

LAW OF THE REPUBLIC OF TADZHIKISTAN
ON ADVERTISING (ZRT [LAW OF THE REPUBLIC OF TADZHIKISTAN] No. 1163, DATED 27
NOV 2014)

(Akhbori Madzhlisi Oli of the Republic of Tadjhikistan 2003, No. 8, page 457;
2007, No. 6, page 432; 2008, No. 10, page 445; 2011, No. 12, page 843; 2012, No. 4,
page 262; 2014, No. 11, page 672; 2015, No. 3, page 224, ZRT No. 1456, dated 18
JUL 2017, ZRT No. 1457, dated 18 JUL 2017)

The current Law, which regulates relations in the area of advertising (excluding a political ad), safeguards it from unscrupulous competition, prevents and **prohibits** an inappropriate advertisement that may mislead ad users or cause harm to their health, to the property of physical and legal entities, way of life and dignity, to the honor and the business reputation of the given entities, and which encroaches upon their public interests, and principles of humanity and morality. (ZRT No. 812, dated 16 APR 2012)

CHAPTER 1. GENERAL PROVISIONS (ZRT No. 812, dated 16 APR 2012)

Article 1. Scope of the current Law

The current Law regulates relations arising in the process of the production, the placement, and the dissemination of advertising into commodities markets, the markets of **works and services** (hereinafter - product) of the Republic of Tadjhikistan, including the markets of banking, insurance, and other services associated with the use of the cash of physical and legal entities, as well as securities markets. (ZRT No. 1163, dated 27 NOV 2014)

The current Law also applies in those situations in which actions performed outside the borders of the Republic of Tadjhikistan by the physical or the legal entities of the Republic of Tadjhikistan in the sphere of advertising lead to the restriction of competition, to the misleading of physical or legal entities on the territory of the Republic of Tadjhikistan, or entail other negative consequences on the commodities markets of the Republic of Tadjhikistan, if interstate relations are regulated by international treaties.

The current Law extends to foreign physical and legal entities and entities without citizenship of individual registered entrepreneurs, as prescribed by law of the Republic of Tadjhikistan, producing, placing, and disseminating advertising on the territory of the Republic of Tadjhikistan.

The current Law does not extend to announcements, including in mass media, of physical entities not associated with the implementation of entrepreneurial activity.

Article 2. Basic concepts

The following basic concepts are used in the current Law:

- **advertisement** - disseminated in any form with the use of any type of means of information about a physical or legal entity, about products, ideas, and endeavors (advertised information), which is intended for an indefinite circle of entities and is intended to shape or uphold interest in physical and legal entities, products, ideas, and endeavors and to facilitate the sale of products, ideas, and endeavors; (ZRT No. 1163, dated 27 NOV

2014)

- **the advertising object – a product, the means of its individualization, the manufacturer or seller of a product, the results of intellectual activity or an event (including a sports competition, concert, or contest), to attract attention to which the ad is directed; (ZRT No. 1457, dated 18 JUL 2017)**

- **inappropriate ad** - an unscrupulous, unreliable, unethical, obviously false, clandestine ad, or an ad of another type in which violations of the requirements for its content, time, place, and manner of dissemination, as prescribed by law of the Republic of Tadjikistan, are violated; **(ZRT No. 1163, dated 27 NOV 2014)**

- **counter-advertising** - a rebuttal to an inappropriate ad, which is disseminated for the purposes of eliminating its consequences; **(ZRT No. 1163, dated 27 NOV 2014)**

- **advertiser** – a physical or legal entity on whose order an ad is created and disseminated; **(ZRT No. 812, dated 16 APR 2012)**

- **ad producer** - a physical or legal entity performing the complete or partial compilation of advertising information toward its finished form for dissemination;

- **ad distributor** - a physical or legal entity performing the placement or dissemination of the advertising information by means of the provision or use of property, including the technical means of radio and television, as well as channels of communication, airtime and the use of other means;

- **ad users** - the physical or legal entities to whose attention an ad is directed;

- **external advertising** — posters, stands, light boards, and other technical means, their installation in a specific territory;

- **internal advertising** - any ad placed inside residences, buildings, and structures;

- **social advertisement** – a noncommercial advertisement about a healthy lifestyle, health protection, **the protection of the surrounding environment**, the safety of the population, the prevention of legal offenses and other social questions; **(ZRT No. 1163, dated 27 NOV 2014)**

- **offer** - a proposal to make a contract, directed toward one or several concrete entities and encompassing basic contract requirements;

