

Law of Ukraine on Advertising

Date of Adoption: 3 July 1996 (later amended and consolidated as of 2008)

Date of entry into force: 3 July 1996 (later amended and consolidated as of 2008)

This Law shall define the framework for the advertising activity in Ukraine, and shall govern relations arising in the course of production, distribution and consumption of advertisements.

Chapter I General Provisions

Article 1 Definition of terms

The terms cited in this Law below shall have the following meanings:

Advertising producer – a person/entity producing, entirely or partially, advertising;

Indoor advertising – advertising, which is placed within the houses, buildings, including movie theatres and theatres, at the time, before and after demonstration of movies and performances, concerts, and also at the time of sports events, which are held in indoor areas, except for sales areas (including bars, coffee-shops, stalls), where information on products, that are sold directly in those places, may be placed; {The third paragraph of Article 1 in edition of the Law No. 145-VI (145-17) dated 03.18.2008}

Activities of advertising nature – advertising distribution activities, which provide free-of-charge distribution of advertised product samples and/or exchange thereof, of the same quantity or of the same type of advertised products for another type, for consumers; {Article 1 is supplied with paragraph pursuant to the Law No. 145-VI (145-17) dated 03.18.2008}

Discount – a temporary reduction of product price, which is granted to customers (consumers); {Article 1 is supplied with paragraph pursuant to the Law No. 145-VI (145-17) dated 03.18.2008}

Outdoor advertising – an advertising, placed on special temporary and stationary constructions located in open area, and also on external face of houses, buildings, on elements of street furniture, above traffic-ways and roads;

Unfair advertising – an advertising, which defrauds or may defraud advertising consumers, inflict harm to persons/entities, state or society, through inaccuracy, unreliability, ambiguity, exaggeration, concealment, violation of requirements concerning time, place and method of distribution;

Person/entity – an individual, including a subject of entrepreneurial activity, a legal entity of any form of ownership, representative office of non-resident in Ukraine;

Comparative advertising – an advertising, which contains comparison with other persons/entities and/or products thereof;

Indirect advertising – an information on person/entity or products in program, broadcast, publication, if such information serves advertising purposes, and may defraud persons/entities concerning true purposes of such programs, broadcasts, publications;

Advertising/advertisement – an information on person/entity or products, distributed in any form with the help of any media, which is aimed to form and support knowledge of advertising consumers and their interest regarding such person/entity or product;

Advertising on transport – an advertising, which is placed in the territory of public transport enterprises, underground, exterior and interior of transport vehicles, and buildings of public transport enterprises and underground;

Advertising media – instruments, used for bringing advertising to its consumer;

Advertiser – a person/entity, which is an ordering party of advertising for its production and/or distribution;

Advertising distributor – a person/entity distributing advertising;

Social advertising – an information of any type, distributed in any form, which is intended to achieve objectives of public utility, promotion of human values, and which distribution has no aim of receiving profit;

Special exhibition events – events, which are performed with the purpose to promote relevant product in market; executed in special premises or enclosed area (including places of product merchandising), in an orderly manner and on specified time; designated for involved and/or professional visitors; which promoter restricted attendance of event by those persons, to whom, pursuant to the laws, it is permitted to sell demonstrated products; {Article 1 is supplied with paragraph pursuant to the Law No. 145-VI (145-17) dated 03.18.2008}

Advertising consumers – an uncertain range of persons/entities, to whose attention advertising is directed;

Sponsorship – a voluntary material, financial, organizational and other support by individuals and legal entities of any activity, with intent to promote exceptionally their own names, brands, trademarks for goods and services;

Product – any item of economic turnover, including products, work, services, securities, subject matters of intellectual property rights.

Article 2 Sphere of application of this law

1. This Law shall govern relations associated with production, distribution and consumption of advertising in the territory of Ukraine.

2. Operation of this Law shall not apply to relations associated with distribution of information, implied distribution and disclosure of which is not determined by other laws of Ukraine.

3. Operation of this Law shall not apply to individuals' announcements not associated with entrepreneurial activity.

Article 3 Legislation on Advertising

1. The legislation of Ukraine on advertising shall consist of this Law and other regulatory acts, which govern relations in the advertising sphere.

2. If international law of Ukraine, which obligation is provided by consent of the Supreme Council of Ukraine, sets other rules than those prescribed by the legislation of Ukraine on advertising, then the rules of international law shall apply.

