

The following Draft Law (originally Draft Law 892 of MK Amnon Cohen) is the version that was approved by the Knesset on a first reading in February 2008, together with amendments that were introduced by the Ministry of Communications in preparation for the discussion by the Finance Committee that convened on 30th June 2008. The Committee has not yet approved the proposed amendments. In accordance with another draft that was sent simultaneously by the Ministry of Communications (annexed) and in accordance with the Committee's recommendation, additional amendments to the Draft are expected.

DRAFT COMMUNICATIONS (TELECOMMUNICATIONS AND BROADCASTING) (AMENDMENT NO. 41) (SERVICE FILTERING CONTENT INAPPROPRIATE FOR MINORS ON THE INTERNET) LAW, 5768-2008*

Addition of section 4I

1. In the Communications (Telecommunications and Broadcasting) Law, 5742-1982¹ (hereinafter referred to as "the Principal Law"), after section 4H, the following shall be inserted:

"Service filtering content inappropriate for minors on the Internet

4I. (a) In this section –

"sites inappropriate for minors" – Internet sites the main content of which is violence, gambling or obscene material within the meaning thereof in the Penal Law, including one of the following:

- (1) the display of sexual relations involving violence, abuse, contempt, humiliation or exploitation;
- (2) the display of sexual relations with a minor or with a person purporting to be a minor;

* Draft Law No. 892/17/P; sent to the Committee on 10th Adar 5767 (28th February 2007).

¹ Sefer Ha-Chukkim 5742, page 218; 5768, page 70.

- (3) the display of a person or any of his organs as an object that is available for sex;

and all where the content on the said sites is clearly not of artistic, scientific, news, educational or explanatory value;

“subscription notice” – express notice from the subscriber to the Internet access provider regarding the subscriber’s desire to receive, or not to receive, service filtering sites that are inappropriate for minors (in this section – content filtering service), provided that the subscriber’s notice regarding his desire not to receive content filtering service shall only be sent by a subscriber who is identified as an adult;

“Internet access provider” – anyone who has received a license pursuant to this Law or anyone acting by virtue of a general permit pursuant thereto that provides Internet access service, including the holder of a general license for the provision of mobile radio phone services, which provides service as aforesaid through mobile end equipment.

- (b) An Internet service provider shall offer its subscribers, on the date of entering into the contract for the Internet access service or on the date of its renewal, a content filtering service that shall be updated from time to time, in accordance with technological developments, in one of the following ways, at the subscriber’s election, and all subject to the existence of available and effective technology for the provision of content filtering service to its subscribers:

- (1) the installation of the content filtering means by the subscriber;

- (2) the operation of filtering means by the Internet access provider in the access provider’s infrastructure, in the manner determined by the Minister in regulations;

~~(3) in another way as determined by the Minister.~~

- (c) The Internet service provider shall not provide Internet access service to a subscriber until it has received subscription notice

from the subscriber, on the date of the contract or on the date of its renewal.

- (d) For the content filtering service provided pursuant to this section, the Internet access provider shall not charge the subscriber any payment in addition to the payment it charges for the Internet access service.
- (e) The Minister may give directives as to the implementation of this section, including with regard to the properties and characteristics of the filtering means, the notification of subscribers as to the content filtering service, the ways of giving subscription notice and changing it and the manner of identifying a subscriber as an adult.”

Amendment of section 37B

- 2. In section 37B(b2) of the Principal Law, after sub-paragraph (4), the following shall be inserted:

“(5) has breached any of the provisions of section 4I or any regulation, determination or directive pursuant thereto.”

Transitional provisions

- 3. (a) An Internet access provider shall approach, within 60 days of this Law’s commencement, anyone who was its subscriber prior to the commencement of this Law, for the purpose of obtaining subscription notice; if the Internet access provider does not obtain subscription notice from a subscriber as aforesaid, the provisions of section 4I(c) of the Principal Law shall apply, as of the date on which the subscriber renews the contract for the Internet access services; in this section, “Internet access provider” and “subscription notice” – as defined in section 4I of the Principal Law, as worded in section 1 of this Law.
- (b) (1) If the Minister introduces regulations pursuant to section 4I(b)(2) of the Principal Law, as worded in this Law, the Internet access provider shall approach, within 60 days of the said regulations’ commencement, anyone who was a subscriber prior to their commencement, for the purpose of obtaining subscription notice, even if it approached him in accordance with the provisions of sub-section (a).

- (2) If the Internet access provider does not obtain subscription notice from a subscriber in accordance with sub-paragraph (1) within 30 days, it shall approach him again, and if after the second approach the Internet access provider also does not obtain subscription notice from a subscriber as aforesaid, the provisions of section 4I(c) of the Principal Law shall apply from the date on which the subscriber renews the contract for the Internet access services, ~~the Internet access provider shall provide him with a content filtering service in the manner prescribed in the regulations, provided that it has notified the subscriber that the Internet access service that it supplies to him includes a content filtering service.~~