- **acceptance** - adoption of the terms of a contract by an entity;

- **current events** - **the process of events which have occurred, important occurrences, facts from personal or social life, as well as the results of investigations and initiatives; (ZRT No. 1456, dated 18 JUL 2017)**

- **sponsorship** - implementation by a physical or legal entity (sponsor) of a contribution (in the form of providing property, the results of intellectual activity, the rendering of services, the performance of work) to the activity of another physical or legal entity (sponsored party) according to the terms of the dissemination by the sponsored party of an advertisement about the sponsor, about his products;

- **sponsor's contribution** – payment to the sponsored party (the advertisement distributor) for the advertisement by the sponsor (the advertiser). **(ZRT No. 1163, dated 27 NOV 2014)**

...

CHAPTER 2. GENERAL AND SPECIAL REQUIREMENTS REGARDING THE ADVERTISEMENT (ZRT No. 812, dated 16 Apr 2012)

...

Article 6. Unscrupulous advertisement

An advertisement is unscrupulous if it:

discredits physical and legal entities who do not use the advertised commodities;

contains incorrect comparisons of the advertised product with a product (products) of other physical or legal entities, or also contains statements or images defaming the honor, dignity, or business reputation of a competitor (of competitors);

misleads users with regard to the advertised product through imitation (copying or emulation) of a general design, text, advertising formulas, images, musical or sound effects used in the advertising of other products, or by means of the abuse of the trust of physical entities or their lack of experience or expertise, including in conjunction with the absence of an essential piece of information in the advertisement.

An unscrupulous advertisement is prohibited.

Article 7. Unreliable advertisement

An unreliable advertisement is one in which there is information that does not correspond to reality with regard to:

such characteristics of a product as its nature, composition, manner and date of preparation, designation, consumer properties, conditions of application, availability of a compliance certificate, certification marks and marks of compliance with state standards, quantity, and place of origination;

the availability of a product on the market, the possibility of its purchase in designated quantities, time and place;

supplementary terms of payment, delivery, exchange, return, repair, and servicing of the product;

delivery, exchange, return, repair, and servicing of the product;

warranties, service life, expiration dates;

rights for the use of state symbols, as well as symbols of international organizations;

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

the presentation of information about the ways to acquire the full series of a product if the product is a part of a series;

the results of research and experiments, scientific terms, quotes from technical, scientific, and other publications;

statistical data, which should not be presented in a form that exaggerates its validity;

references to any recommendations or to the approval of physical or legal entities, including to those which are outdated;

the use of superlatives, including through the use of the words "glorious", "best", "absolute", "one of a kind", "**number 1**", "**best**" [sic!], "**highest quality**" and the like, if it is not possible to support them with documentation;

the use of a comparative term for an advertised object of low quality, including the use of the words "lowest price", "cheapest" and others, in the event that it is not possible to approve them with documentation; (ZRT No. 1457, dated

18 JUL 2017)

comparisons with another product (other products), as well as with the rights and situation of the physical or legal entities;

references to any consumer guarantees of the advertised products;

the actual demand volume for a product;

information about the advertiser himself.

An unreliable advertisement is prohibited.

...

Article 17. Advertising features of selected types of products

It is prohibited to advertise ethyl alcohol and alcoholic beverages, tobacco and tobacco products, pornographic audio, video, and print materials, products for feeding children and bottles (feeding bottles) for nursing, nipples, pacifiers, narcotic agents, psychotropic substances and precursors, military weapons, service weapons, ammunition and military technology, and medicines released through a doctor's prescription, and to compare medicines with other medicines by advertising them.

The advertising of medicines, medical technology, healthcare products and sanitary equipment/plumbing fixtures, therapeutic food and health products, nutritional supplements and cosmetic agents, as well as the advertising of methods of treatment, prevention, diagnostics and recovery is permitted only given the availability of the corresponding licenses or documentation from the Ministry of Health and Social Welfare of the people of the Republic of Tadjikistan permitting this. This includes the acquisition of a patent for an invention in a given industry.

The advertising of authorized civilian weapons, including hunting and sporting firearms, is permitted only in periodical printed publications that specialize in ad distribution, as well as in other periodical printed publications intended for the users of such weaponry, and in the locations where hunting and sporting weaponry is used, as well as in electronic mass media sources, only after 10:00 p.m. local time. ZRT No. 1202, dated 18 MAR 2015

...

Article 20. Restrictions in the sponsor's activity

The sponsor may not interfere in the activity of the sponsored party.

