

# **Framework Regulations for Digital Platforms and Services**

Communication and Media Commission

Baghdad, Republic of Iraq

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## **Article 1: Preamble**

The Iraqi Communications and Media Commission (CMC or Commission), pursuant to the powers stipulated in its Law No. 65 of 2004, serves as the regulatory authority for the media, telecommunications, and information technology sectors in Iraq. This includes Section 3 of the Commission’s Law, which defines the Commission’s authority to regulate all users of telecommunications services, and states: “The Commission shall perform its duties in accordance with the principles of objectivity, transparency, non-discrimination, proportionality, and adherence to established legal procedures.” It further states that: “The Commission shall be guided by Article 19 of the International Covenant on Civil and Political Rights, which pertains to freedom of expression and the associated rights and responsibilities. The Commission shall also be guided by the relevant regulatory frameworks and recommendations issued by the International Telecommunication Union (ITU), and shall comply with the General Agreement on Trade in Services (GATS).”

Law No. 65 states that its purpose is to promote pluralism and fair competition among service providers, and to encourage the development of electronic media and telecommunications networks to maximize benefits for all Iraqis. It also aims to enhance professional practices in the media to support their role in serving the public interest, and to establish a transparent and open regulatory body that adopts international best practices, thereby contributing to attracting private sector investment and strengthening public trust and accountability.

Sections 5(2)(d) and 5(2)(e) of Law No. 65 mandate the Commission to establish a licensing and registration system for telecommunications and broadcasting services.

### **1.1 Purpose and Vision**

This regulatory framework aims to establish a legal framework for digital platforms, upgrade Iraq’s regulatory frameworks and laws with international best practices, and provide an investment- conducive environment.

This regulatory framework reflects the CMC’s commitment to supporting the growth of Iraq’s digital economy while ensuring that service providers maintain high transparency, security, and accountability standards.

The Regulation is a general framework for the regulatory technology aspects of digital platforms. It complements and does not replace existing and future sector-specific laws governing platforms enforced by other regulators.

### **1.2 Legislative Basis**

These Regulations are issued pursuant to the authority granted to the CMC by relevant Iraqi laws and decrees, specifically under the Iraqi Constitution of 2005 and the CMC Law 65, as well as any other applicable legal instruments governing media, telecommunications, and digital services. The CMC is empowered to:

- Monitor and regulate digital platforms operating within Iraq.
- Issue, modify, and revoke licenses, registrations, and other authorizations for service providers offering digital services or digital content to users within the country.
- Implement policies and regulations that promote the responsible use of digital platforms while encouraging innovation and ensuring compliance with Iraq’s legal framework.

## **Article 2: Definitions**

The following terms and expressions shall have the meanings assigned to them unless the context indicates otherwise:

### **2.1 Communications and Media Commission (CMC)**

The independent regulatory authority in the Republic of Iraq responsible for overseeing telecommunications, broadcasting, and digital content services, ensuring compliance with Iraqi laws, and promoting the growth of a modern, innovative digital economy.

### **2.2 Digital Services**

The provision of digital access to users in Iraq, either free of charge or for a fee, to the digital platforms.

### **2.3 Service Provider**

Any natural or legal entity, local or international that operates a digital platform and provides digital services to users in Iraq. Service providers include parties responsible for hosting, distributing, or controlling access to digital services and entities responsible for managing and operating these platforms.

### **2.4 User or Users**

Any individual, organization, or entity that interacts with or consumes digital content provided by a digital service provider or a digital content provider within the Republic of Iraq. This includes customers, consumers, viewers, listeners, and subscribers of the services offered by digital content platforms.

### **2.5 Licensing**

The formal authorization granted by the CMC to a digital platform to offer digital services that are subject to licensing according to Article 5 of the Regulations, to users in Iraq.

### **2.6 Registration**

The process through which digital service and digital content providers register with the CMC, according to Article 5 of the Regulations.

### **2.7 Notification**

A formal communication from digital platforms and service providers to the CMC indicating the provision of their services in Iraq, according to Article 5 of the Regulations.

### **2.8 Platform Liaison Officer**

The designated individual is appointed by a service provider as the primary point of contact with the CMC. The Platform Liaison Officer is responsible for ensuring timely communication between the service provider and the CMC.

