

INTERNET ADVERTISING MARKING: KEY POINTS

20.12.2023

Dear colleagues,

On 01.09.2022 [clause 3 of the article 1](#) of the Federal Law dated 02.07.2021 No. 347-FZ came into force, which amended the Federal Law dated 13.03.2006 No. 38-FZ "On Advertising" (hereinafter referred to as the "Law on Advertising") and obligated participants in the Internet advertising placement market to transfer data about it to a unified information system created by Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications (Roskomnadzor) - the Unified Register of Internet Advertising (hereinafter referred to as "URIA").

Important: the new requirements apply to **internet advertising** that is displayed only **in the Russian Federation**.

Distinguishing between advertising and other information of a non-advertising nature

According to the [article 3](#) of the Law on Advertising, **advertising** is information distributed in any way, in any form and using any means, addressed to an indefinite number of persons and aimed at drawing attention to the object of advertising, creating or maintaining interest in it and promoting it on the market.

On 14.11.2023, in order to clarify the concept of advertising and eliminate ambiguities, as well as to distinguish advertising from other information of a non-advertising nature, the Federal Antimonopoly Service of Russia approved the [Guidelines for compliance with mandatory requirements "The Concept of Advertising"](#) (Order No. 821/23).

Additionally, the Federal Antimonopoly Service of Russia has provided answers to frequently asked questions about advertising, and also provides examples of advertising on the Internet that are subject to marking, which can be found [here](#).

Important: each case is unique and is considered **individually**.

What exceptions are there?

All advertising on the Internet is subject to marking, with the exception of:

- social advertising;
- announcements on the websites of TV channels and radio programs that are duplicated on the Internet without changes compared to the original sources;
- mailings via own database of e-mail addresses and push notifications.

What must be done to carry out Internet advertising marking?

1. Familiarize yourself with the [register of advertising data operators](#) (hereinafter referred to as "ADO") on the official website of Roskomnadzor, register on the website of one of the ADOs, read the terms of service, tariffs and accept the offer agreement.

2. After activating access in your personal account of ADO, fill in the information about the counterparties participating in the placement, about the agreement, about the advertising creative. Download a sample advertisement.

Immediately after registering the creative, ADO will assign it an advertising identifier (token) - **erid**, which looks like a set of numbers and Latin letters (for example,

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Important: one token is given per creative; any change in the creative requires obtaining a new token.

3. Include in your advertisement:

- **the mark "advertising"**, other expressions cannot be used (for example, "sponsored material", etc.);
- information about the advertiser - **the full name of the company** or a link to the website (website page) with information about the advertiser;
- **advertising identifier (erid)**.

4. Enter in your personal account of the ADO service on any day, starting from the date of completion of placement, but no later than the 30th day of the month following the month of displaying advertising on the Internet, the information:

- about the platform(s) where the creative was shown;
- on statistics of shows;
- on the fulfillment of obligations under the agreement.

5. Check the information in URIA. Access for Russian users without registration, with a State Services (Gosuslugi) portal account.

Important: not only you, but also your counterparty can receive an advertising identifier and transfer information about placement, if you provide for the corresponding obligations in the agreement. In this case, **the same person** must receive the advertising identifier and transmit statistics of shows.

You can find out more details about these stages [here](#).

Who exercises control?

The controlling government authorities are the **Federal Antimonopoly Service of Russia** (issues of classifying information as advertising; control over the presence of the mark "advertising"; control over the indication of information about the advertiser) and **Roskomnadzor** (presence of an identifier (token); transmission of information about advertising to URIA through ADO).

What is the liability for violation of requirements?

On 01.09.2023, [the Federal Law dated 24.06.2023 No. 274-FZ](#) "On Amendments to the Code of the Russian Federation on Administrative Offenses" came into force, which establishes **measures of administrative liability** for violations in the field of marking of Internet advertising:

- Failure to provide, or untimely provision of information about distributed Internet advertising to URIA, or provision of incomplete, unreliable, irrelevant information ([part 15 of the article 14.3](#) of the Code of the Russian Federation on Administrative Offenses):
 - citizens: 10.000 – 30.000 rubles;
 - officials: 30.000 – 100.000 rubles;
 - legal entities: 200.000 – 500.000 rubles.
- Distribution of Internet advertising without an advertising identifier or violation of requirements for its placement when distributing Internet advertising ([part 16 of the article 14.3](#) of the Code of the Russian Federation on Administrative Offenses):
 - citizens: 30.000 – 100.000 rubles;
 - officials: 100.000 – 200.000 rubles;
 - legal entities: 200.000 – 500.000 rubles.

It should be noted that administrative liability applies to offenses identified after 01.09.2023. At the same time, the new rules apply, among other things, to Internet advertisements that were placed before that date, continue to be displayed after that date, and the transaction for them has not been closed.

For archived advertisements, the placement of which ended before 01.09.2022 (i.e. transactions for them have been closed) and which are currently available for reading, obtaining and placing an identifier is not required. However, it is recommended to indicate the date of their publication (see [Recommendations of Roskomnadzor](#)).

We will be happy to answer your questions!

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