

## The Advertisement Board is Authorized Blocking Access to the Online Content

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Law numbered 7392 on the Amendments to the Consumer Protection Law and Property Ownership Law ("**Amendment Law**") was published in Official Gazette dated 1 April 2022 and numbered 31796. Amendment Law introduces significant changes to the Consumer Protection Law dated 7 November 2013 and numbered 6502 ("**CPL**").

In accordance with the CPL, the Advertisement Board is authorized to determine the principles to be followed in commercial advertisements, to make necessary arrangements for protecting the consumer against unfair commercial practices, to conduct examinations and audits, and to impose sanctions such as administrative penalties and suspension decisions. Penalties and administrative sanctions are regulated in article 77 of the CPL.

Article 15 of the Amendment Law introduced major changes to article 77 of the CPL, which regulates the penalties and administrative sanctions stipulated within the scope of the CPL.

In addition to the penalties stipulated by the Amendment Law, if the violation of the CPL is carried out online, the Presidency of Advertisement Board has been authorized to block access to the online broadcast or content which is found violating the advertising rules. If it is not technically possible to block access solely to the violating content or if the violation cannot be prevented by solely blocking access to the relevant content, the Advertisement Board can also block access to the entire website where the violating content is available. The decisions of the Advertisement Board will be implemented by the Internet Access Providers Association. These decisions can be objected before the Criminal Court of Peace. The Criminal Court of Peace's decision on the objection could be challenged in accordance with the provisions of Criminal Procedure Code numbered 5271.

Summary of other main changes introduced with the Amendment Law are as follows:

- The administrative fine applied to advertisements broadcasted on local radio channels will also apply to advertisements broadcasted via satellite radio channels.
- The administrative fine applied to advertisements broadcasted over the Internet will also apply to advertisements broadcasted through satellite television channels.
- Those who sign a prepaid timeshare contract with consumers without obtaining a building permit for the land on which the immovable subject to timeshare will be built, those who enter into and intermediate a timeshare contract providing real rights related to the ownership share, those who grant the right to timeshare through partnership of a cooperative or trading company or membership of an association or foundation, those who mediate this transaction, and those who sell timeshare without having the right in rem on the property subject to timeshare, shall be sentenced to imprisonment from 3 years to 6 years.
- Persons who carry out renewal activities without the required certificate for the goods that require a renewal authorization certificate will be sentenced to an administrative fine of five hundred thousand Turkish Liras.
- For each transaction regarding the violations and deficiencies detected in the sale of renewed products, an administrative fine of five hundred Turkish Liras will be applied.
- Manufacturers and importers who violate the obligations regarding after-sales services will be sentenced to administrative fines of different amounts depending on conditions.
- Regarding the deficiencies and contradictions detected at the service stations, an administrative fine of five thousand Turkish Liras will be applied for each service station.

- Service stations operating independently of any manufacturer or importer are obliged to use the phrase "private service" in a way that could be easily seen and read in all kinds of media and activities. Those who violate this provision will be sentenced to an administrative fine of five thousand Turkish Liras.

In accordance with the Amendment Law, administrative sanctions regarding commercial advertising and unfair commercial practices will be implied by the Advertisement Board. Other administrative sanction decisions will be implied by the Ministry of Commerce.

The fourth paragraph of article 77 of the CPL, which was amended by article 15 of the Amendment Law, entered into force on the publication date. Other amendments envisaged in article 15, including the regulation on the authorization of the Advertisement Board to block access, will enter into force on 1 October 2022.

The full text of the Amendment Law is available at this [link](#) (only available in Turkish).

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