### **2.9 On-demand Content**

Digital content (audio, video, multimedia, etc.) that is made available to users upon request at any time without being tied to a scheduled program.

## **2.10 Linear Content**

Digital content provided to users based on a predetermined schedule or programming grid, often resembling traditional broadcast models.

## **2.11 Over-the-Top (OTT) Platforms**

Platforms that provide digital content directly to users over the public internet without the need for traditional distribution infrastructure, such as satellite or cable television.

## **2.12 Internet Protocol Television (IPTV) Platforms**

Platforms that provide digital content, primarily video, via private or closed networks using internet protocol (IP) technology. These platforms typically deliver content through a set-top box or similar device and are distinguished by their reliance on proprietary infrastructure.

## **2.13 Audio-on-Demand Platforms**

Platforms that allow users to access and listen to audio content, such as music, podcasts, or audio books, on-demand. These platforms enable users to select the content they wish to listen to without adhering to a set schedule.

## **2.14 Video-Sharing Platforms**

Platforms that allow users to host, share, and distribute user-generated or professional video content for viewing by broad audiences.

## **2.15 Online Gaming Platforms**

Platforms that allow users to play digital games either through downloadable content or via the cloud, typically using the internet. These platforms may generate revenue through user fees, in-game purchases, advertisements, or partnerships.

## **2.16 E-Sports Participation Platforms**

Platforms that facilitate user participation in organized e-sports tournaments and events. These platforms often provide features such as matchmaking, server hosting, and player ranking for competitive gaming.

## **2.17 Social Media Platforms**

Platforms designed to facilitate the public sharing of user-generated content, typically involving profiles, posts, and user-generated interactions visible to broad audiences.

## **2.18 Online Advertising Platforms**

Platforms that provide digital content in the form of advertisements, which are distributed across various digital channels such as websites, mobile applications, and social media networks. These platforms may serve ads based on user data or target specific audiences for promotional purposes.

## **2.19 E-Commerce Platforms**

The digital platforms that facilitate buying and selling of goods and services over the internet, connecting consumers and businesses with features like payment processing, inventory management, and customer support.

## **2.20 Digital Application Store Platforms**

The online platforms that allow users to browse, download, and update software applications for devices.

## **2.21 On-Demand Services Platforms**

The platforms that provide users with immediate access to physical, non-digital services, such as ride-sharing or food delivery, based on real-time demand.

## **2.22 Fintech Services Platforms**

The digital platforms that offer technology-driven financial services, such as mobile payments, stock market transactions, currency transactions, digital banking, or online lending, to improve and automate financial transactions.

## **2.23 Artificial Intelligence Platforms**

Tools and frameworks whose purpose is to design, deploy, and oversee AI models and applications.

## **2.24 Conditional Access System (CAS)**

A technology used to control user access to digital content, typically employed by platforms that distribute premium or paid content via encryption. Users must meet certain conditions, such as paying a fee or subscription, to access this content, usually through a device like a set-top box.

## **2.25 Age Rating System**

The framework that platforms implement to classify digital content according to its suitability for different age groups to ensure minors are protected from exposure to inappropriate content, including violence or explicit language, by applying certain verification mechanisms to apply certain access restrictions or parental control.

## **2.26 Take-Down Process**

The formal procedure that service providers apply on their platforms to identify, remove, or restrict illegal or harmful content to ensure compliance with legal standards in Iraq and provide transparency.

## **2.27 Applicable National Laws and Regulations**

The laws, orders, and instructions effective in Iraq, as well as all guidelines issued by the CMC that govern the operation of digital platforms to comply with.

## **2.28 Personal Data Protection (PDP)**

Any applicable rules and regulations enforced or recognized in Iraq aiming to safeguard users' personal data.

## **2.29 Intellectual Property Rights (IPR)**

Any applicable rules and regulations enforced or recognized in Iraq aiming to protect the rights of ownership and use of creative works, inventions, and trademarks, including on digital platforms, and preventing the unauthorized use of content that infringes on IPR, ensuring that any material uploaded complies with intellectual property laws.

## **2.30 Artificial Intelligence (AI) Regulation**

Any current or future regulations in Iraq that govern how platforms can use AI tools.

