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**LEGAL AND CONTRACTUAL REGULATION OF THE
ADVERTISING ON THE INTERNET IN THE RUSSIAN FEDERATION**

Specialty 5.1.3. Private law (civil) sciences

Abstract of the dissertation
for the degree of Candidate of Law

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Relevance of the research topic. In the modern context of digitalization of economic activities, informatization within the legal framework permeates all spheres of contemporary society and legal regulation. The economy, the legal sphere, and society are inconceivable without the implementation of information technologies on the Internet. Contractual regulation of advertising activities on the Internet is significant not only for the economic sector but also for social, political, and legal domains. *Social and Legal Aspect.* The impact of Internet advertising on the consciousness of a broad audience and individual consumer citizens—necessitates the effective protection of their interests through legal regulation, structured at two levels: legal and contractual regulation of this activity. Undoubtedly, disseminated advertising must comply with the requirements of proper quality and economic efficiency to achieve its intended objectives, namely, the promotion of goods, work, and services within the framework of civil circulation. *Doctrinal Aspect.* A certain amount of scientific research has been dedicated to the analysis of legal regulation of advertising and the legal relationships arising within the advertising sector. In legal scholarship, primary attention is given to the regulation of advertising as a means of influencing consumer perception, as well as to the prevention of unfair competition. *Law Enforcement Aspect.* Taking into consideration the specificity of the development of social relations in the field of online advertising, both domestically and internationally, advertising serves as a crucial intermediary and a connecting link between subjects and objects of civil and other types of legal relations. Effective law enforcement in this domain can only be ensured through efficient state regulation of Internet advertising relations and the establishment of lawful and well-grounded contractual obligations in the advertising sector. *Legislative Aspect.* We believe that, as of today, the Russian online advertising market is a key segment within the entire advertising industry. For this reason, it is impossible to overlook or disregard this sector. However, the industry (both digital and advertising as a whole) currently faces resistance, which hinders its organic development. The establishment of a contractual framework governing advertising activities must be based on the legal construction of the relevant

agreements. The horizontal correlation between contracts is determined by the presence of identical private law legal constructs inherent in various types of obligations regulating advertising activities.

We assume that the relevance of this research topic is justified by the need to examine, through the lens of legal regulation and legal constructs, the group of contracts concluded in the process of creating and disseminating advertising on the Internet. **The degree of elaboration of a scientific issue.** Within Russian legal science, the number of doctrinal sources dedicated to analyzing the norms governing the advertising sector is quite extensive. However, the study of legal relationships emerging within the online space remains highly fragmented. The legal regulation of advertising activities has been explored in the works of scholars such as L. M. Zhukovskaya, A. A. Kirillovykh, I. V. Kiryushina, E. A. Mamonova, T. M. Smyslova, A. N. Tolkachev, and others. Certain aspects of advertising regulation have been the subject of dissertation research for the degree of Candidate of Legal Sciences, conducted by scholars such as E. A. Sviridova, A. S. Markovich, A. O. Filatova, Z. Sh. Shugaibov, U. A. Voronina, V. L. Nechuy-Veter, among others.

Despite the existence of scientific works and doctrinal sources dedicated to examining the legal nature of advertising, there are no comprehensive studies within legal science that systematically regulate the application of advertising in the online environment.

The purpose and objectives of the research.

The purpose of this dissertation research is to develop a unified system of interrelated and interdependent doctrinal concepts and provisions concerning the no legal and contractual regulation of advertising on the Internet in Russia. This includes identifying problematic and unresolved issues and proposing solutions aimed at improving the normative legal and contractual regulation of online advertising in the Russian Federation.

To achieve the stated purpose, the following objectives have been set: to define the concept of advertising and the nature of advertising legal relations on the

Internet; to conduct a legal analysis of the historical development and the current state of legal regulation of the online advertising market in Russia; to study foreign experience in the legal regulation of online advertising; to differentiate online advertising from related private law categories; to examine the peculiarities of applying online advertising in the context of the digitalization of legal and contractual regulation of economic activities; to analyze state regulation of legal relations in the field of online advertising in Russia; to characterize self-regulation in legal relations concerning the use and dissemination of online advertising; to define the concept and nature of contracts regulating advertising activities on the Internet.

The object and subject of the research.

The object of this study is the complex of social relations arising in the implementation of advertising relations on the Internet, structured based on legal and contractual principles.

The subject of the research is one of the most significant components of the abovementioned object, namely, the conclusion and execution of advertising obligations on the Internet, as well as specific types of contracts determined by normative legal regulation, which are implemented within advertising legal relations in the information and telecommunication network.

Theoretical and methodological basis of the study.