Article 4 Use of subject matters of copyright and (or) related rights in advertising

The use of subject matters of copyright and (or) related rights in advertising shall be effected in accordance with requirements of the laws of Ukraine on copyright and related rights. (Article 4 in edition of the Law No. 1407-IV (1407-15) dated 02.03.2004)

Article 5 Sponsorship

{Name of Article 5 in edition of the Law No. 145-VI (145-17) dated 03.18.2008}

1. It is prohibited to give any information of advertising nature on sponsor and/or products thereof, except for name or brand and trademark for products and

services of sponsors, in TV and radio programs, materials in other mass media, entertainments and other events created and effected with the participation of sponsors. It is prohibited to give any information of advertising nature, which is given in the form of narration and/or audio, on sponsor – manufacturer of alcohol drinks, its name (brand) and/or trademark for products and services owned by sponsor.

{The first part of Article 5 is supplied with the second paragraph pursuant to the Law No. 145-VI (145-17) dated 03.18.2008 – with the effective date of 1 January 2009}

2. The persons/entities producing or distributing products, which advertising is prohibited by the laws, may not be sponsors.

3. The persons/entities producing or distributing products, which production and/or turnover is prohibited by the laws, may not be sponsors.

4. Program, broadcast, prepared with the support of sponsor, must be marked by subtitles or narration at the beginning and/or at the end of program, broadcast.

5. Sponsor shall not have the right to affect the content and air time of program, broadcast or content of printed materials sponsored by him.

6. Sponsorship of news programs and newscasts is prohibited.

Article 6 Language of advertising

Application of language in advertising shall be performed pursuant to the laws of Ukraine on languages.

Trademarks for products and services shall be given as provided by legal protection in Ukraine pursuant to the laws, particularly, Article 6 of the Paris Convention for the Protection of Industrial Property (995_123).

{Article 6 in edition of the Law No. 1407-IV (1407-15) dated 02.03.2004; with amendments made pursuant to the Law 145-VI (145-17) dated 03.18.2008}

Chapter II General Requirements to Advertising

Article 7 Principles of advertising

1. Basic principles of advertising are legality, accuracy, fidelity, the use of forms and means, which do not harm advertising consumer.
2. Advertising must not undermine society's trust in advertising, and must conform to the principles of fair competition.
3. Advertising must not contain information or imagery, which violate ethical, humanistic and moral standards, and neglect rules of decorum.
4. Advertising must take into account especial sensibility of children, and not hurt them.

Article 8 General requirements to advertising

1. It is prohibited to:
 - a) Spread information concerning products, which production, turnover or import to customs territory of Ukraine is prohibited by law;
 - b) Contain statements, which are discriminatory on grounds of descent of human, social and property status, race and national identity, gender, education, political opinions, attitude to religion, on grounds of language, kind and nature of occupation, place of residence, and also those, which discredit the products of other persons;
 - c) Provide data or call for actions, which may result in violation of laws, inflict or may inflict harm to health or life of people and/or environment, and also which encourage to disregard security measures;

- d) Use means and technologies, which have an effect on sub consciousness of advertising consumers;
- e) Provide discriminatory statements concerning persons who do not use the advertised product;
- f) Use or imitate the images of State Coat-of-Arms of Ukraine, State Flag of Ukraine, sounding of State Anthem of Ukraine, the images of other states and international organizations state symbols, and also official names of state authorities of Ukraine, local governments, except as provided for by laws of Ukraine in the field of intellectual property; {The seventh paragraph of the first part, Article 8 in edition of the Law No. 145-VI (145-17) dated 03.18.2008}
- g) Advertise products, which are subject to mandatory certification, or production or realization of which requires a special permit, license, failing relevant certification, permit, license; {The eighth paragraph of the first part, Article 8, with amendments made pursuant to the Law No. 145-VI (145-17) dated 18.03.2008}
- h) Contain image of individual or use his/her name without written consent of this individual; {The ninth paragraph of the first part, Article 8, with amendments made pursuant to the Law No. 145-VI (145-17) dated 03.18.2008}
- i) Imitate or copy text, image, music or sound effects, which are used in advertising of other products, unless otherwise provided by laws of Ukraine in the field of intellectual property;
- j) Advertise services related to concert, tour, tour-and-concert, contest, festival activity without information on use or non-use of phonograms by performing musicians. This information must cover not less than 5 per cent of total area or volume of overall advertising on advertising bills and other advertising media;
- k) Distribute advertising (including advanced advertisements of cinema films and TV films), which contains features of cruelty, violence, pornography, cynicism, abasement of human honor and dignity. Advanced advertisements of films, which contain restrictions regarding viewing audience, are placed only during the time intended for such films.

2. Advertising distributors may not distribute advertising, if under the laws, types of activity or products, which are advertised, are subject to mandatory certification or their production or realization requires a special permit, license,

but advertiser did not provide advertising distributor with copies of such certificate, permit, and license certified in accordance with the applicable procedure.