### **2.31 Cloud Regulation**

Any current or future regulations in Iraq that outline the requirements for platforms that provide or use cloud services.

### **2.32 Cybersecurity**

The implementation of legal, technical and organizational measures to protect platforms and users from cyber threats.

### **2.33 Cybercrime**

Any criminal activity recognized under the Iraqi Penal Code or any current or future penal provision for using digital platforms.

### **2.34 Local Startup Service Providers**

The small, locally based digital platforms or service providers that offer digital services to Iraqi users. The criteria for a “local startup service provider” is to have no more than 5,000 users.

### **2.35 Fees**

Any official fee payable by platforms to CMC in exchange for licenses, registrations, renewals, or cancellations as part of CMC regulatory oversight and ensure compliance with the legal framework applicable in Iraq.

### **2.36 Compliance**

The obligation of service providers to adhere to the rules, regulations, and requirements set forth by the CMC.

### **2.37 Trusted Digital Platforms**

Platforms recognized by the CMC as meeting stringent standards of compliance with local laws and regulations and international best practices, thereby being exempt from certain regulatory obligations enforced by the CMC. Such platforms are typically subject to robust regulation in other jurisdictions and have established strong practices ensuring user protection and data security.

### **2.38 Commercial Registration**

Documents evidencing the registration of the company or platform in its home country or in Iraq.

## **Article 3: Objectives of the Regulations**

To keep pace with the rapid growth and evolving nature of digital platforms, services, and content distribution, the CMC is issuing the following framework regulations (“the Regulations”) to govern digital platforms. These Regulations aim to align with international standards to enhance Iraq’s integration into the global economy.

The main objective of the Regulations is to create a conducive environment that stimulates innovation, attracts investment, and ensures that digital service providers operate according to local laws and international best practices, fostering the growth of Iraq’s digital sector. The Regulations provide clarity and legal certainty for service providers seeking to operate in Iraq, ensuring they understand their responsibilities and the mechanisms for compliance.

## Article 4: Scope of Application

### 4.1 Definition of Scope

The provisions of these Regulations apply to all digital platforms and service providers that operate, distribute, or provide access to digital services or content to users within the territory of the Republic of Iraq. This includes both local and international platforms that either:

- Have a direct physical presence in Iraq.
- Provide services to users within Iraq, regardless of whether the platform has a physical presence in the country.
- Generate revenue from users in Iraq.

### 4.2 List of Platforms

The provisions of these Regulations apply to the service providers listed below:

- Video platforms
- Audio platforms
- Social media platforms
- Online gaming platforms and E-sports participation platforms.
- E-commerce platforms
- Digital application store platforms
- On-Demand services platforms
- Fintech services platforms
- Online advertising platforms
- Artificial-Intelligence platforms
- Other platforms that CMC deems necessary to be included in the scope of these Regulations at any time in line with future growth and expansion of the digital sector, according to a request from the competent department and the approval of the chairman of the CMC.

## Article 5: Regulatory Tools

Digital service providers-local and international-included within the scope of application of these Regulations in accordance with Article (4) thereof are obligated to obtain the regulatory tools shown in the table below-where applicable-before providing the service to users in the Republic of Iraq. The regulatory tools that CMC applies vary between Notification, Licensing, and Registration:

<i>Service</i>	<i>Base</i>	<i>Regulatory Tool</i>
<i>Video Platforms</i>	Local Based	License
	Foreign Based	Notification
<i>Audio Platforms</i>	Local Based	License

	Foreign Based	Notification
<b><i>Online Gaming Platforms and E-Sports Platforms</i></b>	Local Based	License
	Foreign Based	Notification
<b><i>Digital Application Store Platforms</i></b>	Local Based	License
	Foreign Based	Notification
<b><i>Online Advertising Platforms</i></b>	Local Based	License
	Foreign Based	Notification
<b><i>Artificial-Intelligence Platforms</i></b>	Local Based	License
	Foreign Based	Notification
<b><i>E-Commerce Platforms</i></b>	Local Based	License
	Foreign Based	Registration
<b><i>On-Demand Services Platforms</i></b>	Local Based	License
	Foreign Based	Registration
<b><i>Fintech Services Platforms</i></b>	Local Based	License
	Foreign Based	Registration
<b><i>Social Media Platforms</i></b>	Local Based	License
	Foreign Based	License

### 5.1 Providers of Multiple Services

Service providers providing multiple types of services subject to different regulatory tools must comply with each relevant regulatory tool.

