

LEGAL VOIDS AND MARKET VOIDS: HOW OUTDATED ADVERTISING LAWS THREATEN MEDIA SUSTAINABILITY IN ARMENIA

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Abstract. This study examines the critical challenge of online advertising regulation in Armenia, a post-Soviet country with a transitional democracy. The object of the study is the RA Law “On Advertising”, a legal framework developed in the pre-digital era of television and print, which fails to meet the demands of the modern media environment. The purpose of the research is to analyze the gaps in this legislation and propose practical solutions. The scientific novelty lies in its empirical contribution as a comprehensive study to analyze the direct impact of vague legal concepts and restrictive advertising policies on the financial stability of local media in Armenia. The results show that recent regulations, in particular the near-total ban on gambling advertising, have led to a significant loss of revenue for media organizations, while failing to reduce the overall size of the gambling market. The practical significance of the work is that its findings and recommendations can serve as a roadmap for policymakers to reform the RA Law "On Advertising" and develop effective oversight mechanisms that balance public interest with the need for a free and financially viable press.

Keywords - *online advertising, legal regulation, media sustainability, legislative gaps, gambling advertising, post-Soviet media, Armenia, media economics.*

Introduction

The global shift to a digital media landscape has significantly reshaped the legal regulation of media worldwide. The ongoing economic crisis in journalism has been well documented. Key consequences of this crisis include a decline in the

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number of newspapers across the country, the size of television newsrooms, and the number of professional journalism positions³. This issue is particularly acute in post-Soviet nations like Armenia, which are navigating the complexities of a transitional democracy.

When media systems encounter financial strain, ensuring the survival of independent media goes beyond economics, serving as a vital safeguard for democracy and free expression.

This article investigates a critical juncture in Armenia's media environment where outdated legislation and recent restrictive policies intersect to threaten the viability of its online press. The crux of the problem is the 1996 Law "On Advertising"⁴, a foundational piece of legislation from the pre-digital era. Its vague terminology, particularly the definition of "electronic mass media," creates legal uncertainty for a wide array of digital actors, from established news websites to independent bloggers.

This study argues that Armenia's current approach to online advertising regulation creates a paradox: while intended to protect the public from harmful content, it inadvertently undermines the financial viability of independent media, which is itself a cornerstone of the public interest. The problem is further exacerbated by broader market pressures. As Cage observes, in increasingly competitive environments, media companies often cut costs and reduce staff rather than invest in sustainable financing and quality journalism. This trend fosters a shift from substantive news coverage toward infotainment or low-cost entertainment content, leaving audiences with diminishing access to reliable information⁵. Similar concerns have been voiced in Armenia by media companies: a 2021 open letter published in 'Zhoghovurd' criticized the proposed amendments to the Law on Advertising for further endangering media revenues without offering viable alternatives⁶.

The situation worsened following significant cuts in U.S. foreign aid. In 2025, the U.S. Department of Government Efficiency announced the cancellation of 139

³ Philip M. Napoli *Social Media and the Public Interest. Media Regulation in the Disinformation Age*, Columbia University Press, New York, 2019, p. 91.

⁴ Law of the Republic of Armenia "On Advertising", No. HO-55, adopted on 30.04.1996, RA NA Bulletin 1996/10(1110), Article 120, May 31, 1996.

⁵ Julia Cage *Saving the Media Capitalism, Crowdfunding, and Democracy*, Harvard University Press, 2016, pp. 19-20.

⁶ "Open Letter on the Proposed Amendments to the RA Law 'On Advertising'" («ԲԱՅ ՆԱՍՏԱԿ «Գովազդի մասին» ՀՀ օրենքում նախատեսվող փոփոխությունների վերաբերյալ») Zhoghovurd, October 15, 2021, <https://armlur.am/1141714> (last accessed September 27, 2025).

grants totaling \$215 million, including some initiatives in Armenia⁷. Media representatives raised concerns that without sustainable alternatives, Armenia's civil society and media sector risk becoming increasingly vulnerable to political pressures and external influence.⁸

Together, these insights underscore how restrictive regulation, combined with economic precarity, threatens both media sustainability and democratic resilience. By analyzing Armenia's legal framework and its real-world consequences, this article provides valuable insights for other transitional democracies grappling with similar challenges in the digital age.