{The second part of Article 8 in edition of the Law No. 145-VI (145-17) dated 03.18.2008}

3. Advertisements for contests, lotteries, prize drawings, events of advertising nature, etc., must contain information on dates and venues of those events, and specify information source, where one may find out terms and venues of those events. Information regarding any changes of terms, venue and dates of contests, lotteries, prize drawings, events of advertising nature, etc., must be provided in the same manner as it was distributed.

{The third part of Article 8 in edition of the Law No. 145-VI (145-17) dated 03.18.2008}

{The fourth part of Article 8 is deleted pursuant to the Law No. 145-VI (145-17) dated 03.18.2008}

5. Advertising of price discounts for products and sale must contain information on location, date of beginning and end of price discounts for products and sale, as well as ratio of discount amount to the previous price of product realization.

{The fifth part of Article 8, with amendments made pursuant to the Law No. 145-VI (145-17) dated 03.18.2008}

6. Sound level of advertisement translated on TV and radio must not exceed sound level of current program, broadcast.

7. Placement of information on advertising producer and/or products in the places where those products are merchandised or provided for consumer, including on details of facilities and/or decoration of sales areas, and directly on products and/or packages thereof, is not considered as advertising.

{The seventh part of Article 8, with amendments made pursuant to the Law No. 145-VI (145-17) dated 03.18.2008}

Article 9 Identification of advertising

1. Advertising must be clearly separated from other information, regardless of forms or methods of distribution, in such a way that it could be identified as advertising.

2. Advertising in TV- and radiobroadcasts, programs must be clearly separated from other programs, broadcasts at their beginning and end, with the help of audio-, video- and combined means, subtitles, advertising logotype or commentaries of anchormen with use of word "advertising".

3. Informational, authorial or editorial material, which draws attention to a certain person or product, and which forms and supports knowledge and interest of viewers (listeners, readers) regarding that person or product, is advertising, and shall be placed under heading "Advertising" or "As advertising".

4. Logotype of TV and radio company performing a transmission of programs, broadcasts, shall not be considered as advertising.

5. Indirect advertising is prohibited.

6. Sign or board with information on registered name of person/entity, trademarks for products and services owned by that person/entity, type of his/her/its activity (if it does not follow from registered name of person/entity), work time, which is placed in the interior of premises, own or assigned for use by person/entity, on the exterior of house or building, not above ground floor or on the floor, where premises, own or assigned for use by person/entity, are located, shall not be considered as advertising.

{Article 9 is supplied with the sixth part pursuant to the Law No. 145-VI (145-17) dated 03.18.2008}

Article 10 Unfair advertising

1. Unfair advertising is prohibited.
2. The responsibility for unfair advertising lies on the party at fault.
3. Resolutions regarding recognition of advertising as unfair shall be adopted by state authorities, defined in Article 26 of this Law.

Article 11 Comparative advertising

1. Relations arising in connection with comparative advertising shall be governed by the laws of Ukraine on protection against unfair advertising.
2. Unlawful comparison in advertising is the responsibility of advertiser.
3. Resolutions regarding recognition of comparison in advertising as unlawful shall be adopted by state authorities, defined in Article 26 of this Law.

Article 12 Social advertising

1. Any person/entity may be an advertiser of social advertising.
2. Social advertising must not contain references to specific product and/or its manufacturer, advertiser (except when advertiser is a non-governmental organization), subject matters of intellectual property rights owned by product manufacturer or advertiser of social advertising.

{The second part of Article 12 in edition of the Law No. 145-VI (145-17) dated 03.18.2008}

3. The benefits, provided for by laws of Ukraine for charity, shall apply to persons/entities producing and distributing social advertising free of charge, and

also, to persons/entities transferring their property and funds for production and distribution of social advertising.

4. Mass media – advertising distributors, whose activity, entirely or partially, is financed from state or local budgets, which are obliged to place social advertising of state and local authorities, non-governmental organizations, free of charge, in volume not less than 5 per cent of broadcast time, printed area provided for advertising.

5. Mass media – advertising distributors, whose activity, entirely or partially, is financed from state or local budgets, which are obliged to provide benefits when placing social advertising, the customers of which are educational, cultural and health institutions supported by state or local budgets, and also charitable organizations.

6. When paying for services on placement of social advertising, advertising tax shall be determined by the Decree of Cabinet of Ministers of Ukraine “On Local Taxes and Duties” (56-93).