One tool (License or Registration) is sufficient to offer any of the services that fall under the same category (for example, providing Audio-on-demand, and Internet Radio within the same single registration application, or Satellite pay TV within the same single license and so on).

### 5.2 Platform Liaison Officer

All platforms, regardless of the regulatory tool (License, Registration, or Notification) or exemption (Trusted Digital Platform Exemption) applied, must designate a Platform Liaison Officer. This individual serves as the primary contact between the service provider and the CMC and is responsible for:

- Responding to CMC communications and requests for information.
- Ensuring the timely submission of required reports and documentation.
- Coordinating compliance efforts within the organization.

The Platform Liaison Officer must be authorized to act on behalf of the service provider and have access to the necessary information to ensure full compliance with CMC regulations.

### **5.3 Changes in Regulatory Tool Status**

Service providers may request changes to their regulatory status if their platform's scope or operations evolve. For example:

- A platform initially subject to Notification may be required to apply for Registration if its user base or market presence grows significantly.
- Similarly, a registered platform may be required to apply for Licensing if its operations expand or its impact on the Iraqi market increases.

### **5.4 Exemptions of Regulatory Tools**

Local startup service providers, subject to the definition provided in Section 2.38 above and with the approval of the CMC, are exempted from the provisions and requirements of Article 5 and Article 7, but they are required to comply with the obligations listed in Article 6 of these Regulations.

### **5.5 Regulatory Compliance and Penalties**

All platforms, regardless of their regulatory tool, must comply with applicable Iraqi laws and the CMC's regulations. Non-compliance may result in:

- Fines and penalties.
- Suspension or revocation of licenses or registrations.
- Restrictions on operations within Iraq.

## **Article 6: Service Providers' Obligations**

Article 5(2)(e) and (j) of the CMC Law empowers the CMC to establish licensing procedures, set the rules for compliance, and oversee the obligations of service providers. Digital platforms within the Republic of Iraq must adhere to all applicable laws in Iraq and the obligations outlined by the CMC.

Complying with these obligations and all applicable Iraqi laws ensures service providers comply, maintain user protection standards, and contribute to a fair, transparent, safe, and responsible digital ecosystem.

### **6.1 Compliance with Iraqi Laws and Regulations**

#### **6.1.1 Content Moderation and Responsibility**

Service providers are responsible for the content distributed through their platforms and must ensure that it complies with Iraqi laws and societal norms (Annex 1) to the extent technically feasible. This includes:

- **Prohibiting Harmful or Illegal Content:** Providers must implement robust mechanisms to protect against the dissemination of harmful, illegal, or otherwise inappropriate content within their control, including content related to terrorism, hate speech, child exploitation, and other prohibited categories.
- **Illegal Services or Activities:** Digital platforms offering services that are penalized or considered illegal as per Iraqi laws, regulations, and governmental decrees are not allowed to offer their services to users within Iraq. The CMC shall take-down the digital platform or digital service in question.

- **Content Moderation Policies:** Platforms must establish and maintain content moderation policies, age rating systems, and take-down mechanisms, including the removal of flagged content that violates CMC regulations. These policies must be transparent and publicly available, ensuring users understand how content is monitored and handled.
- **User Complaints and Reporting:** Service providers must create channels for users to report illegal or harmful content and complaints. Providers must respond to these reports promptly and take action when necessary.

### **6.1.2 Specific Obligations for Platforms with User-Generated Content (UGC)**

For platforms where users can upload or share content, such as social media or video-sharing platforms, Digital Application Store Platforms, and AI platforms, the service provider must do the following to the extent technically feasible:

- Establish mechanisms to review and moderate user-generated content in compliance with Iraqi laws.
- Provide transparency about the platform’s policies on content review, flagging, and removal.
- Implement automated systems and human oversight for detecting and removing harmful or
- illegal content.
- Maintain an appeal process for users whose content has been removed, ensuring that content is not removed arbitrarily and that users have a chance to appeal content decisions.

