

Law of the Republic of Kazakhstan from December 19, 2003 No. 508-II

on Advertising

(with changes and additions as of June 19, 2007)

Chapter 1. General Provisions (Articles 1-5)

Chapter 2. General and Special Requirements for Advertising (Articles 6-16)

Chapter 3. State Regulation in the Advertising Sector (Articles 17-21)

This Law regulates the relationships arising during the production, distribution, placement and use of advertising on the territory of the Republic of Kazakhstan.

Chapter 1. General Provisions

Article 1. Purposes of the Law

The purposes of this Law are the assurance of the necessary conditions for the production, distribution, placement and use of advertising, protection from unfair competition in the advertising sector, prevention and suppression of inappropriate advertising.

Article 2. Sphere of application of the Law

1. This Law applies to the relationships arising during the activity of physical persons and legal entities that produce, distribute, place and use advertising on the territory of the Republic of Kazakhstan.

2. This Law does not apply to declarations of physical persons, including in the media, not connected with the realization of business activity, and also for political agitation and propaganda, carried out in accordance with the legislative acts of the Republic of Kazakhstan.

See Letter TC MF Republic of Kazakhstan from September 1, 2004 No. PK от 1 сентября 2004 года N TC-DTC-15-1-13/7076 "On the Placement of Pre-Election Agitation Materials on Billboards."

Article 3. Main concepts

In this Law the following main concepts are used:

1) advertising – distributed and placed in any form, with the assistance of any means of information intended for an unspecified circle of people and intended to form or support interest in a physical person or legal entity, goods, trade marks, works, services and to contribute to their realization;

See: Letter GP Republic of Kazakhstan from December 1, 2005 No. 7-2201-05

Article 3 is supplemented by subparagraph 1-1) in accordance with the [Law](#) of the Republic of Kazakhstan from June 19, 2007 No. 264-III

1-1) external (visual) advertising – advertising placed on movable or stationary objects, and also located in the right of way of public roads and on open space outdoors in populated areas;

2) inappropriate advertising – unfair, unreliable, unethical, deliberately false and concealed advertising, in which are allowed violations of the requirements for its content, time, place and means of distribution, placement, established by the legislation of the Republic of Kazakhstan;

3) advertiser – physical person or legal entity that is the source of advertising information for the production, distribution and placement of advertising;

4) advertising agent – physical person or legal entity that provides advertising information or prepared advertising for distribution and placement;

5) advertising distributor – physical person or legal entity that distributes and places advertising information by means of the provision and (or) use of property, including technical equipment for radio and (or) television broadcast, and by other methods;

6) consumers of advertising – unspecified circle of physical persons and (or) legal entities for whom the advertising is intended;

7) news ticker – method of disseminating advertising that is transmitted on television, by movie or video services, which is characterized by the sequential alternation (movement) of combinations of letters, numbers, symbols, which in their totality comprise the specific information, on television screens, and also on autonomous monitors - objects of stationary placement.

Article 3 is supplemented by subparagraph 8) in accordance with the [Law](#) of the Republic of Kazakhstan from June 19, 2007 No. 264-III

8) information on goods (works, services) – information on goods (works, services), the producer, the seller, the supplier as stipulated by the legislation of the Republic of Kazakhstan and supplied to the buyer (consumer) for the purposes of becoming acquainted with the goods (works, services), its distinguishing traits and the peculiarities of its use.

Article 4. Legislation of the Republic of Kazakhstan on advertising

1. The legislation of the Republic of Kazakhstan on advertising is based on the [Constitution](#) of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If the international agreement ratified by the Republic of Kazakhstan established other rules than those, which are contained in this Law, then the rules of the international agreement are applied.

Article 5. Copyright and related rights to advertising

Advertising may wholly or partly be the object of copyright and associate rights. Copyright and associated rights are subject to protection in accordance with the [legislation](#) of the Republic of Kazakhstan, and also by international agreements.

Chapter 2. General and Special Requirements for Advertising

Article 6. General requirements for advertising

1. Advertising, independent of the form or method of distribution and placement used, must be reliable, identifiable without special knowledge or the use of special means directly at the moment of its presentation.