The sponsorship of ads by physical and legal entities which produce alcoholic beverages, tobacco, and tobacco products, is prohibited. ZRT No. 1456, dated 18 JUL 2017)

The sponsorship of informational programs about current events is prohibited.

...

No. 812, dated 16 APR 2012)

Article 27. The authorized state agency in the domain of advertising
State monitoring of compliance with the law of the Republic of Tadjikistan
in advertising shall be implemented by the authorized state agency.

The authorized state agency:

- implements the unified government policy in the domain of advertising and advertising activity, the protection of ad consumers' rights and control over advertising activity;

- formulates state programs for advertising and advertising activities and organizes their implementation;

- coordinates the activity of state agencies and the agencies of the self-government of settlements and villages, as well as of economic entities, including individual entrepreneurs, in the domain of advertising and advertising activity, ensures a competitive environment on the advertising and advertising activity market;

- implements the monitoring of the status of the advertising and advertising activity market, develops and conducts a unified informational data bank about advertising and advertising activity.

- issues an order to rectify a violation of the law of the Republic of Tadjikistan regarding an ad by an advertiser, an ad producer, and an ad distributor, and makes the decision to implement counter-advertising and monitors their implementation;

- in the manner prescribed by the law of the Republic of Tadjikistan, it directs materials accordingly to the law enforcement officials for further inspection when the advertising activity of advertisers, ad producers, or ad distributors is associated with a crime or other violations of the law;

- within its powers, implementing the tasks of protecting consumer rights and preventing unfair competition on the advertising and advertising activity market, it sues in court to invalidate deals associated with an inappropriate ad;

- it exercises other powers provided for by the law of the Republic of Tadjikistan. (ZRT No. 1202, dated 18 Mar 2015)

...

CHAPTER 5. COUNTER-ADVERTISING AND RESPONSIBILITY FOR
AN INAPPROPRIATE AD (ZRT No. 812, dated 16 APR 2012)

Article 29. Counter-advertisement

If a violation of the law of the Republic of Tadjikistan with regard to advertising is factually established, **the offender** is obliged to implement a counter-ad within the period of time established by the authorized state agency (by its territorial administration) that made the decision about the implementation of a counter-ad. (ZRT No. 1163, dated 27 NOV 2014)

At the same time, **the offender** bears the full costs of a counter-ad.

In the event that a counter-ad is not implemented **by the offender** within the

appointed period, the authorized state agency, having made the decision on the running of a counter-ad, is entitled to decide about the full or partial suspension of the ad **of the offender** up to the day the distribution of the counter-ad by him is complete. **(ZRT No. 1163, dated 27 NOV 2014)**

At the same time, the agency making the decision to suspend the ad **of the offender in whole or part**, is obliged to **require that the offender** immediately **inform** all parties of the contracts with **the offender** for the production, the placement and the dissemination of his ad.

The counter-ad shall be implemented via the same means of distribution, with the use of the same characteristics of duration, space, place, and order as the disapproved, inappropriate ad.

The content of the counter-ad shall be in accord with the authorized state agency that established the factual violation and made the corresponding decision to strike it.

In individual cases, in accordance with the decision of the authorized state agency regarding the running of a counter-ad, permission is given to substitute the means of distribution, the airtime length, the place, and the order of implementation of the counter-ad. **(ZRT No. 812, dated 16 APR 2012)**

Article 30. Responsibility of the advertiser, the ad producer, and the ad distributor

The advertiser bears the responsibility for a violation of the law of the Republic of Tadjikistan on advertising in the domain of the placement of information for the organization of a proposed ad if it has not been proved that the violation has been committed through the fault of the producer of the ad or its distributor.

The ad producer bears the responsibility for the violation of the law of the Republic of Tadjikistan on advertising in the domain of its design, production, and preparation.

The ad distributor bears the responsibility for the violation of the law of the Republic of Tadjikistan in the domain of its time, place, and mode of placement.

Entities whose rights and interests are violated as a result of an inappropriate ad are entitled to appeal to the court as prescribed by law for the reimbursement of damages, compensation for moral harm, and the public rebuttal of the inappropriate ad. (ZRT No. 812, dated 16 APR 2012)

Article 31. Responsibility for violation of the current Law

Physical and legal entities are held accountable for the violation of the current Law in accordance with the law of the Republic of Tadjikistan. **(ZRT No. 812, dated 16 APR 2012)**

Article 32. Procedure for the entry into force of the current Law

The current Law enters into force after its official publication.

President
of the Republic of Tadjikistan E. Rachmonov
Dushanbe, 1 AUG 2003, No. 34