

The Scope of Crime of Circumventing Technological Measures Regarding Intellectual and Artistic Works is Extended

11 Mar 2022

Law numbered 7346 on the Amendments to Certain Laws ("**Amendment Law**"), published in Official Gazette dated 25 December 2021 and numbered 37100, introduced amendments on crime of circumventing technological measures outlined in article 72 of the Law on Intellectual and Artistic Works ("**FSEK**").

With the Amendment Law, the types of rights that should be protected within the scope of FSEK article 72 have been diversified and the scope of actions aiming to disable these rights is extended.

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

- Before the Amendment Law, only actions to disable additional programs created to prevent unlawful duplication of computer programs were defined as crimes. This scope has been extended with the Amendment Law, and works, performances, phonograms, productions and publications protected under the FSEK are also included in this scope. Thus, the related crime is no longer a crime that can only be committed against computer program.
- "Additional programs created" subject to the act of neutralization were detailed and defined as "effective technological measures provided by the application of protection methods such as access control or encryption or reproduction control mechanism to control the use of works, performances, phonograms, productions and broadcasts".
- In addition to those who produce, sell, or hold software or technical equipment that renders technological measures ineffective, those who import, distribute, lease, or hold these products or tools for commercial purposes, and even foreseen that those who offer advertising, marketing, design, or application services of these products will also be punished.
- The title of article "Preparatory actions to circumvent protective programs" has been changed to "Circumventing technological measures" in a more compatible way with the scope of the article.
- No change has been made in the prison sentence for the relevant crime. This offense is punishable by imprisonment from six months to two years.

Please find the full text of the Amendment Law [here](#). (Only available in Turkish)

Related Practices

- [IP Litigation](#)
- [Copyrights](#)

Related Attorneys

- [IŞIK ÖZDOĞAN, LL.M.](#)

- ECE BERKMAN

Moroglu Arseven | www.morogluarseven.com