The theoretical foundation of the research is based on:

-Works on civil and commercial law by V.K. Andreev, A.Ya. Akhmedov, V.T. Batychko, V.A. Belov, V.S. Belykh, M.I. Braginsky, V.V. Vitryansky, B.M. Gongalo, M.V. Gordon, A.A. Demin, B.O. Dzgoeva, S.S. Ermolenko, S.E. Zhilinsky, L.M. Zhukovskaya, S.S. Zankovsky, M.N. Ilyushina, O.S. Ioffe, O.V. Kislitsyna, M.V. Kovalev, O.A. Kuznetsova, N.M. Lapin, A.N. Levushkin, Yu.G. Leskova, S.Yu. Morozov, A.V. Nikitin, I.B. Novitsky, N.I. Ovchinnikov, T.L. Pavlodsky, V.A. Pishchikov, V.F. Popondopulo, Yu.V. Romants, O.A. Serova, I.A. Smagina, E.A. Sukhanov, and G.F. Shershenevich;

-Studies on the legal regulation of advertising activities and contracts applied in the advertising sector by V.M. Baranov, M.V. Baranova, S.G. Bogatskaya, U.A. Voronina, A.Yu. Golovin, S.P. Grishaev, M.A. Kamensky, A.A. Kirillovykh, I.V. Kiryushina, D.A. Kopytin, N.N. Kuzina, E.A. Mamonova, A.M. Markovich, N.M. Medvedeva, A.V. Minbaleev, V.L. Nechuy-Veter, V.O. Nyunyaev, E.V. Pavlovets, V.L. Polukarov, I.N. Pyatnitsky, E.A. Sviridova, L.B. Sitdikova, T.M. Smyslova, A.N. Tolkachev, O.A. Filatova, D.V. Khokhlov, Yu.V. Cheryachukin, N.A. Shebanova, and Z.Sh. Shugaibov.

The methodological framework of the research. To achieve the objectives of the dissertation, various methods of legal research and analysis were utilized, including philosophical, general scientific, sector-specific, and special legal methods for understanding legal phenomena and processes. In the preparation of this dissertation, general scientific methods of legal cognition were applied, including analysis, synthesis, induction, deduction, the ascent from the abstract to the concrete and vice versa, mental comparison, modeling, analogy, interpretation, and systemic approach, as well as the formal-legal (dogmatic) method.

Information base of the study.

The information base of the dissertation research consists of normative legal sources and judicial practice materials.

The normative framework of the study is based on the Constitution of the Russian Federation, the Civil Code of the Russian Federation, the Law of the Russian Federation No. 2300-1 of February 7, 1992, "Consumer Protection Law", the Federal Law No. 38-FZ of March 13, 2006, "On Advertising", the Federal Law No. 135-FZ of July 26, 2006, "On Protection of Competition", as well as other normative legal acts regulating various aspects of online advertising. Additionally, certain foreign legal acts analyzed in the course of the dissertation research are considered.

The empirical basis of the dissertation research consists of judicial practice materials. The study examines summarized law enforcement practice materials,

rulings of the Constitutional Court of the Russian Federation, resolutions of the Plenum of the Supreme Court of the Russian Federation, and decisions of courts at various levels within the judicial system. These materials are related to the legal regulation of advertising in the information and telecommunication network, the classification of advertising contracts, and their specific application features.

Validity and reliability of the research results.

The degree of Validity and reliability of the research results is based on the use and thorough analysis of a wide range of sources, including legislative materials, judicial practice at various levels, scientific works, and doctrinal provisions of civil law.

Scientific Novelty of the Dissertation Research.

The scientific novelty of this study lies in the private-law analysis of existing concepts of normative and contractual regulation of online advertising relations and the formation of a doctrinal understanding of online advertising legal relations. This research is the first doctrinal study to examine advertising contracts in the digital space through the lens of private-law construction.

Provisions submitted for protection and having scientific novelty.

1. It has been proven that the private-law nature of online advertising legal relations is inherently dependent on public-law regulation by the state, which necessitates the establishment of a special legal regime for online advertising.

The research proposes an author's definition of advertising, specifying possible methods and forms of dissemination, including the use of the Internet:

"Advertising is a special type of non-personalized information aimed at attracting attention to an advertised object and forming positive perceptions of it among potential consumers for the purpose of its realization and market promotion, disseminated by any means and in any form, including via the Internet, in compliance with the legislation of the Russian Federation." To ensure legal certainty in the analyzed legal relations, it is deemed justified to incorporate this legal definition into the Federal Law "On Advertising."

An additional essential characteristic of advertising activities has been established—its creative component, which is present both in the process of advertising creation and in its dissemination via the Internet. This aspect should be considered a material condition in the contractual regulation of online advertising relations.

This provision corresponds to paragraphs 5 and 15 of the Passport of the Scientific Specialty 5.1.3 "Private Law (Civil Law) Sciences".

