

# LAW OF THE REPUBLIC OF UZBEKISTAN

December 25, 1998

## On advertising

The present law has been put in force by the Resolution of the Oliy Majlis of the Republic of Uzbekistan dated 25.12.98

### Article 1. The purpose and tasks of the present Law

The purpose of the present Law is the regulation of relations associated with the production and distribution of advertising. The main tasks of the present Law are as follows:  
the formation of information flow regarding legal and natural entities or produce;  
the perfection of entrepreneurial and customer culture;  
the provision of protective measures from encroachment of advertising on the state and public interests, common ethics and moral norms, business reputation of legal and natural entities, as well as environmental state;  
the prevention of distribution of false or incorrect information by advertising regarding mode, method and place of production, quality and other parameters of produce as well as terms of its sale that may misled the customers.

### Article 2. Purview of the present Law

The present Law is applicable to relationship associated with the production and distribution of advertising in the Republic of Uzbekistan. The present Law is not applicable to relationship associated with the information reflecting social events, interests of political parties, religious organizations and public associations and (or) that designed for their support.

### Article 3. Legislation on advertising

The legislation on advertising encompasses the present Law and other legislative acts. Relationship in the sphere of advertising in the Republic of Karakalpakstan is also adjusted by the legislation of the Republic of Karakalpakstan. If a certain international agreement signed by the Republic of Uzbekistan lays down rules and regulations other than those contained in the legislation of the Republic of Uzbekistan on advertising, the former are applicable.

### Article 4. Basic concepts

The present Law encompasses the following main concepts:  
advertising - is a special information on legal or natural entities or produce distributed for the purpose of direct or indirect receipt of profit (income);  
an advertiser - is a person who is a customer of advertising for its production and (or) distribution;  
a producer of advertising - is a person (entity) who executes production of advertising completely or in part;  
a distributor of advertising is a person (entity) who distributes advertising by means of advertising;  
a customer of advertising - is a person or a group of people for whom advertising is oriented;  
means of advertising - are means used to bring an advertising to the customers' notice;  
produce - are goods, work, services.

### Article 5. Language of advertising

Advertising is distributed in the Republic of Uzbekistan in national language or according to an advertiser's wish - in other languages. Trademarks (service marks) registered in keeping with the established procedure, as well as syllabic letters in typographical composition (logotypes) can be produced in the language of original.

### Article 6. Basic advertising requirements

Basic advertising requirements are: lawfulness, accuracy, truthfulness, the use of forms and means that do not injure harm to a customer of advertising, as well as do not injure moral harm.

The following is banned in advertising:

to disseminate information on produce which production or sale are banned by the legislation;  
discrimination according to sex, race, nationality, language, religious, social birth, belief, social status, as well as according to other circumstances or discredit of other persons' production;  
to appeal to actions that can entail the violation of the legislation, injure or can injure harm to health or life of citizen or environment as well as impel to ignore the safety means;  
to advertise produce liable to compulsory certification or that whose production or sale require the availability of a special permit (license) if such a license or a certificate are not available;  
to imitate (to copy) common decision, text, image, musical or sound effects applied if advertising of other production, unless otherwise stipulated in the legislation on copyright and neighboring rights.  
to use the name or image of natural entity without his consent;  
to distribute pornography.

#### Article 7. Restriction of advertising designed for non-adults

The following advertising is banned:

advertising with the use of images of non-adults who consume or use produce either designed exclusively for adults or that banned to be purchased or used by non-adults;  
advertising that call non-adults to buy produce or appeal to third persons to purchase produce that is being advertised;  
advertising with the use of real or toy weapon.

#### Article 8. Rights and duties of an advertiser

An advertiser has the right:

for public proposal regarding conclusion of agreement on advertising (public offer);  
to go to law with suit regarding compensation of inflicted losses and moral harm in the event of unfounded cancellation of an agreement by a producer and a distributor of advertising.

An advertiser has the following duties:

to present document confirming authenticity of advertising information at the request of producer or a distributor of advertising;  
to present relevant license (if the activity is liable to licensing) when advertising produce or an advertiser himself.

An advertiser can have other rights and duties in keeping with the legislation.

#### Article 9. Rights and duties of a producer and a distributor of advertising

A producer and a distributor of advertising have the following rights:

to go to law with a claim regarding enforcement to conclude an agreement and compensate for losses inflicted by groundless advertiser's refusal to conclude agreement in cases when advertiser avoids to conclude an agreement after receipt, in keeping with the established procedure, an accept from a person whom public offer is addressed;  
to demand the relevant license from an advertiser in cases established by the legislation.

