with LGBT propaganda cannot be disseminated either:</p> <ul style="list-style-type: none"> • In the media; • Among minors; • In advertising.

¹ The Federal Law of [December 5, 2022 No. 478-FZ](#), The Federal Law of [December 5, 2022 No. 479-FZ](#).

	<p>2. Films containing such information cannot be issued a distribution certificate.</p> <p>3. Products containing prohibited information shall not be allowed for sale.</p> <p>Potentially this ban concerns any material that user-consumers can purchase on the service for a fee (e.g., e-books and audiobooks), including any paid services or works provided by the services.</p>
<p>Mandatory technical restriction of access to information 18+</p>	<p>1. Access to information 18+ can only be granted to adults after an age verification procedure.</p> <p>The law does not establish a specific procedure for age verification: it can be confirmed by entering codes or by other means.</p> <p>2. Audiovisual services must ensure restriction of access to information 18+ among minors.</p> <p>Thus, if there is no technical possibility to limit the access of minors, distribution of content 18+ is prohibited on a platform.</p>
<p style="text-align: center;">Liability for violating the prohibition of LGBT propaganda</p> <p>Administrative liability is introduced for the following offenses:</p> <ul style="list-style-type: none"> • Propaganda of non-traditional sexual relationships and (or) preferences or gender reassignment; • Propaganda of pedophilia; • Dissemination of information among minors 1) demonstrating non-traditional sexual relationships (including images) or 2) arousing a desire to change sex among minors. <p>The fines for officials are up to 800 000 RUB (approx. 12 626 USD, 11 860 EUR), for companies - up to 4 million RUB (approx. 63 132 USD, 59 304 EUR) or administrative suspension of business activity for up to 90 days.</p> <p>Larger amounts of fines are established if the offenses are committed:</p> <ul style="list-style-type: none"> • Among minors; • Via a media or the Internet; • By a foreign citizen or a stateless person. 	
<p style="text-align: center;">Tightening state control over the activity of foreign agents</p> <ul style="list-style-type: none"> • Distribution of materials produced or distributed by a foreign agent² without indication that they are produced or distributed by a foreign agent is prohibited (<i>previously - only in relation to the media-foreign agent</i>); • Access to the resource of a foreign agent can be restricted in case of violations of procedures of a foreign agent's activities (<i>previously - only in relation to the foreign agent media</i>); • Materials produced by a foreign agent are prohibited for distribution among minors. 	

² A foreign agent means a person who has been supported and/or otherwise influenced by a foreign country and is engaged in certain activities (mainly, political ones).

New procedure for restricting access to messengers and social networks upon a court decision

On December 12, 2022 new rules of registration of domain names registered in .RU, .РФ zones entered into force.

New rules provide that delegation of a domain name registered in **.RU, .РФ zones** can be taken down by its domain name registrar at Roskomnadzor's a request:

- if such a domain name is registered on third parties without their consent; or
- if an Internet resource with this domain name contains **information prohibited for dissemination in Russia**.

Please note that procedure of taking down a domain name leads to nonoperation of an Internet resource not only in Russia, but in other countries as well.

The new grounds for taking down a domain name **do not apply to domains registered in other domain zones**, such as **.COM**.

Judicial restriction of access to messengers and social networks

Judicial restriction of access to messengers and social networks has been introduced into the Russian Code of Administrative Court Procedure³.

In particular, the Moscow City Court is now authorized to consider administrative cases on restriction of access to information systems or software if:

- they are designed and/or used to receive, transmit, deliver and (or) process electronic messages of users;
- their functioning is provided by an organizer of information dissemination on the Internet⁴.

As a general rule, a state official or a state authority may file an administrative lawsuit on restriction of access to information systems or software if it **contains/disseminates prohibited information**.

Recommendations

Current amendments of the Russian legislation require strengthening content compliance and moderation by any online platforms:

- Employees of online platforms who are responsible for the content moderation shall be duly instructed and trained on such monitoring of prohibited information and requests of the state authorities to take down the prohibited information.
- Since prohibited content shall be deleted by online platforms at Roskomnadzor's requests within extremely short terms, it is strongly required to monitor such requests in emails indicated in contacts information of online platform on daily basis.
- Before responding at the Roskomnadzor's requests in cases when an online platform refuses to delete the prohibited content (for any reasons) it is also recommended to have a legal consultation with Russian consultants to assess the risks of court proceedings on administrative liability for the non-deletion of prohibited information and risks of taking down the online platform on Russian market.

We hope that the information provided herein will be useful for you. If any of your colleagues would also like to receive our newsletters, please let us know by sending us his/her email address in response to this message. If you would like to learn more about

³ The Federal Law of [05.12.2022 N 477-FZ](#).

⁴ An online platform can be recognized as an organizer of information dissemination on the Internet if it allows its users to exchange voice or text messages.

our TMT Industry Group, please let us know in reply to this email. We will be glad to provide you with our materials.

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Sincerely,
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