2. A system of legal regulation of online advertising relations in the Russian advertising market has been identified, comprising state normative regulation and contractual regulation, which organically complement each other within a unified legal framework. Based on the principle of freedom of civil-law contracts, it has been demonstrated that contractual regulation of online advertising operates in parallel with normative legal regulation. The contractual framework is structured in compliance with the principle of legality, supplementing statutory regulation in the absence of clear legislative provisions regarding the establishment of legal relationships between participants in online advertising relations.

It has been proven that the legal regulation of advertising services in the online space must also include self-regulation. Effective self-regulation serves as an additional guarantee for consumers, ensuring the reliability and integrity of advertising information and fostering trust in advertisers.

The synergetic unity of private-law and public-law regulation, state regulation, and self-regulation is aimed at establishing an effective multi-level regulatory model for online advertising relations.

This provision corresponds to paragraphs 8, 15, and 17 of the Passport of the Scientific Specialty 5.1.3 "Private Law (Civil Law) Sciences".

3. It has been proven that the imperative approach, based on state regulation of advertising relations in the online space, creates obstacles to the realization of the principle of freedom of contract. The necessity of achieving a balance between legal and contractual regulation of online advertising in Russia has been confirmed, based on the convergence of public and private law norms.

Achieving a balanced legal framework through the integration of public and private law norms, statutory and contractual regulation, and the distribution of powers between self-regulatory bodies and the state is a guarantee of protecting the rights of participants in online advertising legal relations.

It has been substantiated that self-regulation predominates in foreign jurisdictions, whereas state regulation prevails in the Russian Federation. The imperative nature of state regulation in online advertising relations is aimed at preventing various forms of destructive behavior among market participants.

This provision corresponds to paragraphs 5, 8, 15, and 17 of the Passport of the Scientific Specialty 5.1.3 "Private Law (Civil Law) Sciences".

4. The contractual framework has been identified as an essential legal mechanism for regulating advertising relations, alongside statutory legal regulation. The individual regulatory mechanism for online advertising activities includes a set of elements and conditions related to contractual regulation and self-regulation, aimed at establishing the specific content of legal relationships arising within online advertising obligations.

Advertising activities constitute entrepreneurial activity; therefore, contracts regulating advertising relations in the online space fall under the category of unnamed entrepreneurial contractual obligations.

The fourth provision corresponds to paragraphs 8 and 15 of the Passport of the Scientific Specialty 5.1.3 "Private Law (Civil Law) Sciences".

5. It has been concluded that the fundamental criterion for establishing an independent contractual system for regulating online advertising is the contractual purpose. The contractual system in the field of online advertising has an independent targeted orientation, which allows not only to distinguish the examined contracts from the general contractual system but also to structure a coherent contractual framework within the system of obligations governing advertising activities.

The fifth provision corresponds to paragraphs 8 and 15 of the Passport of the Scientific Specialty 5.1.3 "Private Law (Civil Law) Sciences".

6. Based on the purpose of contracts in the advertising sector, a classification has been proposed, dividing them into the following groups: Advertising creation contracts, Advertising dissemination contracts and Comprehensive advertising contracts

Each of these groups consists of specific types of contracts, depending on the nature of the regulated relationships. The medium of the advertising material serves as the classification criterion for advertising creation contracts. The following types are distinguished: Contracts for the creation of outdoor advertising, Contracts for the creation of advertising on indoor advertising media and Contracts for the creation of printed (publishing) advertisements

For advertising dissemination contracts in the online space, the method of advertisement distribution serves as the classification criterion. The following types are distinguished: Contracts for the distribution of contextual advertising, Contracts for the distribution of banner advertising, Contracts for the distribution of media advertising, Contracts for the distribution of advertising on social media, and others.

It has been proven that the comprehensive advertising contract in the online space has a complex structure, incorporating elements of various contractual frameworks, as it is intended to simultaneously regulate a system of private-law relationships.

Comprehensive entrepreneurial advertising obligations include the process of developing and disseminating advertisements, as well as ancillary obligations, which determines its mixed nature within the category of entrepreneurial contracts.

The comprehensive advertising contract encompasses the provision of various types of advertising services. Two primary types have been distinguished: Comprehensive advertising contracts for the creation and dissemination of advertising and Comprehensive advertising contracts for advertising promotion

The classification of advertising contracts into the specified groups has been proposed by the author to clarify the structural elements of each category, ensure their correct application and interpretation, and develop a general classification

framework for systematizing and providing certainty in advertising-related contracts.

The sixth provision corresponds to paragraphs 5, 8, and 15 of the Passport of the Scientific Specialty 5.1.3 "Private Law (Civil Law) Sciences".