This study is grounded in several central theoretical perspectives.

First, the loss of a single major advertising sector can have a devastating impact on a small market like Armenia's.

Second, the regulation of so-called "sinful" industries like gambling and alcohol is a constant area of policy debate. Research indicates that gambling advertisement bans can be ineffective⁹ due to significant methodological challenges in measuring their direct impact¹⁰. Similarly, econometric studies on alcohol advertising suggest that bans can be circumvented, and their impact is highly dependent on the comprehensiveness of the regulation¹¹. It is also essential to note that betting companies employ highly adaptive online marketing strategies, enabling them to swiftly shift from traditional media to unregulated platforms such as social media and influencer promotions whenever restrictions are imposed.

Third, the specific context of post-Soviet transitional democracies is crucial. Vaclav Stetka's research on media ownership in ten new EU member states in Central and Eastern Europe demonstrates that local owners frequently use media for business and political purposes, which undermines editorial independence and

⁷ US State Department axes \$214 million in foreign grants, including for Armenia, Public Radio of Armenia, 16 April, 2025

<https://en.armradio.am/2025/04/16/us-state-department-axes-214-million-in-foreign-grants-including-for-armenia/> (last accessed September 27, 2025)

⁸ "The impact of U.S. aid cuts on Armenia's civil society and media". Civilnet, March 17, 2025 www.civilnet.am/en/news/822632/the-impact-of-u-s-aid-cuts-on-armenias-civil-society-and-media/ (last accessed September 27, 2025)

⁹ Kim, Y., W.-N. Lee & J.-H. Jung. 2013. Changing the stakes: A content analysis of Internet gambling advertising in TV poker programs between 2006 and 2010. *Journal of Business Research* 66(9), 1644-1650.

¹⁰ Per Binde Gambling advertising: A critical research review. London: The Responsible Gambling Trust, 2014.

¹¹ Henry Saffer Studying the Effects of Alcohol Advertising on Consumption, *Alcohol Health Res World*. 1996;20(4):266–272.

deepens the entanglement between media, politics, and the economy¹². Similar tendencies are evident in Armenia, where media outlets remain vulnerable to political and commercial pressures. This context underscores the importance of developing diversified revenue streams, such as advertising and audience monetization, as a prerequisite for ensuring financial independence and long-term sustainability of media companies.

The rapid development of technology requires timely and adequate measures from the government; otherwise, regulation risks becoming quickly outdated and creating opportunities for abuse. Mere mechanical bans on certain types of advertising, without a comprehensive approach, are ineffective.

Main Research

Armenia's current regulatory model lacks the conceptual tools to address the realities of a converged and algorithmic media environment. To analyze this multifaceted issue, the research methodology of this study is composed of two main components:

1. **Legal and Documentary Analysis:** The core of the study is a thorough analysis of the primary legal texts governing advertising in Armenia. This includes a close reading of:

- The RA Law "On Advertising" (1996) and its subsequent amendments.
- The RA Law "On Electronic Communication"¹³.
- The RA Law "On Lotteries"¹⁴ and the Law "On Games of Chance, Internet Games of Chance and Casinos"¹⁵.

This legal analysis was supplemented by a review of official reports, media publications, journalistic investigations, and public statements from stakeholders to understand the practical application and consequences of these laws.

2. **Comparative Analysis:** The Armenian legal framework and its outcomes are benchmarked against the standards set by the European Union's Audiovisual

¹² Vaclav Stetka From Multinationals to Business Tycoons Media Ownership and Journalistic Autonomy in Central and Eastern Europe, *The International Journal of Press/Politics*, 2012, 17(4), pp. 433-456.

¹³ Law of the Republic of Armenia "On Electronic Communication", No. HO-176-N, adopted on 08.07.2005, RAOB 2005.08.24/54(426), Article 1034.

¹⁴ Law of the Republic of Armenia "On Lotteries", No. HO-3-N, RAOB 2004.01.14/2(301), Article 7.

¹⁵ "On Gambling, Internet Gambling, and Casinos" Law of the Republic of Armenia, No. HO-1-N, RAOB 2004.01.14/2(301), Article 5.