{Article 12 is supplied with the sixth part pursuant to the Law No. 145-VI (145-17) dated 03.18.2008}

Article 13 Advertising on TV and radio

1. Broadcasting time, provided by TV and radio company of any form of ownership for advertising, may not exceed 15 percent, and during elections – 20 percent of real broadcasting volume, over a period of astronomical day. This provision shall not apply to specialized advertising broadcasting channels. Time, provided for political advertising during elections by specialized advertising broadcasting channels, may not exceed 20 percent of real broadcasting volume, over each broadcasting hour. (The first part of Article 13 in version of the Law No. 3099-IV (3099-15) dated 11.17.2005; with amendments made pursuant to the Law No. 3253-IV (3253-15) dated 12.21.2005)

2. A share of advertising during each astronomical hour of real broadcasting must not exceed 20 percent, and during elections – 25 percent. (The second part of Article 13 in version of the Law No. 3253-IV (3253-15) dated 12.21.2005)

3. Advertisements must be placed during breaks between programs, broadcasts. When executing terms set out in the fifth part of this article, advertisements may be placed during transmission of program, broadcast in such a way that not to inflict harm to integrity and contents of program, broadcast and rights of their owners.

4. It is prohibited to interrupt, for the purposes of placement of advertisements, the transmission of sessions of the Supreme Council of Ukraine, sessions of the Supreme Council of the Autonomous Republic of Crimea, official state events and ceremonies, speeches of the President of Ukraine, Head of the Supreme Council of Ukraine, the Prime-Minister of Ukraine, Head of Constitutional Court of Ukraine, members of the Parliament, members of the Government of Ukraine, and also transmissions of religious services, programs, children's programs, news programs and broadcasts.

5. Transmission of concerts and entertainments programs and broadcasts may be interrupted by advertising provided that program, broadcast between advertising spots lasts not less than 30 minutes.

Advertisements during the transmission of sports programs, broadcasts shall be placed at break time between their parts.

During the transmission of movies and TV films, advertisements shall be placed before the beginning and/or after the end of film.

Transmission of movies and TV films, given that their duration is up to 42 minutes, may not be interrupted by advertising or any editorial, authorial or information material (including advance advertising of programs, broadcasts).

Transmission of movies and TV films, given that their duration is between 42 and 70 minutes, may be interrupted by advertising or any editorial, authorial or information material (including advance advertising of programs, broadcasts) once, given that their duration is from 70 up to 90 minutes – twice. Transmission of movies and TV films with duration over 90 minutes may be interrupted by advertising or any editorial, authorial or information material (including advance advertising of programs, broadcasts) every 30 minutes, given that after last break the film lasts not less than up to and including 20 minutes.

6. For the purposes of this Article, the following shall not be considered as advertising:

- a) Announcement of the sponsor's name, subject matters of intellectual property rights owned by sponsor;
- b) Transmission of social advertising, if it is distributed by TV and radio company free of charge;
- c) Advance advertisings of own TV and radio company programs, broadcasts.

7. It is the responsibility of TV and radio company to fulfill requirements regarding order of advertisements placement and distribution in programs, broadcasts.

8. It is prohibited for anchormen, reporters and other participants of informational and informational-analytical programs, broadcasts to refer to consumer properties of product and/or specify banking accounts, contact telephone numbers, location of products manufacturer, price of product.

9. Broadcasting (repeat broadcasting) of advertising, which is contained in programs, broadcasts of foreign TV and radio companies, broadcasting (re-broadcasting) in the territory of Ukraine, shall be permitted only in case if the broadcasting (repeat broadcasting) of advertising is paid for to legal entity of Ukraine, regardless of performing method of such broadcasting (repeat broadcasting).

It is prohibited for program services providers to place advertisements in programs, broadcasts of foreign TV and radio companies.

{The ninth part of Article 13 is supplied with the second paragraph pursuant to the Law No. 145-VI (145-17) dated 03.18.2008}

Article 14 Advertising in printed media

1. Volume of advertising in printed media shall be determined independently by itself. Printed media, distributed by subscription, must in terms of subscription to specify the amount of advertising in total volume of edition. (The first part of Article 14 with amendments made pursuant to the Law No. 3099-IV (3099-15) dated 11.17.2005)

2. Printed area, provided for political advertising during elections in printed media, including advertising, may not exceed 20 percent of printed area volume of each edition number or supplement to it. This restriction does not apply to printed media, whose founders are political parties.

{Article 14 is supplied with the second part pursuant to the Law No. 3099-IV (3099-15) dated 11.17.2005}

Article 15 Advertising of services provided with use of telecommunications

1. Advertising of services provided with use of telecommunications, including telephone, when distributing it in mass media, must contain precise information regarding:

- a) Content of advertised service;
- b) Cost of advertised service;
- c) Age and other restrictions, established by the laws and services producer concerning the consumer's range of advertised service;

- d) Free or paid use of telephone channel when providing advertising service, and cost per one minute of telecommunication when obtaining service in relevant region;
- e) Full name and address of advertised service provider.

This information shall be given with the help of type font not less than a half of type font given for telephone number, which is used for provision of advertised service.