Changes are introduced in paragraph 2 in accordance with the [Law](#) of the Republic of Kazakhstan from June 19, 2007 No. 264-III ([see old version](#))

2. Advertising on the territory of the Republic of Kazakhstan, with the exception of periodic printed publications, is disseminated in the state and Russian languages, and also at the discretion of the advertiser in other languages.

In this case, advertising in the state language on television and radio must be disseminated evenly throughout its entire daily broadcast.

Article 6 is supplemented by paragraph 2-1 in accordance with the [Law](#) of the Republic of Kazakhstan from June 19, 2007 No. 264-III

2-1. Advertising in period printed publications is distributed in the language, fixed in the certificate of registration of the mass media.

3. Excluded in accordance with the [Law](#) of the Republic of Kazakhstan from June 19, 2007 No. 264-III ([see old version](#))

4. Advertising of goods (work, services) forbidden for production and realization in accordance with the [legislation](#) of the Republic of Kazakhstan is not allowed.

If the activity carried out by the advertiser is subject to [licensing](#), then with advertisement of the corresponding goods (work, services), and also with advertising of the same advertiser it is necessary to indicate the license number and the name of the agency that issued the license, except for radio advertising.

5. Advertising of those religious organizations and spiritual educational institutions not registered in accordance with the [legislation](#) of the Republic of Kazakhstan is prohibited.

6. Advertising must not be used for [propaganda or agitation for the forced change in the constitutional system, violation of the integrity of the Republic of Kazakhstan, undermining of National Security, inciting social, racial, national, religious, class and ancestral dissension, the cult of cruelty and violence, pornography](#), and also the distribution of [information, which comprises state secrets of the Republic of Kazakhstan and others protected by the secrecy act](#).

Changes are introduced in paragraph 7 in accordance with the [Law](#) of the Republic of Kazakhstan from June 19, 2007 No. 264-III ([see old version](#))

7. Advertising must not stir up panic in society; impel physical persons to aggression, and also to another illegal action (inaction).

8. Restrictions on advertising are established by this Law and other [legislative acts](#) of the Republic of Kazakhstan.

Article 7. Types of inappropriate advertising

1. Unfair advertising is that, which:

1) contains a comparison of advertised products (works, services) with goods (works, services) of other physical persons or legal entities, and also statements, images tarnishing their honor, merit and business reputation;

2) confuses consumers in respect to the advertised product by means of copying a company name, trade mark, company package, attributes of the goods, formulas, images and other commercial designation used in the advertising of another product, or by means of the abuse of their trust;

3) contains instructions or approval, the use of which while conducting business activity may lead to confusion in regards to the character, method of manufacture, properties, suitability for use or amount of the goods (works, services);

4) discredits, degrades or ridicules physical persons or legal entities, not using the advertised goods (works, services);

Paragraph 1 is supplemented by subparagraph 5) in accordance with the [Law](#) of the Republic of Kazakhstan from June 19, 2007 No. 264-III

5) represents the advertising of goods prohibited for advertising by the law of the Republic of Kazakhstan, if such advertising is carried out under the guise of advertising another product, trade mark or service mark, which is identical or confusingly similar to the trade mark or service mark of the product prohibited for advertising, and also under the guise of advertising the manufacturer or seller of such a product.

2. Advertising is unreliable, in which there is no information corresponding to reality in respect to:

1) such characteristics of the product as nature, composition, method and date of manufacture, designation, consumer properties, conditions for use, presence of a certificate of conformity, certification marks and marks of correspondence to state standards, quantity, origin;

2) the presence of the product on the market, the possibility of its acquisition in a specific place;

3) the cost (prices) of the product and additional payment conditions at the moment of distribution and placement of the advertising;

4) delivery, exchange, recovering, repair and maintenance of the product;

5) guarantee obligations, operating life, service life;

6) assumed results of use;

7) exclusive rights to the results of intellectual activity and similar means of individualization of a legal entity, product, performed works or services;

8) rights to the use of state symbols (coat of arms, flag, hymn) and also symbols of international organizations;

9) official recognition, receipt of medals, prizes, diplomas and other awards;

10) provision of information on methods of acquisition of a complete product series, if it is part of a series;

11) results of research and tests, scientific terms, quotations from technical, scientific and other publications;

12) assertions about goods (works, services), business activity performed that discredits a physical person or legal entity, industrial or commercial activity of others;

13) statistical data, which must not be presented in a form that exaggerates its validity;

14) status or level of competence of the manufacturer, seller of the goods (works, services) or persons advertising them.

