SHIN&KIM
법무법인(유) 세종

Korean Regulator Lowers Investigation Threshold for Floating Ad Violations

2026.11.17

On October 28, 2026, the Korea Media and Communications Commission ("**KMCC**") announced plans to tighten enforcement against practices that restrict users from removing floating advertisements.[1] Citing what it considered a sufficient period of guidance since the enforcement criteria were first introduced, the KMCC said it would initiate fact-finding investigations after a single detected violation, lowering the previous threshold of two cumulative violations.

The Telecommunications Business Act (the "**TBA**") does not prohibit floating advertisements themselves. Instead, it prohibits practices that unfairly restrict users from closing or removing advertisements that obscure other content, treating such practices as prohibited acts that significantly harm users' interests (Article 50(1)(v) of the TBA and Item 5(g)(6) of Table 4 of its Enforcement Decree). Common violations include advertisements without a close button, those that remain visible or redirect users to another advertisement or webpage when the close button is clicked, and those with close buttons that are excessively small or difficult to identify.

These restrictions have been in place since 2017, with the former Korea Communications Commission, the predecessor to the KMCC, issuing the *Handbook on Prohibited Practices Involving Floating Advertisements under the TBA* (the "**Handbook**") in 2020. The regulator conducts annual inspections; in 2025, it reviewed 300 news websites and identified 17 companies with two or more violations, against which it launched fact-finding investigations in February 2026

Where restrictions on removing floating advertisements constitute a prohibited act under the TBA, (i) the KMCC may conduct a fact-finding investigation, including on-site inspections and orders to submit materials (Article 51). (ii) It may also order corrective measures, such as suspension of the prohibited act, public announcement of the corrective order, or improvements to business procedures, after giving the service provider notice and an opportunity to be heard (Article 52). In addition, (iii) the KMCC may impose a penalty surcharge of up to 3 percent of relevant sales, or up to KRW 1 billion where there are no sales or sales are difficult to calculate (Article 53), and (iv) violators may face a criminal fine of up to KRW 300 million (Article 99).

The KMCC has stated that the stricter enforcement criteria are intended to prevent harm to users from intrusive advertisements and strengthen user protection.

Separately, a new bill to amend the TBA is under review by the relevant National Assembly standing committee. The bill targets emerging forms of intrusive online advertising, including so-called "hijacking ads," that existing rules – which

only restrict obstructing the removal of floating advertisements – do not cover. It would prohibit floating advertisements, screen-transition advertisements, and advertisements that interfere with users' ability to view content, among others.

Implications

- **Prepare for Stricter Enforcement**: Although the KMCC has not announced when the revised criteria will take effect, businesses should prepare for the possibility that the single-violation threshold may be applied as early as the next round of annual inspections.
- **Review Floating Advertisement Practices**: Under the revised criteria, a single detected violation may trigger a fact-finding investigation, potentially leading to corrective orders and penalty surcharges if a violation is confirmed. News outlets, online portals, online retailers, and other businesses displaying floating advertisements on their websites or apps should review their advertisements across desktop and mobile platforms to identify any practices that fall within the prohibited categories outlined in the Handbook.
- **Monitor Potential Expansion of Online Advertising Regulations**: With legislation targeting emerging forms of intrusive online advertising under review by the National Assembly, businesses should monitor legislative developments and prepare for the possibility that restrictions may extend beyond floating advertisements to a broader range of online advertising practices.

About Shin & Kim's ICT Group

Shin & Kim's ICT Group has established a strong reputation for its expertise and extensive professional network in the ICT sector and has consistently received high praise from clients in recent years. Drawing on its experience in broadcasting, telecommunications, data privacy, and internet-related technologies, the Group provides comprehensive legal advice on ICT regulatory developments, government relations, legislative and regulatory reform, regulatory impact assessments, and corporate strategy. The Group also has extensive experience advising on AI compliance and security incident response.

For more information on these developments or their implications for your business, please contact any of the professionals listed above.

[1] Floating advertisements appear over online content and partially or fully obscure other information, including advertisements positioned at the top, bottom, or sides of a webpage.

[Korean version] 방미통위, 플로팅광고 삭제제한행위 조치기준 강화

Key Contacts

Sinook Kang
Senior Partner

+82-2-316-4059
sokang@shinkim.com

Jong Kwan Lee
Advisor

+82-2-316-4480
jkwlee@shinkim.com

Jin Hong Noh
Partner

+82-2-316-1639
jhnoh@shinkim.com

Jieun Lee
Senior Researcher

+82-2-316-1720
jeunlee@shinkim.com

Jiyun Park
Associate

+82-2-316-2898
jypark@shinkim.com

Hyein Lee
Senior Foreign Attorney

+82-2-316-1641
hilee@shinkim.com

Soonyoung Heo
Foreign Attorney

+82-2-316-1837
syheo@shinkim.com

Copyright SHIN & KIM LLC. All rights reserved.