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DRAFT LAW ON DIGITAL COPYRIGHT AND ONLINE NEWS CONTENT

I. PURPOSE AND SCOPE OF THE DRAFT LAW

With the acceleration of digitalization, the production, distribution, and consumption processes of news and media content have undergone significant transformation. In particular, search engines, social media platforms, and similar digital service providers have begun to generate substantial economic value by listing, summarizing, previewing, and directing users to news content. However, it has been observed that a significant portion of this economic value is not reflected to the media organizations that produce such content, which has adversely affected the sustainability of journalism, particularly local and independent media.

In this context, the Draft Law on Digital Copyright and Online News Contents ("**Draft Law**"), submitted to the Grand National Assembly of Türkiye, has been prepared with the aim of regulating the economic relationship between digital platforms and media organizations, establishing a fair revenue-sharing mechanism regarding the online use of news content, and safeguarding media pluralism.

The Draft Law covers digital platforms operating in Türkiye or providing services to users located in Türkiye, natural and legal persons producing news and media content, and activities related to the listing, summarizing, sharing, displaying, or directing news content in online environments. However, mere hyperlink (URL) sharing and users' personal, non-commercial uses that do not constitute value-generating economic use are excluded from the scope of the Draft Law.

II. DIGITAL COPYRIGHT OBLIGATION AND REVENUE SHARING MECHANISM

Under the Draft Law, digital platforms with annual gross digital service revenue sourced from Türkiye exceeding TRY 100,000,000 or with an average of more than 1,000,000 monthly active users in Türkiye, as determined by assessing the thresholds collectively with other platforms within the same economic entity -large digital platforms- will be subject to a digital copyright payment obligation where economic value is generated through the listing, summarizing, previewing, sharing, or redirecting users to news content in the online environment. Through this regulation, it is intended to establish a sui generis financial obligation, independent of existing copyright regimes, requiring large digital platforms to share the economic value derived from news content with the relevant media organizations.

The Draft Law also requires that digital platforms and media organizations conduct negotiations in a fair, transparent, and good-faith manner. In this context, digital platforms are required to share, to a reasonable extent, the data used to determine copyright fees, justify their proposals, and refrain from conduct that delays or obstructs the negotiation process. Media organizations are allowed to engage in collective bargaining in order to strengthen their negotiating position, particularly with respect to small-scale and independent media organizations. Furthermore, the Information and Communication Technologies Authority ("**ICTA**") is granted the authority to establish collective licensing models and determine minimum copyright amounts applicable to small, local, and independent media organizations. These collective and minimum licensing mechanisms are intended to be implemented in accordance with transparent and measurable criteria without distorting competition, and compliance with competition law principles is ensured by obtaining the opinion of the Competition Authority where necessary.

In determining digital copyright fees, objective criteria including the cost and continuity of news content production, the level of views, interactions, and referrals generated by such content on digital platforms, the platform's digital service revenues derived from Türkiye and its economic power, as well as the scale and publishing capacity of the media organization, will be taken into account. Unless otherwise agreed between the parties, copyright payments are envisaged to be made on a quarterly basis. In addition, in the distribution of copyright fees collected under collective licensing models, priority will be given to local and regional media organizations, public-interest journalism, and content that enhances public access to information, thereby aiming to preserve media pluralism and support the economic sustainability of local media.

In cases where the parties fail to reach an agreement on copyright fees, recourse to mediation will be mandatory in the first instance. If mediation fails, the dispute will be resolved by the Digital Copyright Dispute Resolution Board ("**Board**") to be established within the ICTA. In this regard, the Board will determine copyright fees based on objective criteria, including (i) the cost and continuity of content production, (ii) views, interactions, and referral rates, (iii) the platform's digital service revenues and market share in Türkiye, (iv) the scale, number of employees, and publishing volume of the media organization, and (v) the public value and informational value of the content. The Board's decisions will constitute administrative decisions subject to judicial review.

The Draft Law also introduces a minimum threshold for total annual digital copyright payments, stipulating that such payments may not fall below a certain percentage of the relevant platform's annual gross digital service revenues generated in Türkiye. This percentage will be determined by the ICTA within the range of 1% to 3%, taking into account market conditions and public interest considerations, and may be updated where necessary.

Furthermore, digital platforms are expressly prohibited from engaging in discriminatory practices among media organizations, reducing content visibility in response to copyright claims, or using algorithmic systems as a means of pressure during negotiations. In this regard, digital platforms are required to disclose to the ICTA the key principles and parameters of algorithmic systems that affect the ranking, recommendation, and visibility of news content, including practices that may reduce visibility and any significant changes thereto. This regulation aims to prevent the use of algorithmic systems as indirect tools of pressure or discrimination and to enhance transparency in platform practices.

The Draft Law also introduces an obligation for international digital platforms to appoint an authorized representative in Türkiye, who will be responsible for receiving official notifications, responding to information requests, and ensuring the effective execution of processes under the Draft Law. This requirement is intended to facilitate the effective enforcement of legal obligations and ensure the proper functioning of administrative procedures.