2. It is prohibited to distribute advertising with use of telex or fax communications.

3. It is prohibited to use free telephone numbers of militia, emergency call service, fire brigade and other emergency service for distribution of advertising.

Article 16 Outdoor advertising

1. Distribution of outdoor advertising in population centers shall be performed on the basis of authorizations, issued by executive bodies of village, settlements and city councils, according to procedure set by those bodies on the basis of common rules, which are approved by the Cabinet of Ministers of Ukraine. When issuing authorizations for distribution of outdoor advertising, interference with form and content of outdoor advertising is prohibited.

Outdoor advertising on the territories, houses and buildings shall be distributed under consent of their owners or agencies (persons/entities) authorized by them.

Distribution of outdoor advertising in the territories and facilities out of population centers shall be performed under consent of their owners or agencies (persons/entities) authorized by them.

Collecting of payment for issuance of authorizations is prohibited.

2. Outdoor advertising must comply with the following requirements:

- a) Be distributed in compliance with requirements of safety precautions and with provision of visibility of road signs, traffic lights, intersections, pedestrian crossings, public transport stops, and not display images of road signs;
- b) Illumination of outdoor advertising must not blind road users, and apartments in residential buildings;
- c) Basis of ground-mounted outdoor advertising, which stand above ground surface, may be decorated;
- d) Base of ground-mounted outdoor advertising located along traffic ways and roads, must have vertical road markings applied with the help of reflecting materials, up to 2 meters above the ground;
- e) Bottom edge of outdoor advertising located above street way, including on bridges, overpasses, etc., must be located at least 5 meters above the road surface;
- f) In places, where traffic way adjoins basements of houses or guarding rails, outdoor advertising may be located along the buildings or guardrails.

3. It is prohibited to locate facilities of outdoor advertising:

- a) On pedestrian paths and alleys;
- b) In residential areas, at height less than 5 meters above road surfacing, if the advertising surface protrudes into the roadway;
- c) Outside of residential areas, at a distance less than 5 meters from the roadway.

4. Placement of outdoor advertising on monuments and within protection zones in areas of monuments of national or local importance, near natural reserves shall be permitted as agreed with central or local executive bodies in area of protection cultural heritage.

5. The list of restrictions and prohibitions regarding distribution of outdoor advertising, set by this Law, is full.

Article 17 Indoor advertising

1. Distribution of indoor advertising shall be coordinated only with the owner of its location or with the person/entity authorized by him/her. When coordinating distribution of indoor advertising, interference with form and content of indoor advertising is prohibited.

{The first part of Article 17 with amendments made pursuant to the Law No. 145-VI (145-17) dated 03.18.2008}

2. It is prohibited to locate indoor advertising on premises of state and local authorities, preschool educational establishments, secondary comprehensive schools and specialized comprehensive educational establishments. This prohibition shall not apply to social advertising.

Article 18 Advertising on transport

1. Distribution of advertising on transport shall be coordinated only with the owners of transport means or with agencies (persons/entities) authorized by them. When coordinating distribution of advertising on transport, interference with form and content of advertising on transport is prohibited.

2. Distribution of advertising on transport must comply with safety requirements and traffic rules.

3. Given that advertising on transport is distributed in compliance with safety requirements and traffic rules, it is prohibited to demand from owners of transport means to obtain authorizations, approvals, other documents regarding distribution of advertising.

4. Regarding transport means, it is prohibited to distribute:

a) Advertisements, which repeat or copy color and graphical schemes of special and operating transport means;

- b) Advertisements with reflecting materials;
- c) Advertisements accompanied by sound or light.

It is prohibited to locate advertisements on glass (clear) surfaces of transport means, except for cases, when used materials do not block visibility from the vehicle's cabin.

5. It is prohibited to advertise through radio broadcasting and other broadcasting sound systems for passengers of public transportation, at subway stations, railroad stations, seaports and airports, except for social advertising.

Article 19 Advertising during movie screenings

It is prohibited to interrupt, for the purposes of advertising, screening of feature and documentary films in movie theatres, and other places of public movie, video and slide film screenings.

Article 20 Advertising and children

1. There is a ban on advertising:

- a) Using images of children who consume or use products intended only for adults or prohibited by the law for purchase or consumption by minors;
- b) With information, which may explore reputation of parents, foster parents, guardians, trustees, teachers, and children's trust in them;
- c) Urging children to purchase products or to ask third persons to make a purchase;
- d) Using images of real or toy weapon, explosive devices.

2. Advertising must not contain images of children being in hazardous situations or circumstances, which in case of their imitation may inflict injury to children or other persons, and also information, which is able to provoke neglectful attitude of children to situations hazardous for health and life.

3. Advertising must not inflict moral or physical harm to children, provoke inferiority feeling.

4. Advertising must not imply that each family is capable to purchase the advertised product intended mainly for children, regardless of their budget.