Media Services Directive (AVMSD)¹⁶, the Digital Services Directive (DSA)¹⁷. These directives provide a comprehensive model for regulating both traditional and digital media, and their clear definitions and principles serve as a useful point of comparison to highlight the gaps and ambiguities in Armenian law.

The foundational problem within Armenia's regulatory framework is that the RA Law "On Advertising" fails to provide a clear and encompassing definition of online advertising. Instead of a unified concept, the law utilizes at least three different, often overlapping terms across its various articles, creating significant confusion: "website advertising," "electronic advertising," and "electronic mass media". The application of these terms is inconsistent:

- **"Electronic advertising"** is the broadest term, seemingly covering any advertising disseminated through electronic communication networks.
- **"Website advertising"** is the most straightforward term, referring to ads on a specific domain. It is used narrowly, for example, when regulating lottery advertisements.
- **"Electronic mass media"** is the most frequently used and most problematic term. It is employed when setting major restrictions, such as the ban on advertising strong alcoholic beverages during certain hours (06:00-22:30) or regulating ads for medical products.

The central issue lies in the interpretation of "electronic mass media." Its scope is not defined, leading to a critical dilemma with two possible interpretations:

1. **A narrow interpretation:** This would equate "electronic mass media" only with officially registered online news media outlets, similar to traditional broadcasters.

2. **A broad interpretation:** This would encompass any digital platform for mass communication, including individual blogs, social media pages, and influencers, effectively making it synonymous with "electronic advertising".

This distinction is not merely theoretical; it has profound practical consequences. Under a narrow interpretation, an independent blogger or a popular social media influencer would not be subject to the same advertising restrictions as a news website regarding alcohol or pharmaceuticals, creating an unequal and unfair playing field.

¹⁶ Directive 2010/13/EU of the European Parliament and of the Council on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services of 10 March 2010.

¹⁷ Directive 2000/31/EU of the European Parliament and of the Council on Audiovisual Media Services on a Single Market For Digital Services and amending Directive of 19 October 2022.

This ambiguity stands in stark contrast to the clarity of the European Union's directives.

The AVMSD provides a coherent and technologically relevant set of definitions:

- **Audiovisual Media Service:** A service under the editorial responsibility of a media service provider, the principal purpose of which is providing programs to the general public to inform, entertain, or educate. This clearly covers both traditional broadcasting and on-demand services.
- **Video-Sharing Platform Service:** A service whose principal purpose is providing programs or user-generated videos to the public, for which the platform provider does not have editorial responsibility. The provider is, however, responsible for its organization (e.g., through algorithms or tags). This definition directly addresses platforms like YouTube and Facebook Watch.
- **Audiovisual Commercial Communication:** Images with or without sound which are designed to promote, directly or indirectly, the goods, services or image of a natural or legal person pursuing an economic activity; such images accompany, or are included in, a programme or user-generated video in return for payment or for similar consideration or for self-promotional purposes. This includes all forms of advertising, such as television ads, sponsorship, and product placement, providing a unified concept for all commercial content.

The comparison makes it evident that while Armenian law struggles with outdated and inconsistent terms, the EU has developed a clear, functional, and tiered system of definitions that distinguishes between actors based on editorial responsibility, creating a more predictable and equitable regulatory environment.

In 2022, Armenia enacted legislative changes¹⁸ that effectively banned all forms of advertising for games of chance, internet games of chance, and casinos, with few exceptions. While the policy aimed to address public health concerns related to gambling, its economic impact on the media was severe and immediate. Prior to the ban, the gambling industry was the largest advertiser in the country, accounting for an estimated 40-50% of all online advertising revenue¹⁹. The loss of this

¹⁸ The Republic of Armenia Law “On Amendments and Additions to the Law ‘On Advertising’”, No. HO-50-N, adopted on 04.03.2022, Unified Website 2022.03.07–2022.03.20, Official Publication Date: 11.03.2022.

¹⁹ “Open Letter on the Proposed Amendments to the RA Law ‘On Advertising’” («ԲԱՑ ՆԱՄԱԿ «Գովազդի մասին» ՀՀ օրենքում նախատեսվող փոփոխությունների վերաբերյալ»), Zhoghovurd, October 15, 2021, <https://armlur.am/1141714/> (last accessed September 27, 2025).

income has plunged many independent online media outlets into financial crisis, forcing them to downsize, cut salaries, and become more reliant on grants or political funding, thereby threatening their independence.