3. Unethical advertising is that, which:

1) contains textual, visual, audio information that violates the conventional standards of humanity and morals by using insulting words, comparisons with respect to race, nationality, language, profession, social position, age, sex, religious, political and other persuasions of the physical persons;

2) defames objects of art, culture, historical monuments that are a national or world treasure;

3) defames state symbols, the national currency of the Republic of Kazakhstan or foreign currency, religious symbols.

4. Advertising is deliberately false, with the assistance of which the advertiser (advertising agent, advertising distributor) intentionally misleads the consumer of the advertising.

See: [Information](#) on the illegal offering by insurance organizations of discounts according to mandatory insurance contracts (AFN RK, May 20, 2008)

5. Advertising is concealed, which unbeknownst to the consumer influences his perception, instincts in radio, television, video, audio and film productions, or in another product, including by using special video inserts, dual sound recording and other methods.

6. Inappropriate advertising is prohibited.

Article 8. Advertising in television and radio programs

1. Advertising in [television and radio programs](#), not specializing in news and materials of an advertising nature, must not exceed twenty percent of the total volume of broadcasting for the day, with the exception of the news ticker.

With translation of the advertising its sounds must not be louder than the sound of the translated program.

2. With the use of advertising in the form of overlays, including by the method of the news ticker, its size must not exceed seven and one half percent of the area of the frame and disrupt the textual or informational material in the telecasts.

3. It is prohibited to interrupt advertising, including by means of a news ticker, translation of official news, speeches for presidential candidates of the Republic of Kazakhstan and elections for deputies of representative bodies, educational and religious broadcasts, and also showings of children's programs, with the exception of advertising intended for children and adolescents.

4. During days of national mourning advertising on electronic mass media is prohibited.

Article 9. Advertising in periodic printed publications

Objects of advertising, its subject are determined independently by [periodic printed publications](#).

Printed means distributed by subscription are obligated under the conditions of the subscription to indicate the subject direction of the publication.

Article 10. Advertising in movie, video and reference services

1. It is prohibited to interrupt with advertising the showing of a film in a movie and video service, with the exception of breaks between series.

2. With a reference service the advertising is provided only after communication of the requested information.

3. With paid reference, computer and other services, advertising is distributed only with the consent of the client. The cost of such advertising must not be included in the cost of the requested information.

Article 11. External (visual) advertising

Paragraph 1 is presented in the version of the [Law of the Republic of Kazakhstan from June 19, 2007 No. 264-III \(see old version\)](#)

1. Placement of external (visual) advertisements is carried out in the form of posters, stands, light signal panels, billboards, transparencies, signs and other methods in the order as stipulated by paragraphs 2-7 of this Article.

The design of shop windows (windows), external and door signs and posters, the internal design of the trade enterprise (including drug stores), public dining, spheres of everyday services, if this design contains advertising information on the goods and services sold in this enterprise, is not an object of external (visual) advertising.

External (visual) advertising must not reduce the transportation-operating quality of the road, disrupt the requirements of the traffic safety and protection of the environment, have a similarity to the road signs and indicators, worsen their visibility or effectiveness of perception, blind the users of the road.

2. The placement of the object of external (visual) advertising is allowed with the presence of:

1) a document issued by the authorized agency on matters of automobile roads for a specific period in the order established by the legislation of the Republic of Kazakhstan – with placement of the object of advertising in the right of way of public roads;

Subparagraph 2) is presented in the version of the Law of the Republic of Kazakhstan from June 19, 2007 No. 264-III (see old version)

2) permission issued by the local executive agency in accordance with the rules for placement of objects of external (visual) advertising in populated areas, approved by the Government of the Republic of Kazakhstan.