5. Advertising must not suggest that possession of advertised product provides children with advantages over other children.

Chapter III Particulars of Advertising of Some Types of Products

Article 21 Advertising of medications, medical technologies, methods of prevention, diagnostics, treatment and rehabilitation

1. It is permitted to advertise:

a) Only medications, medical technologies, methods of prevention, diagnostics, treatment and rehabilitation, which are, as established by law, certified by specially authorized central executive body in the field of health area for application in Ukraine;

b) Only medications, which are dispensed without doctor's prescription, and only such medical technologies, methods of prevention, diagnostics, treatment and rehabilitation, which use does not require special knowledge and training.

2. Advertising of medications, which are distributed only by doctor's prescription, is prohibited.

3. Advertising of doping drugs and/or methods of their use in sports is prohibited.

4. Advertising of medications, medical technologies, and methods of prevention, diagnostics, treatment and rehabilitation must contain:

a) Objective information on medication, and be performed in such a way that it would be clear that mentioned announcement is an advertisement, and advertised product is a medication;

b) Demand for necessity of doctor's advice before use of medication; {The third and fourth paragraphs of the fourth part of Article 21 are substituted for paragraph pursuant to the Law No. 145-VI (145-17) dated 03.18.2008}

c) Advice regarding obligatory survey of prescribing information attached to medications.

5. Advertising of medications, medical technologies, methods of prevention, diagnostics, treatment and rehabilitation must not contain references to therapeutic effects regarding diseases, which are not treatable or hardly treatable.

6. Regarding advertising of medications, medical technologies, methods of prevention, diagnostics, treatment and rehabilitation, it is prohibited to distribute:

a) Information that may suggest that in the case of use of medication or medical technologies, professional advice is not necessary;

b) Information that therapeutic effect from the use of medication or medical technologies is guaranteed;

c) Images of change in human body or parts thereof due to illness, wounds;

d) Statements that facilitate the occurrence or development of the fear to fall sick or make worse one's health condition through failure to use advertised medications, medical technologies and medical services;

e) Statements that facilitate the capability of independent establishment regarding diagnosis of diseases and pathological human condition, and self-treatment with the use of advertised medications;

- f) References to medications, medical technologies, methods of prevention, diagnostics, treatment and rehabilitation as being the most effective and safest, exceptional regarding absence of side effects;
- g) Comparison with other medications, medical technologies, methods of prevention, diagnostics, treatment and rehabilitation for the purpose of strengthening of advertising effect;
- h) References to specific cases of successful use of medications, medical technologies, methods of prevention, diagnostics, treatment and rehabilitation;
- i) Advices or references to advices of health professionals, scientists, health care institutions and organizations regarding advertised product or service;
- j) Special demonstration of gratitude, appreciation, letters, fragments of letters with advices, stories on use and effects of action of advertised product or service, from individual persons;
- k) Pictures and references to names of popular people, heroes of cinema, TV and animation films, authoritative organizations;
- l) Information that may defraud consumer regarding compound, origin, effectiveness, patent security of medication.

7. Participation of doctors and other health professionals, and also persons, whose appearance imitates the appearance of doctors, is prohibited in advertising of medications, medical technologies, and methods of prevention, diagnostics, treatment and rehabilitation.

8. Regarding advertising of medications, it is prohibited to contain information that allows to presume that medication is nutritional, cosmetic or another consumer product, or that its safety or effectiveness is caused by its natural origin.

9. Regarding advertising of cosmetic, foodstuff, vitamin and other food additives, reference to that those products have medical properties, unless otherwise confirmed in proper legal manner by specially authorized central executive body in the field of health area, is prohibited.

10. Advertising of healing for mass audience is prohibited.

{The tenth part of Article 21 in edition of the Law No. 1033-V (1033-16) dated 05.17.2007}

11. Advertising of new methods of prevention, diagnostics, rehabilitation and medications that are under consideration in accordance with established order, but not allowed yet for use, is prohibited.

{The eleventh part of Article 21 in edition of the Law No. 1033-V (1033-16) dated 05.17.2007}

12. Advertising of services of folk medicine (healing) and persons who provide them, is permitted only given the relevant special license for practices of folk medicine (healing) issued by the Ministry of Health of Ukraine or agency authorized by it, and must contain number, date of issue of the said license and name of issuing agency.

{Article 21 is supplied with part pursuant to the Law No. 1033-V (1033-16) dated 05.17.2007}

13. Provisions of this Article shall not apply to advertising of medications, medical technologies, methods of prevention, diagnostics, treatment and rehabilitation, which is placed in specialized publications designated for medical institutions and doctors, and also which is distributed at seminars, conferences, symposiums on medical subject.

