

Advertising Bans on Social Network Providers in Turkey

Baran Güney, Hande Hançar

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**Baran
Güney**



**Hande
Hançar**

The law amending the Law No. 5651 on the Regulation of Internet Broadcasts and Prevention of Crimes Committed through Such Broadcasts ("Internet Law") known as Social Media Law in Turkey and the implementing regulation introduced new provisions and obligations regarding social network providers and their obligations in the second half of 2020.

As per the cited amendments "Social Network Provider" was legally defined as real or legal persons that enable users to create, view or share content such as text, image, sound, location on the internet for social interaction. Social network providers, which are based abroad and have more than 1 million daily access to their services from Turkey were put under obligation of designating at least one representative in Turkey and a detailed, multiple stage sanction system including advertising ban was set forth for non-compliance. As the first step administrative monetary fine of TRL 10.000.000 (approximately Euro 1.250.000) is imposed to social network providers that did not fulfill their obligation and an additional administrative monetary fine of TRL 30.000.000 (approximately Euro 3.750.000) is imposed in case non-compliance continues during the pre-determined period. If the obligation is not fulfilled after the second administrative fine, real or legal persons who are resident and taxpayer in Turkey are banned from giving advertisement to these social network providers. If the obligation is not fulfilled within three months after the advertising ban, internet traffic bandwidth of the relevant social network providers could be reduced by fifty percent and a further sanction could be imposed for reducing the internet traffic bandwidth by ninety percent.

The amendments entered into force on October 01, 2020. Following the administrative monetary fines imposed to the social network providers that are properly notified of their obligations but still failed to appoint and notify a representative within the deadline Information and Communication Technologies Authority (ICTA) decided to issue advertisement bans on social network providers Pinterest Inc., Twitter Inc., Periscope on January 19, 2021.

Within the framework of the advertisement bans imposed on Pinterest Inc., Twitter Inc., Periscope real or legal persons who are resident and taxpayer in Turkey were banned from giving advertisement to these social network providers. In this context, it was clearly stated that a new contract cannot be established for the purpose of giving advertisement to the relevant social network providers and money transfer cannot be made for these purposes. In the light of recent developments, it is observed that relevant stakeholders in Turkey hesitate to engage in business partnerships with the social network providers for new projects and they have questions about the validity of their current agreements, and about which actions they should take in the future. Considering that the advertising revenue constitutes majority of social network providers' income the sanctions seem to be highly effective to force social network providers for designating in Turkey.

