

LAW OF THE REPUBLIC OF AZERBAIJAN

On Advertising

This Law determines the legal basis of relations in the field of ordering, production (preparation) and distribution of advertising, *their control and regulation*, as well as the self-regulation of the field of advertising, in accordance with paragraphs 12 and 26 of Part I of Article 94 of the Constitution of the Republic of Azerbaijan.^[1]

Chapter 1 General Provisions

Article 1. Scope of the Law

1.1. This Law shall apply to the relations arising between the subjects of advertising activity in the territory of the Republic of Azerbaijan in connection with the order, production, distribution and consumption of advertising.

1.2. This Law shall not apply to political advertising, information delivery to consumers as provided for in the Law of the Republic of Azerbaijan on Consumer Protection, including information on packaging of goods about manufacturer, importer or exporter, name, type, composition and terms of use, production date and shelf life, storage conditions, announcement of legal entities and individuals unrelated to commercial activities, editorial-publishing, survey-informational and analytical materials that are not intended for sale of goods in the market, information of state authorities or municipalities that are not advertising or social advertising, billboards and signs without advertising information, works of science, literature, or art.

1.3. *Relations arising in connection with the order, production, distribution, consumption of advertising in the Alat Free Economic Zone are regulated in accordance with the requirements of the Law of the Republic of Azerbaijan on the Alat Free Economic Zone.*^[2]

Article 2. Key Definitions

2.0. The following definitions are used for the purposes of this Law:

2.0.1. advertising - information disseminated in order to attract the attention of the advertisement consumer to the object of advertising in any form using various means and methods, to form and maintain interest, to promote the product in the market and to stimulate sales;

2.0.2. advertising activity - a set of actions of the advertiser, advertisement creator, advertisement producer, advertising agent and advertisement publisher the purpose of which is to draw the attention of the advertisement consumer to the object of advertising;

2.0.3. object of advertising - the advertised goods, works and services (hereinafter - product), means of its individualization, commercial and non-commercial activities;

2.0.4. subjects of advertising - advertiser, advertisement creator, advertisement producer, advertising agent, advertisement publisher and advertising consumer;

2.0.5. advertiser - a person who orders, finances the creation, production, distribution of advertising of an advertising object and determines the content of advertising;

2.0.6. advertisement creator - a natural person who creates the general layout of the advertisement, including color tones, sound accompaniment and images;

2.0.7. advertisement producer - a person who prepares all or part of the information for publication in the form of advertising;

2.0.8. advertising agent – individuals and legal entities acting on behalf of advertisers, advertisement creators and advertisement producers on the basis of an agreement with them;

2.0.9. advertisement publisher – a person who publishes advertising in various forms, methods and means in the manner prescribed by this Law;

2.0.10. advertisement consumer – an individual whose attention is drawn to the object of advertising;

2.0.11. advertising medium - immovable and *movable (including specialized stationary and mobile advertising devices, vehicles, etc.) property*, mass media, cinema, video, audio materials and printed materials, telecommunication devices and postal items used for delivery of advertisement to the consumer.^[3]

Article 3. Legislation of the Republic of Azerbaijan on advertising

3.1. Legislation of the Republic of Azerbaijan on advertising consists of the Constitution of the Republic of Azerbaijan, international treaties to which the Republic of Azerbaijan is a party, legal acts regulating advertising in accordance with this Law, including the Civil Code of the Republic of Azerbaijan, the laws of the Republic of Azerbaijan on Television and Radio Broadcasting, on Public Television and Radio Broadcasting and this Law.

3.2. If international treaties to which the Republic of Azerbaijan is a party provide for rules different from those specified in this Law, the rules established in those treaties shall apply.

Article 4. General Requirements for Advertising

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4.6. It is prohibited to advertise narcotic drugs, psychotropic substances, pornography, tobacco and tobacco products, and other products for which advertising is prohibited under this Law.

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Article 13. Sponsor and Sponsor Advertising

13.1. Sponsor - is a person who allocates or ensures the allocation of voluntary financial and (or) other material resources for the organization and (or) holding of sporting, cultural and other events, for the creation and (or) dissemination of programs (broadcasts) in electronic media, as well as for the use of other results of mental activity.

13.2. Sponsored advertising - an advertisement published on the condition that the person is shown as a sponsor. Sponsored advertising may only contain name, field of activity and product of the sponsor, the trademark and the logo of the company, and it may be presented by visual or audio means, or via inline moving advertisements. The total amount of this information in the sponsored advertisement on television and radio should not exceed 2 minutes in each program (broadcast).

13.3. Persons engaged in the production and (or) sale of alcoholic beverages with an alcohol by volume content of more than 5 percent may be shown as sponsors, subject to the time limit specified in Article 27.1.9 of this Law.

13.4. Persons engaged in the production and (or) sale of goods for which advertising is prohibited under this Law, may not be sponsors.

13.5. A product cannot be shown as a sponsor.

13.6. Sponsored advertising is prepared and (or) presented on the basis of an agreement between the sponsor and the advertisement producer, advertising agent and (or) advertisement publisher.

13.7. It is prohibited to replace the word "sponsor" with other expressions in sponsored advertising.

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Article 15. Advertising of measures to stimulate the sale of products

15.1. Advertising of measures to stimulate the sale of products is information about the conduct of lotteries, competitions, games and other events among buyers of certain products.

15.2. Advertising of measures to stimulate the sale of products must contain information about the conditions, time, duration and the prize fund of the lottery, competition, game and other events, the place and time for presentation of the prizes, the conditions of purchase, their organizer.

15.3. Alcoholic beverages with an alcohol by volume content of more than 5 percent, tobacco and tobacco products may not be offered as gifts to the buyer of the products at events stimulating the sale of a product.

15.4. Offering other products as gifts to buyers of alcoholic beverages with an alcohol by volume content of more than 5 percent, tobacco and tobacco products is prohibited.

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Chapter 3 Features of advertising of various products

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Article 28. Advertising of tobacco, tobacco products and related accessories

Advertising of tobacco, tobacco products and their accessories, including tobacco sticks, hookahs, e-cigarettes, cigarette papers and lighters is prohibited.

Unofficial Translation; Excerpts Only

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President of the Republic of Azerbaijan

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