Article 22 Advertising of alcohol drinks and tobacco products, trademarks for products and services, other subject matters of intellectual property rights, under which alcohol drinks and tobacco products are produced

1. Advertisements for tobacco products, trademarks for products and services, other subject matters of intellectual property rights, under which tobacco products are produced, is prohibited:

- a) On radio and television;
- b) On first and last pages of newspapers, on covers of magazines and other publications, in all publications for children and adolescents, on pages of all printed publications for children and adolescents;
- c) In all printed mass media (except for specialized publications); {With effect from 1 January 2010}
- d) By means of indoor advertising;
- e) On transport;
- f) By means of activities of advertising nature (except for special exhibition events of tobacco products);
- g) By means of outdoor advertising. {With effect from 1 January 2009}
{The first part of Article 22 in edition of the Law No. 145-VI (145-17) dated 03.18.2008}

2. Advertisements for alcohol drinks, trademarks for products and services, other subject matters of intellectual property rights, under which alcohol drinks are produced, is prohibited:

- a) On radio and television from 6:00 till 23:00;
- b) On first and last pages of newspapers, on covers of magazines and other publications, in all publications for children and adolescents, on pages of all printed publications for children and adolescents;
- c) In all printed mass media (except for specialized publications); {With effect from 1 January 2010}
- d) By means of indoor advertising;
- e) By means of activities of advertising nature (except for special exhibition events of alcohol drinks);
- f) On interior and exterior of transport vehicles of public use and underground;
- g) By means of outdoor advertising. {With effect from 1 January 2009}{The second part of Article 22 in edition of the Law No. 145-VI (145-17) dated 03.18.2008}

3. Advertisements for alcohol drinks and tobacco products, trademarks for products and services, other subject matters of intellectual property rights, under which alcohol drinks and tobacco products are produced:

- a) Are prohibited on products and in printed publications, designated mainly for people under 18, or designated for the said people in parts of other printed publications;
- b) Are prohibited when people under 18 are used as models;
- c) Must not contain demonstration of the process of tobacco smoking or consumption of alcohol;
- d) Must not be located within 300 meters of direct visibility of territory of preschool establishments, secondary comprehensive schools and other educational establishments, where children under 18 attend;
- e) May not form an idea that smoking or consumption of alcohol is important factor of achieving success in sports, social, sexual or other sphere of life;
- f) Must not suggest that consumption of alcoholic drinks or tobacco smoking can overcome personal problems;
- g) May not form an idea that alcohol or tobacco products have therapeutic properties, or that they are stimulants or sedatives;
- h) Must not encourage alcohol consuming or tobacco smoking, nor give a negative evaluation to the fact of withdrawal from consumption of tobacco products and alcoholic drinks;
- i) May not contain images of doctors, other health professionals, and persons, whose appearance imitates the appearance of doctors; {The eleventh paragraph of the third part of Article 22 is deleted pursuant to the Law No. 145-VI (145-17) dated 03.18.2008}
- j) Must not suggest that most people are smoking or drinking alcohol.

4. Sponsoring of TV and radio broadcasts, theatre and concert, sports and other events with the use of trademarks for products and services, other subject matters of intellectual property rights, under which tobacco products are produced, is prohibited.

Sponsoring of TV and radio broadcasts, theatre and concert, sports and other events with the use of trademarks for products and services, under which alcoholic drinks are produced, is permitted.

5. Advertisements for tobacco products must be accompanied by information on contents of tar and nicotine in one cigarette smoke.

6. The following types of activities regarding advertising of alcoholic drinks or tobacco products, trademarks for products and services, other subject matters of intellectual property rights, under which alcoholic drinks and tobacco products are produced, are prohibited:

a) Sponsoring of events designated mainly for people under 18 with the use of trademarks for products and services, other subject matters of intellectual property rights, under which alcoholic drinks and tobacco products are produced;

b) Distribution or sale of any products with the use of trademarks for products and services, other subject matters of intellectual property rights, under which tobacco products and alcoholic drinks are produced, to people under 18.

7. Advertisements for tobacco products and alcoholic drinks, and also trademarks for products and services, other subject matters of intellectual property rights, under which those products and drinks are produced, must be accompanied by warning texts containing the following information: “Smoking can cause cancer”, “Excessive consumption of alcohol is hazardous to your health”. Each warning must take no less than 15 percent of area (volume) of total advertisement. The color of warning text must be black, and color of background –white.

Warning text in outdoor advertisements and advertisements in printed media must be located horizontally, below advertising image.

