

Moral Harm from Information Dissemination in the Mass Media: Compensation Principles

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Goltsblat BLP advises that **Resolution No. 21 of the Plenum of the Supreme Court of the Russian Federation On Amending Resolution No.16 of the Plenum of the Supreme Court of the Russian Federation dated 15 June 2010 'On Practical Application by Courts of the Law of the Russian Federation "On the Mass Media"' was adopted on 16 September 2010** (the "Resolution").

The Resolution clarifies the compensation principles relating to moral harm caused by information spread in the mass media.

The Supreme Court of the Russian Federation resolved that moral damages should meet the objective for which they were prescribed by the legislation, i.e., compensate the injured party for physical or moral sufferings. This remedy may not be used for any other purposes, in particular, to limit anyone's freedom to express their opinion and receive and spread information and ideas without any interference from public authorities.

The Resolution also stresses that, in determining moral damages, courts should bear in mind that they must be reasonable and fair, and not encourage infringement of freedom of the mass media.

The Resolution was adopted because of a certain trend in judicial practice towards awarding significant reputational damages against mass media. The damages appeared punitive, rather than just compensation for the injured party.

These clarifications are intended to balance the injured party's right to compensation for moral harm suffered as a result of information being disseminated in the mass media against the need to secure freedom of the mass media.

We believe that this Resolution might significantly reduce the number of satisfied claims against the media for moral damages, these having grown in number since 2003, when the Constitutional Court of the Russian Federation confirmed the possibility of companies being compensated for moral (intangible) harm.

For additional information, please contact:



Elena Trusova,
Head of Group, Dispute Resolution
Goltsblat BLP
T: +7 (495) 287 44 44,
E: info@gbplaw.com



Natalia Belomestnova,
Associate, Dispute Resolution
Goltsblat BLP
T: +7 (495) 287 44 44,
E: info@gbplaw.com

www.gbplaw.com

Capital City Complex, Moscow City
Business Centre, 8, Presnenskaya
Nab., Bldg.1,
Moscow, 123100, Russia

T: +7 (495) 287 44 44
F: +7 (495) 287 44 45
E-mail: info@gbplaw.com

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