The ban did not eliminate gambling advertising; it displaced it. Major betting companies shifted their marketing budgets from traditional media to their official websites and social media channels, thus making this content available and easily accessible for potential users. At an earlier stage, betting companies even attempted to bypass restrictions through so-called umbrella advertising: they created their own television channels operating under trademarked names identical or closely associated with their brands. When regulatory scrutiny intensified and legislative amendments closed this loophole, these companies adapted once again by changing the names of the channels, thereby maintaining their visibility while formally complying with the stricter rules²⁰.

Later, with the 2022 amendments, advertising of gambling, online gambling, casinos, gaming halls, or lotteries (including totalizators) and their organizers was entirely prohibited, with the only exceptions being placement on the companies' official websites, or inside/on the buildings and premises of casinos, gaming halls, or betting offices, as well as in cases explicitly provided by law. Lottery and combined lottery advertising were allowed exclusively at the points of sale.

Furthermore, the state lacks an effective body to enforce these rules in the online sphere. The Television and Radio Commission, which regulates broadcast media, has publicly stated that it has no jurisdiction over the internet²¹. This regulatory vacuum means that while law-abiding local media outlets suffer financially, the advertising continues to reach Armenian consumers through other channels, undermining the law's primary objective.

The findings from Armenia illustrate a clear case of well-intentioned policy producing negative unintended consequences, echoing international research on policy failure. By banning gambling advertisements, policymakers sought to

²⁰ "From now on, Vivaro will be viewed... On December 25, the presentation of VIVARO MEDIA's TV channels will take place." (Vivaro-ն այսուհետ դիտում են... դեկտեմբերի 25-ին տեղի կունենա VIVARO MEDIA-ի հեռուստաալիքների շնորհանդեսը), Fast News, December 25, 2021

<https://fastnews.am/sport/post/vivaro-n-aysvouhet-ditvoum-en-dektemberi-25-in-teghi-kvounena-vivaro-media-i-hervoustaaliqueri-shnvorhandesy> (last accessed September 27, 2025)

²¹ "We do not have the authority to exercise oversight over those engaged in journalistic activities on the Internet," — Tigran Hakobyan" (Համացանցում լրատվական գործունեություն իրականացնողների նկատմամբ վերահսկողություն իրականացնելու իրավասություն չունենք. Տիգրան Հակոբյան), TVNEWS, April 13, 2023թ.

<https://tvnews.am/news/249999.html> (last accessed September 27, 2025)

protect the public interest but simultaneously undermined another equally critical one: the sustainability of a pluralistic and financially independent media sector. This paradox is central to contemporary media economics. As Cage emphasizes, media organizations differ from ordinary companies because their essential role is not profit maximization but the provision of free, unbiased, high-quality information indispensable for democratic debate²². Yet, as Picard argues, mounting commercial pressures and wholesale marketization have eroded the public-interest orientation of journalism, skewing content toward profitability and away from quality²³. Petrosyan states that The regulation of the sector must be carried out primarily with due regard to the protection of citizens' rights from dishonest (or misleading) information²⁴.

Such pressures are particularly acute in transitional democracies, where limited resources and fragile institutions amplify vulnerability. Judith Lohner, Irene Neverla, and Sandra Banjac found that in selected developing countries, profit imperatives and understaffed newsrooms constrain journalistic capacity, resulting in superficial coverage of complex issues²⁵.

Applied to Armenia, these insights underscore how restrictive regulation, compounded by structural economic fragility, produces a dual crisis: independent outlets lose both financial viability and their ability to serve as democratic watchdogs.

Ultimately, the Armenian case is a cautionary tale of how a policy, failing to account for the economic realities of its media market, can weaken democratic institutions by inadvertently undermining the financial independence of the press. According to a journalistic investigation conducted by Civilnet.am, however, the total volume of betting continued to increase during 2022–2023 despite these prohibitions²⁶. Moreover, in an interview with *Haykakan Zhamanak* in February

²² Julia Cage Saving the Media Capitalism, Crowdfunding, and Democracy, Harvard University Press, 2016, p. 90.