In addition, the Draft Law adopts the principle of international alignment and reciprocity, taking into account digital copyright frameworks implemented in jurisdictions such as the European Union and Canada and promoting international cooperation. This approach is intended to align Türkiye's digital copyright regime with international practices and enhance regulatory effectiveness with respect to globally operating digital platforms.

Through these regulations, the Draft Law aims to establish a more balanced and transparent economic relationship between digital platforms and media organizations, ensure fairer distribution of economic value generated from news content, and strengthen the economic sustainability of local and independent media organizations.

III. SUPERVISION AND ADMINISTRATIVE SANCTIONS

The Draft Law introduces a comprehensive supervision and enforcement mechanism in order to ensure the effective implementation of the regulations concerning digital copyright obligations. In this context, the authority to monitor whether the obligations set forth under the Draft Law are duly fulfilled has been granted to the ICTA, and it is envisaged that the ICTA may conduct such ex officio or upon a complaint. Accordingly, digital platforms are expressly required to provide all information, documents, and data forming the basis of copyright calculations to the ICTA. Furthermore, the ICTA is authorized to initiate independent audits where deemed necessary. In addition, safeguards have been established to ensure that data obtained during audit processes is processed in accordance with the applicable legislation on the protection of trade secrets and personal data, thereby ensuring adequate protection of data security.

The Draft Law explicitly and exhaustively defines the acts constituting violations of digital copyright obligations. In this regard, failure to pay or underpayment of digital copyright fees, delaying, obstructing, or abusing the copyright negotiation process, applying indirect censorship, economic pressure, or algorithmic discrimination against media organizations, and providing misleading or incomplete data or obstructing supervisory proceedings are considered violations of the Draft Law. By clearly defining such violations, the Draft Law aims to enhance legal certainty and establish a transparent and enforceable compliance framework for digital platforms.

In this context, digital platforms acting in violation of the provisions of the Draft Law may be subject to administrative fines of up to 5% of their annual digital service revenues in Türkiye, depending on the nature and severity of the violation. As a general rule, the ICTA is required to issue a written warning to the relevant digital platform and grant a period of 15 (fifteen) days to remedy the violation; however, this requirement may be waived in cases of serious violations or repeated non-compliance. Furthermore, depending on the nature of the violation, the ICTA may also order the retroactive collection of unpaid digital copyright fees.

In addition to administrative fines, complementary administrative measures may also be imposed in order to ensure compliance with the Draft Law. In this regard, in cases of repeated violations, sanctions such as the partial suspension of advertising activities or the temporary restriction of certain revenue-generating services in Türkiye may be imposed. These measures aim to ensure compliance with the obligations set forth under the Draft Law and to prevent violations effectively.

The Draft Law also provides that, in cases where violations are systematic and continuous, the administrative fine may be increased up to 10% of the relevant digital platform's annual digital service revenues generated in Türkiye, thereby enhancing the deterrent effect of the sanctions, particularly with respect to large digital platforms with significant economic power. Furthermore, the ICTA is authorized to publish sanction decisions concerning serious and continuous violations, with a view to increasing regulatory transparency and promoting compliance.

Through these provisions, the Draft Law aims to ensure the effective implementation of the digital copyright regime, protect the rights of media organizations, and ensure that digital platforms operate in compliance with their legal obligations.

IV. EXEMPTIONS, TRANSITIONAL PROVISIONS, AND FINAL PROVISIONS

Under the Draft Law, digital services that do not qualify as large digital platforms, as well as certain digital services operating on a non-profit basis or serving the public interest, may be partially exempted from certain provisions of the Law based on objective criteria to be determined by the ICTA. In addition, the ICTA is required to issue secondary legislation concerning the implementation of the Draft Law within three months from its publication date, and digital platforms are required to establish the necessary infrastructure for representation and reporting obligations within this period. Existing agreements shall be brought into compliance with the provisions of the Draft Law within one year from its entry into force. Furthermore, the provisions governing obligations applicable to digital platforms will enter into force six months after the publication of the Draft Law, and the Law will be implemented by the President of the Republic of Türkiye.

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Our firm is widely recognized in prestigious legal directories. We are ranked by The Legal 500, one of the world's most reputable legal directory, for our expertise and client-focused approach. Also, our employment practice is distinguished in the International Employment Lawyer's Elite Guide and our Managing Partner, Burçak Kurt Biçer, has been named among the 2025 IEL Women Leaders, a recognition of outstanding female leadership in employment law worldwide. Moreover, as a proud member of the International Association of Privacy Professionals (IAPP)—the world's leading information privacy community— we remain at the forefront of global data protection trends and compliance standards.

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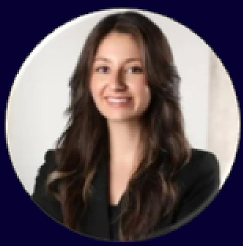

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