### **6.1.3 Personal Data Protection**

The service providers falling under the scope of these Regulations must apply international best practices and comply with Iraqi laws, regulations, and governmental decrees relating to personal data protection and classification. The CMC will be publishing a personal data protection law in due time.

### **6.1.4 Intellectual Property Rights**

The service providers falling under the scope of these Regulations must apply international best practices and comply with Iraqi laws, regulations, and governmental decrees relating to intellectual property rights. The CMC will be publishing an intellectual property rights regulation in due time.

### **6.1.5 AI Regulation**

The service providers falling under the scope of these Regulations must apply international best practices and comply with Iraqi laws, regulations, and governmental decrees relating to Artificial Intelligence. The CMC will be publishing an AI regulation in due time.

### **6.1.6 Cloud Regulation**

The service providers falling under the scope of these Regulations must apply international best practices and comply with Iraqi laws, regulations, and governmental decrees relating to cloud usage. The CMC will be publishing a cloud regulating regulations in due time.

### **6.1.7 Cybersecurity**

The service providers falling under the scope of these Regulations must apply international best practices and comply with Iraqi laws, regulations, and governmental decrees relating to cybersecurity law. The CMC will be publishing the law and regulations governing cybersecurity in due time.

### **6.1.8 Cybercrime**

The service providers falling under the scope of these Regulations must apply international best practices and comply with Iraqi laws, regulations, and governmental decrees relating to actions criminalized under Iraqi laws and committed through digital platforms, being criminalized actions under any of the laws stated in Annex (1).

## **Article 7: Taxation and Fees**

The CMC will be publishing guidelines defining required fees and tax in due time.

### **7.1 Taxation**

The service providers falling under the scope of these Regulations must comply with Iraqi laws, regulations, and governmental decrees relating to taxation where applicable.

### **7.2 CMC Fees**

Service providers falling under the relevant regulatory tool-referred to in Article (5)-are subject to fees as described, where applicable and as instructed below:

- Fees are due as soon as the payment invoice is issued. Service providers are required to pay applicable fees on their due dates and within thirty (30) days from the date of invoice issuance.
- CMC reserves the right not to refund the fees paid for licensing or registration applications in the event that the applicant does not fulfill the conditions and/or requirements for licensing or registration detailed in Annex (2) in the manner required at its discretion.
- CMC may amend or cancel any of the fees in accordance with its regulations.
- CMC may review the fees that will be published in due time.

## **Article 8: General Provisions for Licensing, Registration or Notification**

### **8.1 Duration and Renewal**

Service providers may provide the relevant licensed or registered service for the duration of the validity period specified in Annex (2), and the License or Registration begins from the date of its issuance or registration, respectively.

Service providers seeking to renew the License or Registration shall provide CMC with a complete renewal application at least ninety (90) days before the period of validity of the license or registration expires.

Service providers that provide services requiring Notification are not required to submit a renewal application to CMC.

Unless otherwise specified, renewal of the License or Registration is subject to similar conditions to that of an initial License or Registration application. The period of the License or Registration upon renewal shall be the same as the validity period of the License or Registration upon its issuance.

Any digital platform that requires a License or Registration from CMC is not permitted to provide its services or content once its License or Registration has expired. An expired License or Registration is deemed canceled and requires a new application to be made for a new License or Registration to be issued.

## **8.2 License or Registration Transfer**

License or Registration transfer means the transfer of all rights and obligations associated with the License or Registration to any other party in accordance with the provisions and procedures stipulated in these Regulations and those of the relevant CMC regulations.

The service provider may not assign the License or Registration to a third party, including mergers and acquisitions, except after obtaining the approval of CMC and/or other relevant entities, and all rights and obligations arising from the License or Registration will be transferred in this case.

## **8.3 Cancellation or Modification of The Regulatory Tool**

A service provider licensed or registered with CMC may if it wishes to cancel or amend the regulatory tool, submit a written request to CMC in this regard. CMC studies the application and informs the service provider of its decision regarding the application or any requirements or obligations that must be fulfilled satisfactorily towards CMC or any other parties, including but not limited to (other government agencies, customers, and users) before considering the application.

The service provider-who has notified CMC of his provision of services that require Notification in accordance with what is described in Article (5) of these Regulations-must, when he wishes to stop providing the service in Iraq, notify CMC to report that the service has not been provided in the country.

