



## **SCREENING CHAPTER 10 INFORMATION SOCIETY AND MEDIA**

# **AGENDA ITEM 18 : CONDITIONAL ACCESS**

**Country Session: The Republic of TURKEY  
13-14 July 2006**



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## Legal Framework

- There isn't any specific legislation corresponding to legal protection of services based on conditional access.
- However, there are partial regulations in various laws regarding this issue.



## Legal Protection of Conditional Access Services Sanctions (1)

Turkish Criminal Code

Art. 163 (nonremunerative benefit)

Second Para.

"The person who is benefiting from telephone lines and frequencies or from coded or uncoded broadcasts by electromagnetic waves without the consent of owner or possessor shall be be sentenced to imprisonment from six months to two years or judicially fined".



## Legal Protection of Conditional Access Services Sanctions (2)

Turkish Criminal Code

Art. 243 (informatics crimes)

Second para.

"(1) The person who enters to whole or part of an information system illegally and continues to stay there, shall be sentenced to imprisonment to one year and shall be judicially fined.

(2) When the crimes defined in the above paragraph committed against a remunerable system, the punishment is reduced up to half."



## **Legal Protection of Conditional Access Services Sanctions (3)**

If the infringement regarding accession to the conditional service is considered as the violation of Law No.5846 on Intellectual and Artistic Works, Article 80/last paragraph thereof is applied.

"In case of the infringement of this right, the punishment shall be imprisonment from 2 years to 4 years or a heavy fine of fifty billion to one hundred and fifty billion TL."



## **Legal Protection of Conditional Access Services Remedies (1)**

In general, anyone who suffers any kind of unjust damage, material or immaterial, stemming from the infringement of the conditional access service, may recourse civil remedy, in accordance with the provisions of Law of Obligations.



## **Legal Protection of Conditional Access Services Remedies (2)**

If the infringement regarding accession to the conditional service is considered as the violation of Law No.5846 on Intellectual and Artistic Works, Article 66 thereof is applied.

"Anyone who suffers from intangible and financial damage may bring an action against the aggressor for the elimination of such act".





Thank You