3. For the placement of external (visual) advertising payment is collected in the procedures and amounts established by the tax legislation of the Republic of Kazakhstan.

4. Authorized agencies defined by paragraph 2 of this article are obligated to provide tax service agencies with information on issued permission documents in the order established by the tax legislation of the Republic of Kazakhstan.

5. The placement of external (visual) advertising on the territory of historical and cultural monuments, cult objects and also at specially protected natural territories is prohibited.

Changes are introduced in paragraph 6 in accordance with the Law of the Republic of Kazakhstan from June 19, 2007 No. 264-III (see old version)

6. Authorized agencies, defined by paragraph 2 of this Article, are obligated within ten days after the receipt of a declaration issuing permission for the placement of objects of external (visual) advertising of a written response with justified refusal.

7. The placement of external (visual) advertising is carried out on the basis of an agreement with the owners of the objects for placement of external (visual) advertisements or with persons who have other estate rights to objects for the placement of external (visual) advertising, if it is not otherwise stipulated by laws or by the agreement.

Establishment of fixed state prices (tariffs) for services for the placement of external (visual) advertising at privately owned objects is prohibited.

Article 12. Advertising on transportation

Distribution, placement of advertising on transportation means is carried out with compliance to the rules of traffic safety on the basis of agreements with the owners of transportation means and with people who have other estate rights to transportation means, if it is not otherwise stipulated by law or agreement, those having other estate rights to this property.

Article 13 is presented in the version of the Law of the Republic of Kazakhstan from July 7, 2006 No. 171-III (see old version)

The title of Article 13 is supplemented in accordance with the Law of the Republic of Kazakhstan from June 19, 2007 No. 264-III

Article 13. Special features of advertising of individual types of production (works and services)

Paragraph 1 is presented in the version of the [Law](#) of the Republic of Kazakhstan from June 19, 2007 No. 264-III ([see old version](#))

1. It is prohibited to advertise:

1) [ethyl alcohol](#) and [alcoholic products](#);

2) breast milk substitutes;

3) goods (works, services) subject to [mandatory certification](#) that have not passed it in the Republic of Kazakhstan;

4) tobacco and tobacco products;

5) in the form of performance of different measures, including prize drawings, lotteries directed at the stimulation of demand for and interest in and alcoholic product, tobacco and tobacco products.

Article 13 is supplemented by paragraph 1-1 in accordance with the [Law](#) of the Republic of Kazakhstan from June 19, 2007 No. 264-III

1-1. It is prohibited to advertise goods (works, services) with the use of elements of a trade mark or name, known as the name of an alcohol product, tobacco or tobacco product, which directly or indirectly promote an alcohol product, tobacco and tobacco product, with the exception of geographic indications and company names.

See: [Letter](#) of the General Procurator's office of the Republic of Kazakhstan "On Matters of Advertising of Non-Alcoholic Beer" (May 2008)

2. Excluded in accordance with the [Law](#) of the Republic of Kazakhstan from June 19, 2007 No. 264-III ([see old version](#))

3. The special features of advertising medicines are regulation by the [legislation](#) of the Republic of Kazakhstan on medicines.

4. Advertising of medical services, and also of new methods and means of the prevention, diagnostics, treatment and medical rehabilitation with the lack of a license and (or) permission for them, and also permission for their advertisement, issued in the [order](#) determined by the authorized agency in the area of public health care is prohibited.

5. Advertising of a [service weapon](#) and also armaments, military equipment and production with a dual purpose, the export and import of which is carried out in accordance with the [legislation](#) of the Republic of Kazakhstan is allowed only in special publications, and also at specialized exhibitions or trade fair sales. The indicated advertising must not directly or indirectly reveal the technology of the production, the methods of application of combat and special weaponry, armaments, military equipment.

