[RU] Online cinemas restricted

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The State Duma of the Russian Federation adopted on 21 April 2017 amendments to the Federal Statute on Information, Information Technologies and Protection of Information (see IRIS 2014-3/40) that introduce a prohibition of foreign and restrictive regulation of national online cinemas.

The act provides the notion of "the owner of an audiovisual service" and enumerates its responsibilities. Such an “owner” is defined as “the owner of a website and/or the website page on the Internet, and/or an information system, and/or a computer programme that are used to form and/or organize the distribution of a set of audiovisual works on the Internet, if the access to them is provided for a fee and/or subject to viewing advertising aimed at attracting the attention of consumers located on the territory of the Russian Federation and the number of such users on the territory of the Russian Federation that get an access to them within a day exceeds one hundred thousand” (Article 10-5).

According to the same new article, foreign participation in the ownership or control of an audiovisual service shall be limited to 20 %. Even that is subject to a decision of the Governmental Commission (to be established) that shall be “guided by the interests of the audiovisual market in Russia”.

Among other things, owners of the audiovisual services shall be prohibited from disseminating certain content such as election campaigning, “extremist materials”, “propaganda of pornography”, “cult of violence”, and obscene words. They should abide by the Russian rules on age ratings of audiovisual products (see IRIS 2012-9:1/37) and generally follow other Russian laws such as the Statute on Mass Media. They are prohibited from rebroadcasting TV channels and programmes that have not been registered as mass media outlets in Russia.

Roskomnadzor (see IRIS 2012-8/36) obtains additional rights to obtain relevant information and compile a Register of audiovisual services. Once in the Register the owner shall within two months provide to Roskomnadzor a pledge of abidance to the restrictions on foreign participation and/or control. If the owner does not abide Roskomnadzor shall appeal to the Moscow City Court as the first instance with the demand that access to the service is blocked in Russia.

Search engines, media outlets registered in accordance with the Russian statute on the Mass Media, and some user-generated online media shall be exempted

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from these new provisions.In addition, the law introduces administrative liability for violations of the new provisions.

The statute enters into force on 1 July 2017.

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http://publication.pravo.gov.ru/Document/View/0001201705010016?index=0&rangeSize=1

On Amendments to the Federal Law of the Law on Information, Information Technologies and Protection of Information and particular legal acts of the Russian Federation), Federal Statute No 87-FZ of 1 May 2017

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