A producer and a distributor of advertising have the following duties:

to act according to regulations on advertising activity and sponsorship established by the present Law;  
do not disclose information regarding a person presented information or other materials, without his consent;  
to inform an advertiser in a good time in case of the presentation of information by him that can lead to violation of the legislation.

A producer and a distributor of advertising can have other rights and duties in keeping with the legislation.

#### Article 10. Copyright for advertising

Regulation of copyright and neighboring rights for advertising is implemented in accordance with the legislation.

#### Article 11. Identification of advertising

Advertising should be separated from other information irrespective of forms or means of its distribution, thus that it may be identified as advertising.

Radio and TV advertising should be separated from other programs at the beginning and end of advertising by means of audio, video and combined means as well as by commentators' commentaries.

Informative, author and editorial material purposely oriented to pay customers' attention at the specific brand (model, nomenclature article) of produce or at its producer for the purpose to form interest and promote the sale of produce as well as that containing requisites of entity who produces or distributes the indicated produce, is considered to be advertising; such material should be placed under heading "Advertising" or "On the right of advertising".

#### Article 12. Sponsorship

Sponsors can participate in the creation of TV programs, preparation of materials for other mass media, organization of theatre, concert, sport and other events. In case where advertising is connected with TV and radio, audio and video produce and when sponsor's services are used, the information on sponsors should be presented at the beginning and at the end of program briefly and clearly. Trademark (service mark) of sponsor can be indicated next to the sponsor's name or instead of him.

It is not permitted to use the sponsors' services in TV and radio programs "News".

Sponsor has no rights to interfere into activity of those whom he grants sponsoring services.

#### Article 13. Not authentic advertising

Not authentic advertising (unfair, known to be false one) is considered to be advertising that as a result of inaccuracy, exaggeration, suppression, violation of demands with regard to time, place and way of distribution of advertising and other requirements provided by the legislation, misleads or can mislead customers of advertising, as well as inflict losses and moral harm to entities (persons) as well as to the state. Not authentic advertising is banned. The decision on recognition of advertising as not authentic one is taken by the authorized State agency.

#### Article 14. Indirect advertising

Indirect advertising is that which have unconscious effect on the customer's perception including the way of use of a special video inserts (double audio recording) and other ways. The use of indirect advertising in radio, TV, video, audio and film produce as well as in other produce and the distribution of indirect advertising by other means is not permitted.

#### Article 15. Comparative advertising

Comparative advertising is one that directly or indirectly identifies competitor or produce of the same kind offered by a competitor. Comparative advertising is not banned if material, essential, authentic peculiarities of produce are compared in it objectively and conscientiously if, at the same time, advertising does not mislead and can not mislead as well as it does not lead to mix personalities of an advertiser and a competitor or trademarks (service marks), trade name, produce manufactured by an advertiser and a competitor, if such advertising does not discredit and hurt business standing of a competitor or his trademark (service mark), trade name, produce or activity.

#### Article 16. Social advertising information

Social advertising information is that associated with public health, environmental protection, conservation of power resources, prevention of violations of law, social protection and safety of population, spirituality and educational activities as well as other noncommercial information. Persons' activity connected with the production and distribution of social advertising information on gratuitous basis, transfer of their own property (including financial resources) to other persons for the purpose of production and distribution of social advertising information is considered to be charity work. Such persons enjoy privileges provided by the legislation. Distributors of advertising whose activity is financed at the expense of the state budget partly or in full, shall place social advertising information free of charge which volume should take not less than 5 per cent of air time (print square) designed for advertising.

#### Article 17. TV and radio advertising

Broadcasting time designed for TV and radio advertising can not exceed 10 per cent per every hour of broadcasting. Such requirement is not applicable to specialized broadcasting channels. If running time of concerts, entertainment and sport programs, films exceeds 45 minutes, they can be interrupted for advertising not more than one time within 45 minutes. Advertising can also be inserted at the beginning and (or) end of such programs. If running time of such programs is less than 10 minutes they can not be interrupted for advertising, and if their running time is over than 10 minutes they can be interrupted only with a consent of a copyright owner for such TV or radio programs. The interruption of translation of national events and ceremonies for the purpose of advertising insert is banned. Non-adults' (up to 14 years old) programs advertising is banned. Such a ban is not applicable to social advertising. Announcers, newsreaders, commentators and other participants of TV program have no right, beyond the bounds of time designed for advertising, either to demonstrate produce or to characterize its consumer qualities both directly and indirectly. TV and radio workers must not advertise as if they present information: to indicate producer's requisites, address, phone and commercial features of produce.