Статья 14. Special features of the advertising of financial, insurance, investment services and securities

With the production, distribution, placement of advertising of financial (including banking), insurance, investment and other services connected with the use of money of physical persons and legal entities, and also securities, it is prohibited:

1) to provide in the advertising information that does not have a direct relationship to the advertised services or securities; риводить

2) to guarantee the receipt of income and amounts of dividends for simple stocks;

3) to advertise securities without registration of emission, and also with the cessation or acknowledgement of the aborted emission of the securities;

4) to provide any guarantees or proposals on the future effectiveness (profitability) of the activity, including by declaration of an increase in the market value of the securities;

5) to hide any of the essential conditions of agreements stipulated in the advertisement;

Changes included in subparagraph 6) in accordance with the [Law of the Republic of Kazakhstan from June 19, 2007 No. 264-III \(see old version\)](#)

6) the advertisement of types of business activity, which calls for physical persons to receive their own profit or benefit due to the involvement of other physical persons in the activity of this enterprise or the sale of goods of this enterprise;

The article is supplemented by subparagraph 7 in accordance with the [Law of the Republic of Kazakhstan from July 7, 2006 No. 181-III \(enters into force as of January 1, 2007\)](#)

7) advertisement of residential buildings before the issuance of permission for the initial construction work, and also in the period of the expiration of the license of the builder by the authorized agency.

The Law is supplemented by Article 14-1 in accordance with the [Law of the Republic of Kazakhstan from June 19, 2007 No. 26—III](#)

Article 14-1. Special features of advertising of trade marks and the goods designated by these trade marks

1. Trade marks registered in the established manner are given in the language of the original.

2. In cases where one trade mark is registered for several lists of goods and services, which include the name of the alcohol product, tobacco and tobacco product, then with distribution, placement of the advertising with the use of the indicated trade mark in the mandatory order the advertised goods and (or) services must be clearly defined.

With advertisement of the trade marks indicated in this paragraph, the size of the name of the goods and (or) services must occupy not less than thirty percent:

1) of the total area occupied by this advertisement, in periodic printed publications, external (visual) advertising, advertising on transportation means;

2) of the area of each frame that contains an image of the trade mark, in television, video and movie newsreel programs.

With the sound accompaniment of the advertising in television, radio, video and movie newsreel programs, the advertised goods and (or) services must be clearly defined.

3. The distribution, placement of advertising with violation of the requirements stipulated by paragraph 2 of this Article is recognized as the advertising of alcohol products, tobacco and tobacco products.

Article 15. Protection of minors with the production, distribution, placement of advertising

With the production, distribution, placement of advertising for the purposes of the protection of minors from the abuse of their trust and the lack of experience on their part the following are not permitted:

1) discrediting the authority of parents, undermining the trust of the minors in them;

2) a direct proposal asking them to persuade parents or other persons to acquire the advertised product;

3) a direct indication to the minors that the possession of this or that product gives them some kind of advantage over others, and also that the lack of such a product will lead to the reverse;

4) placement in the advertising of textual, visual or audio information, which shows minors in dangerous places or situations, when this is not justified for preventive purposes;

5) the visual or audio use of images of minors in advertising that does not relate directly to goods (works, services) for minors;

6) reduction in the necessary level of the habit of the use of the product in minors, with the exception of cases when the results of the use of the product are shown or described. The advertising must give information about what is actually obtainable for minors of this age group, for which the product is intended.

7) creation in minors of and unrealistic (distorted) idea about the cost (price) of the product for minors, and also direct or indirect indication of the fact that the advertised product is accessible for any family budget.

Article 16. Storage period for materials containing advertising

The advertiser, advertising agent are obligated to store for one year, the advertising distributor – not less than one month from the day of the last distribution, placement of the advertising, materials or their copies containing the advertising, including all subsequent changes made to them.

Chapter 3. State Regulation in the Advertising Sector

Article 17. State regulation in the advertising sector

1. Under state regulation in the advertising sector is understood the control of the production, distribution and placement of advertising established in accordance with the regulatory legal acts of the Republic of Kazakhstan.

State regulation in the advertising sector is carried out by the corresponding authorized agencies within the limits of their competence, established by the legislation of the Republic of Kazakhstan.