7. The nature of contractual regulation of advertising relations using digital technologies has been identified. It has been reasoned that the application of digital technologies necessitates the incorporation of specific legislative provisions addressing the peculiarities of regulating advertising obligations utilizing digital storage and reproduction formats.

It has been argued that the digital format is applicable at both the advertisement creation stage and the dissemination stage. It has been substantiated that, to avoid unnecessary expenses due to the inability to reproduce advertisements stored in a digital format, parties must agree on the technical specifications of the advertisement's digital format during the development stage.

It has been proven that a fundamental condition of an advertising creation contract utilizing digital technologies is the software agreed upon by the parties and used for the creation and reproduction of digital advertising information. The advertiser bears an additional obligation—they must ensure quality control of the digital medium containing advertising information. The parties to a contract for the creation and dissemination of online advertisements are responsible for independently allocating risks arising in advertising activities, as well as determining the moment of risk transfer from one party to another.

The seventh provision corresponds to paragraphs 8, 15, and 30 of the Passport of the Scientific Specialty 5.1.3 "Private Law (Civil Law) Sciences".

8. The study establishes that the activity of influencers is an objectively emerging phenomenon of modern socio-legal reality, which requires adequate legal assessment and regulatory framework to determine its legal status.

It has been argued that the content created through the creative labor of influencers and published on their personal pages can be classified as intellectual property objects under Article 1225 of the Civil Code of the Russian Federation.

This includes Works of literature, science, and art; Photo, audio, and video works; Trademarks, and others. The term "content" is widely used in business communication and judicial dispute resolution, yet it is not formally defined in the current legislation.

To clarify the legal status of influencers, prevent legal violations, and protect civil rights, the following definition is proposed: An influencer is a subject of informational relations who possesses a set of rights and obligations, creates content through their creative labor, expresses their subjective opinion through it, publishes it on personal pages on the Internet, and has a follower threshold for being recognized as an opinion leader. This definition should be codified in the Federal Law "On Advertising".

The eighth provision corresponds to paragraphs 5, 8, and 15 of the Passport of the Scientific Specialty 5.1.3 "Private Law (Civil Law) Sciences".

Theoretical and practical significance of the research.

The theoretical significance of the dissertation expands the framework of legal and contractual regulation of online advertising. The findings of the dissertation can be used for further research into normative legal regulation of advertising processes in the online space and advertising contracts, as well as for developing specialized academic disciplines.

The practical significance lies in the application of modern legal tools to enhance the effectiveness of regulatory and contractual frameworks for online advertising. The study provides practical insights, conclusions, and recommendations concerning: the evaluation and classification of contracts in the digital environment; the implementation of proposed legal changes in the regulation of online advertising and the execution of advertising activities in virtual marketplaces.

Approbation of the results of the dissertation research.

The dissertation has been reviewed and approved by the Department of Legal Support for Market Economy at the Russian Presidential Academy of National Economy and Public Administration (RANEPA).

The key findings of the dissertation have been integrated into the practical activities of legal practitioners, including Law firms and Commercial organizations

The main provisions of the dissertation are reflected in 16 scientific articles (totaling 8.5 academic sheets), five of which have been published in leading peer-reviewed journals and publications recommended by the Higher Attestation Commission (VAK) under the Ministry of Science and Higher Education of Russia for the publication of dissertation research results for obtaining a Candidate of Science degree.

List of the author's publications.

The main findings and provisions of the dissertation research were published by the author in the following scientific journals included in the list of the Higher Attestation Commission under the Ministry of Science and Higher Education of the Russian Federation:

1. Korotkova, E. A. Control and Legal Liability in the Field of Advertising Activities // Eurasian Advocacy. — 2021. — No. 4 (53). — P. 91–100. — 0.6 academic sheets.
2. Korotkova, E. A. Legal Status of Influencers as Economic Actors in Russia and Abroad // Law and Economics. — 2021. — No. 12 (406). — P. 11–16. — 0.4 academic sheets.
3. Korotkova, E. A. Advertising in Social Networks: Current Legal Status and State Regulation // Law and Economics. — 2023. — No. 8 (426). — P. 78–82. — 0.4 academic sheets.
4. Korotkova, E. A. Trends in the Development and Prospects of Legal and Contractual Regulation of Advertising on the Internet // Eurasian Advocacy. — 2024. — No. 6. — P. 159–164. — 0.75 academic sheets.
5. Korotkova, E. A. The Legal Nature of Advertising Relations on the Internet within the Framework of Normative Legal and Contractual Regulation // Law and State: Theory and Practice. — 2025. — No. 1. — 0.5 academic sheets.

The structure of the dissertation is determined by the purpose and objectives of the research and consists of an introduction, three chapters containing 11 paragraphs, a conclusion, and a bibliographic list.