#### Article 18. Advertising in print media

Volume of advertising, its theme in print media is defined by such mass media independently. Print media should specify in terms of subscription the volume of advertising in the total edition when distribute the press (magazines, newspapers, etc.) according to subscription. In periodical editions that are not specialized on advertising messages and advertising material, advertising should not exceed 40 per cent of the volume of one periodical edition; the rest advertisements are to be enclosed free.

#### Article 19. Advertising with the use of telephone and documentary telecommunication

If there is no special request from the receiver, advertising by telex and fax is permitted in the form of direct mail "shot" not more than one page to one address. Advertising of service, granted with the use of local, toll or international telecom when distribute it in advertising media, should contain exact information on:

whether service is free or chargeable as well as its value;

type of service offered;

age or other limitations established by the legislation and the service's producer with regard to circle of the service's customers;

chargeable use of telecommunication channel and the cost of one minute of its use for the purpose to receive service in the relevant region.

Font size used to type the information specified in second part of the present article should not be less than half size of font used to type phone number designed to grant advertising service.

The use of free served numbers of police, emergency aid, fire prevention and other corresponding services for advertising distribution is banned.

#### Article 20. External advertising

External advertising is that placed on special constructions, billboards, screens, facades of buildings and structures, etc.

The procedure for the placement of external advertising is established by the local agencies of State power within their competence.

The information (sign-plate) on a person placed on facade or near the entrance of the building where such person occupies a room or the information on produce manufactured by such a person placed in the display case of the same building, is not considered to be advertising and does not require special permit of local agencies of State power.

The placement of external advertising on legs of street lightning and under trafficway of streets and roads is implemented with the observation of regulations on safety engineering and provision of visibility of traffic signs, light signal, crossroads, zebra crossings, stops of passenger transport facilities as well as on condition that such advertising does not repeat (or imitate) the image of traffic signs and indicating marks. The placement of external advertising in the territory of environmental structures is permitted as agreed with the local agencies of State power or relevant agencies of State administration within their competence. The placement of external advertising on historical monuments as well as liquidation of green belt and destruction of elements of good order of adjoining territory is banned.

#### Article 21. Transport and mailing advertising

Advertisements can be placed on transport facilities including underground transport only as agreed with their owners or possessors according to requirements of safety engineering and road regulations.

The distribution of advertising through audio network of passenger's notification in passenger transport facilities, underground stations, railway stations, ports and airports, with the exception of distribution of social advertising information, is banned. The distribution of advertising on mailing is implemented with permission of the Uzbek Agency for Post and Telecommunications. The procedure for the license issue and amount of fees to be collected is defined by the legislation.

#### Article 22. Advertising of medicines, medical products, cosmetics and household chemistry products

Advertising of medicines should contain the following:

the full name (including international pharmacological name) of medicine and the manufacturer's name;  
the information on the use and application of medicines.

Advertising of the following medicines is banned:

those distributed only according to the doctor's prescription;

those containing narcotics or psychotropics;

those not permitted to be applied in the Republic of Uzbekistan.

The following advertising is not possible without the relevant permit of the Ministry of Health of the Republic of Uzbekistan:

advertising of medicines designed for non-adults;

advertising of therapeutic sessions and other corresponding arrangements with the use of hypnosis and other methods of mental and bioenergetic effect.

advertising of medical products, medical technics, hygienic products, disinfectants, disinsecting and rodent control remedies.

advertising of therapeutic effect regarding diseases that are not treatable or hardly treatable.

Advertising of cosmetics, household chemistry products, food, vitamin and biologically active food supplements without special licenses for their application and sale issued by the relevant state agencies, is banned.

The provisions of the present article are not applicable to advertising intended for medical establishments and medical personnel.

The procedure for the advertising of medicines intended for medical establishments and medical personnel is defined by the Ministry of Health of the Republic of Uzbekistan.

#### Article 23. Advertising of tobacco products and alcoholic drinks

Advertising of tobacco products and alcoholic drinks must be accompanied by the warning regarding harm injured by smoking of tobacco products and drinking of alcoholic drinks. Such warning should take not less than 5 per cent of the square of the whole advertising of tobacco products and alcoholic drinks and not less than 3 seconds of running time of TV and radio commercial (trailer).

Advertising of tobacco, tobacco products and alcoholic drinks must not demonstrate the process of smoking and drinking of alcoholic drinks; such advertising should not persuade the customers that such processes are very important to achieve social and sport successes or improve the customers' physical or mental health.