2. The main purposes of state regulation in the advertising sector are:

1) the protection of national interests;

2) the prevention and suppression of inappropriate advertising, and also advertising that infringes on public values and conventional standards of morals and values;

3) protection from unfair competition.

The Law is supplemented by Article 17-1 in accordance with the Law of the Republic of Kazakhstan from June 19, 2007 No. 26—III

Article 17-1. Scope of state agencies

State agencies within the limits of their scope:

1) participate in the development of regulatory legal acts on advertising;

2) introduce proposals for the refinement of the legislation of the Republic of Kazakhstan on advertising;

3) take measures of responsibility for violators of the legislation of the Republic of Kazakhstan on advertising;

4) examine the appeals of physical persons and (or) legal entities on matters of advertising activity;

5) monitor compliance with the legislation of the Republic of Kazakhstan on advertising.

The Law is supplemented by Article 17-2 in accordance with the Law of the Republic of Kazakhstan from June 19, 2007 No. 26—III

Article 17-2. Scope of the local executive agencies

Local executive agencies of the area (city of national status, capital):

1) issue permissions for the placement of objects of external (visual) advertising in populated areas;

2) take measures of responsibility for violators of the legislation of the Republic of Kazakhstan on advertising;

3) review appeals of physical persons and (or) legal entities on matters of advertising activity;

4) monitor within the limits of their scope compliance with the legislation of the Republic of Kazakhstan on advertising.

Article 18. Provision of advertising information

In the case of non-fulfillment of the requirements of this Law, the advertiser, advertising agent and advertising distributor according to the requirement of the authorized agencies are obligated to present documented confirmation of the advertising information in the order established by the legislation of the Republic of Kazakhstan.

If the advertiser, in spite of warning, does not change his requirement for advertising or does not provide the documented confirmation of the validity of his advertising information, or does not eliminate other circumstances, which might make the advertising inappropriate, the advertising agent and (or) advertising distributor has the right in the established order to cancel the agreement and demand the complete compensation of losses, if not otherwise stipulated in the agreement.

Article 19. Retraction

1. In the case of establishment of the fact of violation of the legislation of the Republic of Kazakhstan on advertising the person who allowed the violation is obligated to immediately stop the distribution, placement of this advertising and to issue a retraction in the order established by the [legislation](#) of the Republic of Kazakhstan. In this case, all expenses for the retraction are born by the person who committed the violation.

2. Retraction is carried out by the same means and methods of distribution, placement with the use of the same characteristics and parameters of duration, space, place and order for the retraction of the inappropriate advertising.

3. If the retraction is not carried out by the established deadline, then according to a decision of the authorized agency the retraction must be carried out by the advertising distributors who have the right to demand (regress) the compensation of losses suffered from the person who committed the violation of the legislation of the Republic of Kazakhstan on advertising and did not issue a retraction by the established deadline.

Article 20. Responsibility for violation of the legislation of the Republic of Kazakhstan on advertising

Paragraph 1 is supplemented in accordance with the [Law](#) of the Republic of Kazakhstan from June 19, 2007 No. 264-III

1. The advertiser bears [responsibility](#) for the violation of the legislation of the Republic of Kazakhstan on advertising in respect to its content, language, if it is not proven that this occurred at the fault of the advertising distributor or advertising agent.

2. The advertising distributor bears responsibility for violation of the legislation of the Republic of Kazakhstan on advertising in respect to the formation or production of the advertising.

3. The advertising distributor bears responsibility for violation of the legislation of the Republic of Kazakhstan on advertising in respect to the time, place and method of distribution, placement of advertising.

4. The responsibility of the persons indicated in paragraphs 1, 2, 3 of this Article, proceeds in the order stipulated by the laws of the Republic of Kazakhstan.

Article 21. Procedure for implementation of this Law

This Law enters into force as of the day of its official publication, with the exception of subparagraph 1) of paragraph 1 of Article 13, which enters into force as of January 1, 2004.

President of the Republic of Kazakhstan

N. NAZARBAYEV