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## IS IT C\*NS\*R OR SAFE INTERNET?



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Virtual Reality: Civilization Or Danger?

## IS IT C\*NS\*R OR SAFE INTERNET?

Recently, Omnibus Law (**Law**), numbered 7103, brought certain new rules regarding the supervision authority of the Radio and Television Supreme Council (**RTUK**) on broadcasting services provided through the Internet. Law introduced a general principles on obtaining license / permission for radio, television and on-demand broadcasting services through the Internet and the supervision of such services. The detailed procedures for the application to such rules and principles will be issued by the regulations to be published.

Such rules and principles set out that the media service providers offer radio, television and on-demand broadcast services **only** on the Internet shall obtain broadcasting license, and the platform operators transmit such broadcasts via Internet shall obtain broadcasting transmission license. Both licenses should be obtained from RTUK. In addition, it has been designated that media service providers offer their services off-line with temporary broadcasting authority and / or broadcasting licenses obtained from RTUK, may offer their services online with such authority and licenses. For example, a media service provider which received the required licenses from RTUK may broadcast on the Internet based on this license, however the others may only carry out related broadcasting activities by obtaining above licenses and permissions from RTUK. In this context, on-demand broadcasting platforms such as Netflix, Puhu TV and Blu TV have been obliged to obtain the required permission from RTUK.

In case the media service providers and platform operators under the jurisdiction of another country decide to offer their broadcast services on the Internet, within this scope, in practice the consequences of including such foreign providers and operators in the supervision of RTUK and most importantly applying the license / permission conditions of RTUK to them are in question.

So, what about the real or legal persons broadcasting on the Internet without obtaining a license? There is a sanction against such providers in the Law. According to the sanction; if it is determined that the transmission of online broadcasting services of real and legal persons do not have a temporary broadcasting authority and/or broadcasting license or whose right and / or the license has been canceled from RTUK; on the request of the RTUK, it may be decided by the criminal courts of peace **to remove the content and/or to prevent access to the contents**. This decision is sent to Access Providers Union (**BTK**) for execution. Legal Experts argue that it is a necessity to be careful and attentive in the application of such sanction, since the criminal courts of peace may decide with the application of RTUK and without hearing, due to it could create intervention to the fundamental rights and freedoms set forth in the European Convention on Human Rights and the Constitution. It has been tried to redress the balance in Law by granting the right of objection against the decision of the criminal courts of peace under Criminal Procedure Code.



In addition, the relevant real or legal persons broadcasting on the Internet must comply with the Internet Law No. 5651 and Law numbered 6112 on the principles of radio and television broadcasts. In this context, it should be noted that RTUK's supervision authority relating the television and radio has been extended to cover Internet broadcasting.

With this regard, it is important to ensure that exercising of such broad authority brought to RTUK shall not violate the constitutional fundamental rights and liberties; the freedom of speech, thought and information which are guaranteed in Constitution and many national/international legislations. In addition, it should not be implemented in a way leads to "censorship" and causes arbitrary treatments to the individuals.



By the arrangement; it is stated that RTUK has no authority to control over the broadcasts and contents of the individuals who provide contents personally on the Internet, and therefore communications between individuals are excluded from the scope of the Law. In this context, it is important to identify the definition of individual communication and specify its limits in the regulations to be published for determining the scope of the RTUK's authorization.

## **VIRTUAL REALITY: CIVILIZATION OR DANGER?** **Caution: Spoiler Alert!**

"Ready Player One" directed by Steven Spielberg, came to the theatres in the past few days and made feel the need to debate the concept of "Virtual Reality" again. While watching the film, you are being enchanted by the magic of this new world, but at the same time, you cannot prevent yourself from thinking about potential dangers of this world.

The film brings us to the 2040s; where the world is degenerated in many respects and the natural resources are depleted. On this assumption, civilization has collapsed and human emotions have disappeared in the world. People do not care about this corrupt state of the world and they accept the game universe called "The Oasis" as a real life. Oasis's millionaire founder, James Halliday, hid a key into the universe; and it is told that when James dies, all his wealth and control of the game will be assigned to the person who finds this key. This successful production is telling the stories of a character named Wade Watts while she was wearing the virtual reality glasses, and at the same time, leads the audience to face with the future of virtual reality.



In Oasis, the players can turn into the person they want to be or they can do anything they want to do.

However, in case the game characters called “avatars” die in the universe, the players also lose all their money and all their clothes; namely, they lose everything. We recommend to everyone, young and old, to watch this movie considers virtual reality from an innovative and skeptical point of view.

## What is Virtual Reality?

So, what is this virtual reality which becomes a passion nowadays, could be subject of a movie directed by a famous director such as Steven Spielberg, and might be a subject of discussion in any case? Virtual reality is the multidimensional and realistic imaginary platforms. With the virtual reality applications that put many emotions in action, the users are not only watching the computer from the screen; but also they are experiencing the reality in that world like they are living there. Virtual reality mediums allow the users moving real-time, travelling and touching the objects in the virtual world. Helmets detect sounds and images, motion-sensitive clothes, gloves and cabinets might be given as examples for using to create virtual reality.

The virtual world is the places that virtual reality creates. The scientific papers and researches define the virtual world as “the reflection of the dreams created in the space with the pictures or the words and the places make the person feel like he is in that world”. In the virtual world, the users are represented by moveable virtual characters and such characters called “avatar” are able to interact with the other avatars and virtual objects in the platform.

## Virtual Reality and Law

We will be faced with many questions in the future when the virtual reality like Oasis is created. Since the Law has not even followed the steps taken after the development of the Internet, it is questionable whether it can catch up such new technologies which go beyond the Internet. When the enactment process and period of any positive law norm is considered; it could be said that such technologies such as virtual reality will be outdated and even many problems might be remained unanswered until the laws regulating such advanced technologies show up.

## Why is a Legal Arrangement Necessary?

How will real persons be responsible from the behaviors of the avatars in the real world when avatars communicate with each other? Are the legal rules necessary to determine the limits of the responsibility and sanctions to be imposed on when any avatar damages another one or any object in the virtual world? Is there any possibility to exchange the virtual money earned by avatars to real money in the real world? All of such and similar questions might be tried to solve with the existing rules of law. However, it is questionable how the existing rules of law comply with such advanced technology and how much comparison can be made in these conditions. In cases the law is not able to find a solution theoretically and practically; it could be faced with many legal problems such as especially money laundering, financing of terrorism, infringement of intellectual property rights in virtual world, determination of the competent court and jurisdiction.



# Answers. Not theories.

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### About our firm

Gokce Attorney Partnership is an Istanbul-based law firm offering legal services across a broad range of practice areas including mergers and acquisitions, joint ventures, private equity and venture capital transactions, banking and finance, capital markets, insurance, technology, media, telecoms and internet, e-commerce, data protection, intellectual property, regulatory, debt recovery, real property, and commercial litigation. Please visit our web site at [www.gokce.av.tr](http://www.gokce.av.tr) for further information on our legal staff and expertise.

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