²³ Robert G. Picard. "Commercialism and Newspaper Quality." Newspaper Research Journal 25 (1), p. 63.

²⁴ "Armenian and International Experience of Internet Legal Regulation", in New and Alternative Media: Ethical and Legal Issues (Համացանցի իրավական կարգավորման հայկական և միջազգային փորձը | «Նոր և այլընտրանքային մեդիա. էթիկական և իրավական խնդիրներ»), Yerevan, 2012, p. 49.

²⁵ Judith Lohner, Irene Neverla, and Sandra Banjac Conflict-Sensitive Journalism? Journalistic Role Perceptions and Practices in Democratization Conflicts // Media, Communication and the Struggle for Democratic Change, Palgrave Macmillan Cham, 2019, p. 68.

²⁶ "In 2023, betting continued to grow despite the Prime Minister's claims" (2023-ին խաղադրույքները աճել են՝ անտեսելով վարչապետի պնդումները), Civilner, 16 April, 2024

2025, Hayk Sargsyan, an MP from the ruling Civil Contract parliamentary faction, observed that over the past 13 years the volume of lotteries, virtual games, and bookmaker services has been growing at an accelerating pace²⁷. This suggests that while advertising bans reshaped the channels through which gambling companies promote their services, they did not halt the overall expansion of the industry.

This article has demonstrated that the legal framework for online advertising in Armenia is outdated, ambiguous, and ill-equipped to handle the realities of the digital media landscape. The recent ban on gambling advertising, while motivated by public interest, has failed to achieve its goals and has severely damaged the financial sustainability of the country's independent media.

The limitations of this study must be noted: it relies primarily on legal and document analysis. Further research, such as in-depth interviews with advertisers, media managers, and regulators, would offer a more nuanced understanding of market dynamics.

Conclusion

Based on the research, the following recommendations are proposed:

1. The Law "On Advertising" must be fundamentally updated. This includes providing clear and distinct definitions for "online media," "video-sharing platforms," and "social media influencers," drawing on the clearer model of the EU's Audiovisual Media Services Directive.
2. It is essential to empower either a newly created or an already established state authority with explicit jurisdiction and sufficient technical resources to oversee advertising across digital platforms, potentially incorporating modern co-regulatory approaches.
3. To mitigate the financial damage and ensure media pluralism, the government should consider introducing non-state-controlled support

<https://www.civilnet.am/news/771976/2023-%D5%AB%D5%B6-%D5%AD%D5%A1%D5%B2%D5%A1%D5%A4%D6%80%D5%B8%D6%82%D5%B5%D6%84%D5%B6%D5%A5%D6%80%D5%A8-%D5%A1%D5%B3%D5%A5%D5%AC-%D5%A5%D5%B6%D5%9D-%D5%A1%D5%B6%D5%BF%D5%A5%D5%BD%D5%A5%D5%AC%D5%B8%D5%BE-%D5%BE%D5%A1%D6%80%D5%B9%D5%A1%D5%BA%D5%A5%D5%BF%D5%AB-%D5%BA%D5%B6%D5%A4%D5%B8%D6%82%D5%B4%D5%B6%D5%A5%D6%80%D5%A8/> (last accessed September 27, 2025)

²⁷ “In Armenia, \$17.8 billion worth of online bets were placed in just one year: illness or addiction — how to break free?” (ՀՀ-ում 1 տարում կատարվել է 17,8 մլրդ դոլարի օնլայն խաղադրույք. հիվանդություն, թե կախարհություն, ինչպես ազատվել), Haykakan Zhamanak, 1 February, 2025, <https://www.armtimes.com/hy/article/306087> (last accessed September 27, 2025).

mechanisms, such as a fund for independent journalism or tax incentives, to help media outlets transition to more sustainable business models.

By adopting a more modern and holistic regulatory approach, Armenia can create a system that genuinely protects the public interest without sacrificing the financial independence of its media. This balanced approach is crucial for the health of both its citizens and its democracy.

Conflict of Interests

The authors declare no ethical issues or conflicts of interest in this research.

Ethical Standards

The authors affirm this research did not involve human subjects.

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