All obligations owed by the service provider-whose License or Registration has been canceled or whose provision of services in Iraq has been discontinued-remain valid until they are satisfactorily fulfilled by the service provider to the relevant stakeholders (for example, CMC, users, and other government agencies).

CMC may issue warning notices to service providers if they do not comply with any of the provisions of these Regulations. CMC may cancel, amend, or suspend the license, registration, or notice issued to the service provider immediately if it does not comply with or address these warning notices.

## **Article 9: Application Procedures**

The CMC will publish guidelines for all application procedures in due time.

### **9.1 Procedures for Obtaining a License**

Anyone who wishes to obtain a License to provide the services or content licensed in these Regulations must submit an application to CMC while fulfilling all the requirements stipulated in Annex (2) for study by CMC and pay the required application fees.

Foreign service providers, subject to licensing, who do not possess a commercial registration in Iraq at the date of application may contact CMC to further clarify the requirements to obtain a CMC license and the status of the application upon submission. This may be before taking legal procedures to obtain a commercial registration and/or other authorizations required to provide the licensed service in Iraq.

CMC may request clarifications, information, or additional documents from the applicant relevant to the requirements set out in Annex (2) during the period of review and evaluation of its application. CMC may reject applications that are incomplete or that do not include all supporting documents.

CMC shall issue its decision to approve or reject the application within the period specified in Annex (2).

## **9.2 Procedures of Digital Platform Registration**

Service providers wishing to provide services that require Registration in accordance with the provisions of these Regulations must register with CMC in this regard.

The applicant is required to fulfill all registration requirements described in Annex (2) and pay the required application fees.

CMC reserves the right to audit service providers' compliance with requirements for valid Registration processes, including reviewing registration requirements and/or requesting reasonable additional information relevant to the requirements set out in Annex 2.

CMC reserves the right to revoke Registrations if service providers fail to support the required audit process.

## **9.3 Procedures for Renewal**

The service provider who has a License or Registration from CMC to provide a licensed or registered service has the right to submit an application for renewal of that license or registration, provided that the financial fee for submitting the application must be paid within ninety (90) days before the expiration date of the License or Registration.

Service providers that provide services requiring Notification only are not required to submit a renewal application.

## **9.4 Procedures for License or Registration Transfer**

Applications for approval to transfer a License or Registration to third parties must include detailed information on the proposed transfer to the third party. It must include, as a minimum, the following information:

- Identification of all parties involved in the transfer process.
- A description of the nature of the operation for which the transfer is requested.
- The purpose and rationale for transferring the license or registration.
- Basic financial information about the parties involved in the transaction.
- A description of the platform services provided by the interested parties.
- Basic information about users or beneficiaries of platform services provided by interested parties.

## **9.5 Regulatory Compliance and Penalties**

All platforms, regardless of their regulatory tool, must comply with Iraqi laws and the CMC's regulations. Non-compliance may result in:

- Fines and penalties.
- Suspension or revocation of licenses or registrations.
- Restrictions on operations within Iraq.

## **9.6 Penalties for Non-Compliance with Requirements**

Service providers that fail to comply with the conditions of their applicable regulatory tool may face penalties from the CMC as follows:

### **9.6.1 Breach of Conditions**

If a service provider is found to be in breach of their applicable regulatory tool(s) conditions, the CMC may take one or more of the following actions:

- Issuance of a Warning Notice: The service provider will be given a written warning and a deadline to rectify the breach.
- Fines: The CMC may impose fines for repeated or severe breaches of licensing conditions. The CMC will define the fine amount in due time.
- Suspension or Revocation of License: In cases of serious or persistent non-compliance, the CMC reserves the right to suspend or permanently revoke the service provider's license.

### **9.6.2 Late Payment of Fees**

Failure to pay the required licensing or registration fees by the due date may result in:

- Late Payment Fines: An interest rate of 2% per month on the outstanding amount.
- Suspension of License: If fees remain unpaid for 60 days after the due date, the CMC may suspend the service provider's license until payment is made in full.

## **9.7 Objection Process**

Service providers have the right to object any penalties imposed by the CMC. Objections must be submitted in writing within 30 days of receiving the penalty decision to the Objections Board under the CMC Board of Trustees. The objection must include:

- Explanation of the Grounds for Appeal: A detailed justification for why the penalty should be overturned or reduced.
- Supporting Evidence: Documentation or other evidence supporting the appeal.