Advertising of tobacco and tobacco products can not be placed less than two hundred (200) meters to medical, sport, preschool and school establishments, and advertising of alcoholic drinks – less than five hundred (500) meters to such establishments.

The following is banned:

advertising of alcoholic drinks which proof is more than 28 degrees;

TV and radio advertising of alcoholic drinks which proof is up to 28 degrees from 7 a.m. to 10 p.m.;

gratuitous distribution of samples of tobacco products and alcoholic drinks among non-adults for the purpose of advertising;

sponsorship of arrangements preferably intended for non-adults if, at the same time, either the name or image of tobacco products or alcoholic drinks is used.

the distribution including the sale of goods (T-shirts, hats, games, etc.) to non-adults with the use of name and trade mark of tobacco products and alcoholic drinks;

advertising of tobacco products and alcoholic drinks intended for non-adults in press media.

advertising of tobacco products and alcoholic drinks on the first pages of newspapers, coverings of magazines and other periodicals.

#### Article 24. Weapon advertising

Advertising of weapon is executed only in special magazines as well as directly in premises of trade organizations who sell weapon or at the relevant exhibitions (arrangements).

#### Article 25. Advertising of securities and services associated with the attraction of population's funds

Advertising of securities and services associated with the attraction of population's funds (bank, insurance funds etc.) or persons rendering such services is possible if the relevant license confirming the right to execute such type of activity is available. The information on an amount of expected profit as well as other information regarding future profit (income) except for income actually paid according to the results of not more than one year is banned when advertising such services or persons rendering such services. The regulation of relations conditioned by advertising of securities and services associated with the attraction of population's funds is implemented in keeping with the procedure provided by the legislation.

#### Article 26. The terms of keeping of advertising materials

An advertiser, producer and distributor of advertising are to keep advertising materials within one year from the date of the last publication (TV, radio advertising) of advertising.

#### Article 27. Access to advertising documents and materials

An advertiser, producer and distributor of advertising, at the request of state agencies that should oversee the observation of the law on advertising, are to present advertising documents and materials within the term established by them. Officials of the State antimonopoly agency enjoy the right to have unobstructed access to the relevant advertising documents and materials of advertisers, producers and distributors of advertising. Information being a commercial secret and received by officials specified in part two of the present article is not liable to disclosure.

In the event of disclosure of information being a commercial secret by officials of the State antimonopoly or other agency executed government control over the observation of the legislation on advertising, losses as well as moral harm injured to an advertiser, producer and distributor of advertising, are compensated in accordance with the established procedure.

#### Article 28. Counter advertising

If the authorized State agencies discovered the violation of the legislation on advertising, a law-breaker, according to the decision taken by such an agencies and within time specified by them, is to implement counter-advertising. Counter-advertising can also be implemented voluntary or according to court's decision. Total expenses associated with the implementation of counter-advertising are born by the law-breaker.

If the law-breaker did not implement counter advertising within time specified by the agency executed control over the observation of the Law on advertising, the latter enjoys the right to take decision on complete or partial suspension of the law-breaker's advertising until he implements counter-advertising, and notify Parties concluded the agreement on advertising with law-breaker of such circumstances.

Counter advertising is implemented in the same mass media, with the use of the same duration, space, area and procedure as disprovable advertising is fulfilled.

The contents of counter-advertising is coordinated with the relevant state agency discovered the fact of violation and taken a decision on its elimination. In exclusive cases, the replacement of mass media, duration, place and the procedure for the implementation of counter-advertising is permitted according to such agency's decision.

#### Article 29. Responsibility for the violation of legislation on advertising

Persons violated the legislation on advertising are responsible in accordance with the established procedure. Advertisers, producers and distributors of advertising can be fined by the State antimonopoly agency in the following amounts: legal entities are fined from one hundred to five hundred amounts of minimum wages, and natural entities - from five to seven amounts of minimum wages for uncertain advertising, non observation of the procedure for the placement of external advertising and refusal of counter advertising.

legal entities are fined from forty to fifty amounts of minimum wages and natural entities - from three to five amounts of minimum wages for non presentation, within the established period, of information regarding advertising to the State agencies specified in article 27 of the present Law.

legal entities are fined up to one hundred amount of minimum wages and natural entities - from three to five amounts of minimum wages for failure to fulfil, within the established period, instructions on termination of violation of the legislation on advertising.

#### Article 30. Settlement of disputes

Disputes arisen in the process of production and distribution of advertising are settled in due course of law.

The President of the Republic of Uzbekistan

I. Karimov