The Objection Board will review the appeal and issue the proper decision in accordance with the law.

## **Article 10: Trusted Digital Platforms (TDP)**

### **10.1 Conditions for Recognition of TDP**

Upon the service provider's request, CMC may, on case-by-case basis, exempt the service provider from the obligations outlined herein and other CMC-related laws, regulations, decisions, and documents pertaining to digital platforms. In such cases, CMC may recognize the service provider as a trusted digital platform. In any case such a service provider should substantiate the following conditions:

The service provider must be currently regulated in an adequate jurisdiction and subject to requirements similar to those of the CMC, and the level of regulation to which the platform is subject is appropriate compared to these Regulations and other CMC regulations related to digital platforms.

The service provider shall demonstrate that its processes and service delivery methods via the platform will afford users an adequate level of safeguarding, equivalent to the protection levels established by CMC regulations concerning digital content platforms.

## **10.2 Requirements for Recognition of TDP**

CMC's approval of the application shall be based on controls set forth by CMC and fulfilled by the service provider, as outlined in an undertaking provided by the service provider to CMC. These controls encompass various requirements, including but not limited to:

- Appointing a Platform Liaison Officer to receive and respond to CMC's communications and requests.
- Providing CMC with a procedure for removing any infringing content.
- Establishing a content take-down process.
- Notifying CMC before launching any services or products for users within the Republic of Iraq.
- Making payments of financial charges due to CMC or other regulators where applicable.
- Submitting a valid commercial register to CMC.
- Making all possible efforts to cooperate with CMC to comply with the provisions of these Regulations.

## **10.3 Revocation of the TDP Status**

If the service provider fails to adhere to the provisions stated in this article, CMC reserves the right to revoke the exemption previously granted to the service provider, entailing the right to apply one or more of the applicable regulatory tools.

These Regulations shall come into force as of 17/02/2025.

Service providers must obtain the regulatory tools in accordance with Article 5 within 12 months after the regulation comes into effect.

This Regulation shall be executed in Arabic and English, each of which shall be authoritative. If there is any discrepancy between the two versions, the Arabic version shall prevail.

This Regulation shall be subject to any law or amendment that may be issued in the future.

## Annex 1: Content Standards (Cybercrime and Restriction Actions)

The following laws should be considered when conducting online activities with specific consideration to the mentioned articles criminalizing certain actions:

- a) The Iraqi Penal Code No. 111 of 1969, this Code sets rules for criminalizing the following actions:
  - **Defamation:** Defined in Article 433 of the Penal Code, it involves attributing a specific incident to someone publicly, which could lead to their punishment or public contempt.
  - **Slander:** Covered in Article 434, it refers to any act that harms the reputation or dignity of an individual, even if no specific incident is alleged.
  - **Disclosure of secrets:** Article 437 criminalizes revealing confidential information obtained through professional duties, with additional penalties for publishing private family or personal information (Article 438).
  - **Gambling:** Article 389 criminalizes any person who opens or operates a gambling establishment or prepares a place for the public to enter for gambling purposes, as well as those who organize such games in a public or accessible venue or in a designated house. The same applies to money exchangers present in the gambling establishment. The court may also order the closure of the establishment for a period not exceeding one year.
- b) The Iraqi Central Bank Law (56/2004), Banking Law (94/2004), and Financial Investment Companies Regulation (6/2011) regarding financial activities such as FinTech.
- c) Technology Laws: E-signature and E-transactions Law (78/2012) and the Electronic Payment Services System Regulation (3/2014) regarding electronic signatures and transactions.
- d) Other Relevant Laws: Civil Code (40/1951), Companies Law (21/1997), and the Anti-Money Laundering Law (39/2015).
- e) The device-related works are included under copyright protection by Article 2 of the Copyright Law No. 3 of 1971 and Instruction No. 10 of 1985 established the National Committee for Copyright Protection, in line with the Arab Convention on Copyright, which Iraq ratified through Law No. 41 of 1985.
- f) In addition to the above, the Federal Iraqi Supreme Court, in its ruling No. 325 Unified 331 / 2023, has set the following actions as offenses subject to banning in Iraq:
  - Blasphemy and offenses against the divine.
  - Desecration or damage to sacred texts or other offenses against them.
  - Offenses against prophets, messengers, or religious figures, or insults directed at them.
  - Mockery or insult of religions, sects, or religious rituals, whether through speech, action, or gestures, or obstructing them through violence, threats, or extortion.
  - Offenses against places of worship or sacred sites of all heavenly religions or sects.
  - Promotion or encouragement of witchcraft and sorcery.
  - Content that offends public decency or morals or violates the customs and traditions of society.
  - Promotion or dissemination of immorality, debauchery, prostitution, or sexual perversion.
  - Publication or promotion of inappropriate visual, audio, or pictorial materials that offend societal values and morals.
  - Production and distribution of sexually explicit content or material implying sexual seduction that violates public morals.
  - Promotion of electronic games involving sexual content, violence, suicide, or hatred, whether through sale, purchase, distribution, display, or publication.
  - Advertising or promoting drugs and psychotropic substances.
  - Insulting or defaming others using offensive language, slander, libel, or any form of insult.
  - Publishing photos, videos, or audio recordings of others without prior permission, with the intent to harm.

## **Types of Cybercrimes**

In accordance with the referenced legal provisions under various Iraqi laws and citing provisions of reference, criminal liability could arise within Iraq. Cybercrimes can be categorized into several types, including:

1. **Crimes affecting state security**, including:
  - Crimes against the head of state,
  - Incitement to overthrow the government,
  - Espionage, and
  - Electronic terrorism.
2. **Crimes against public order**, including:
  - Crimes against religious and moral standards.
  - Crimes involving human trafficking, drug promotion, and money laundering.
  - Cyber fraud and forgery.
3. **Crimes against individuals**, such as:
  - Defamation and insult crimes.
  - Invasion of privacy.
4. **Crimes against data and software**, such as:
  - Data theft.
  - Illegal access and hacking,
  - Intentional destruction or sabotage of systems,
  - Intellectual property crimes.

## **Annex 2: Types and Requirements for Regulatory Tools**

### ***(Licensing, Registration, and Notification)***

#### **1. Licensing**

##### *A. Licensing Requirements*

To obtain a license, a service provider must:

- Apply to the CMC, including details about the platform's operations, user base, business model, and compliance measures.
- Provide evidence of financial stability, including audited financial statements.
- Commit to data protection and privacy measures that comply with Iraqi laws, including data localization where necessary.
- Implement robust content moderation practices to ensure compliance with Iraq's content regulation policies, particularly concerning harmful, illegal, or inappropriate content.
- Pay the required licensing fees outlined by the CMC, both for the application and annually thereafter.
- In some cases, CMC may require the service provider to set up a local entity.

##### *B. License Validity and Renewal*

Licenses are typically granted for a period of 10 years, after which they must be renewed. License holders must apply for renewal at least 90 days before the expiration date and demonstrate continued compliance with regulatory requirements.

##### *C. Compliance Audits and Reporting*

Licensed platforms are subject to periodic audits by the CMC to ensure compliance with Iraq's regulations. They must submit annual reports detailing the following:

- User statistics.
- Financial performance.
- Data protection and privacy measures.
- Compliance with content moderation rules.

#### **2. Registration**

##### *A. Registration Requirements*

To register a platform with the CMC, service providers must:

- Submit information about their platform, including its structure, user base, operational details, and compliance with a similar jurisdiction and international best practices
- Provide an outline of their content moderation policies, user data protection measures, and compliance with Iraqi laws.
- Pay the registration fees specified by the CMC.

##### *B. Registration Validity and Renewal*

Registrations are typically granted for 5 years. Service providers must reapply for registration before the expiration of the initial period and demonstrate continued compliance.

### *C. Compliance and Reporting Obligations*

Registered platforms must submit periodic reports to the CMC, including:

- Basic user statistics and operational metrics.
- An outline of compliance with data protection and content moderation standards.

## **3. Notification**

### *A. Notification Requirements*

Service providers must notify the CMC of their operations by submitting:

- Basic platform information, including service type and user reach.
- Contact details for the designated Platform Liaison Officer.
- Confirmation that the platform complies with Iraq's basic data protection and content policies.