{The seventh part of Article 22 in edition of the Law No. 145-VI (145-17) dated 03.18.2008}

8. Advertisers of alcoholic drinks and tobacco products must, according to procedure provided for by the laws of Ukraine, channel funds, not less than 5 percent of total funds spent by them on advertisements of alcoholic drinks and

tobacco products on the territory of Ukraine, for production and distribution of social advertising regarding harm caused by tobacco smoking and excessive consumption of alcohol. Distributors of those funds shall release quarterly reports regarding their use.

9. Advertisements for alcoholic drinks, tobacco products, beer and/or drinks produced on its basis, trademarks for products and services, other subject matters of intellectual property rights, under which those alcoholic drinks, tobacco products, beer and/or drinks produced on its basis are produced, must not contain images of popular persons, nor direct or indirect favouring, made by popular persons, of smoking, consumption of alcohol, beer and/or drinks produced on its basis.

{Article 22 is supplied with the ninth part pursuant to the Law No. 145-VI (145-17) dated 03.18.2008}

Article 23 Advertising of weapons

1. Advertising of weapons may be distributed only in specialized publications regarding weapons, or directly on premises of trade agencies (enterprises), which sell weapons, or at the relevant exhibitions (events).

2. Procedure for advertising of combat weapons, weaponry and combat equipment, and also weapons, which, according to the laws, may be possessed by persons, is established by the Cabinet of Ministers of Ukraine.

Article 24 Advertising of services related to raising public funds

1. Advertising of services (banking, insurance, investments, etc) related to raising public funds, or persons/entities providing them, is permitted only given a special permit, license confirming the right to perform such type of activity. Such advertising must contain number of permit, license, date of their issue, and name of issuing body.

This provision shall not apply in cases when only advertisements for trademarks for products and services, and name of person/entity (without advertisements for services) are given.

2. Regarding advertisements for such services or persons/entities providing them, it is prohibited to represent the amounts of expected dividends, and inform of future profits, except for those which were actually paid out following the results of period not less than one year.

Article 25 Advertising of securities

1. Advertising of securities shall mean advertising concerning:

- a) Issuing and/or circulating securities;
- b) Securities market participant, and his activity;
- c) Securities agreements and/or terms of these agreements.

Information, which in accordance to the laws on securities and regulatory legal acts of the State Commission on Securities and Stock Market is subject to obligatory disclosure, shall not be considered as securities advertising. {The fifth paragraph of the first part of Article 25 with amendments made pursuant to the Law No. 145-VI (145-17) dated 03.18.2008}

2. Only securities market makers, as provided for by the Law of Ukraine "On Securities and Stock Market" (1201-12), may be advertisers of securities advertising.

3. Advertising of advertisers, who are securities market participants, must contain information on availability of special permit, license confirming the right to engage in appropriate type of activity in securities market, including number of permit, license, date of issue, and name of issuing body.

This provision shall apply to cases, when advertising marks for products and services of securities market participant without advertising of services regarding securities.

4. When ordering production and distribution of securities advertising, it is prohibited for advertisers to:

- a) Specify amount of returns on securities, which is assumed to be earned, except for cases when it is necessary to be specified in accordance with the requirements of the laws on securities, and provide forecasts for the rise of securities market value;
- b) Advertise securities before publishing information on issue of securities and their registration in accordance to the laws on securities and regulatory legal acts of the State Commission on Securities and Stock Market;
- c) Use data, which are missing in information on issue of securities, registered in the State Commission on Securities and Stock Market;
- d) Use information about returns on securities or amount of income earned by issuer in the past, not indicating that income does not guarantee gaining income in the future.

{The fourth part of Article 25 is supplied with paragraph pursuant to the Law No. 3480-IV (3480-15) dated 02.23.2006}

5. In case when issue of securities is recognized as not accomplished, the issuer of such securities must terminate distribution of those securities advertising within 3 days since registration of the report on effects of securities subscription in the State Commission on Securities and Stock Market.

Chapter IV Monitoring of Compliance and Responsibility for Violation of the Laws on Advertising

Article 26 Monitoring of compliance with the laws on advertising

1. Monitoring of compliance with the laws of Ukraine on advertising shall be executed, to the extent of their powers, by:

- a) Specially authorized central executive body in the field of protection of consumers rights – concerning protection of consumers rights, advertising; {The second paragraph of the first part of Article 26 with amendments made pursuant to the Law No. 145-VI (145-17) dated 18.03.2008}
- b) The Antimonopoly Committee of Ukraine – concerning compliance with the laws on protection of economic competition;
- c) The National Council of Ukraine on Television and Radio Broadcasting – concerning TV/radio organizations of any form of ownership;
- d) The Ministry of Finance of Ukraine – concerning advertising of state securities; {The first part of Article 26 is supplied with paragraph pursuant to the Law No. 3480-IV (3480-15) dated 02.23.2006}
- e) The State Commission on Securities and Stock Market – concerning advertising in stock market. {The first part of Article 26 is supplied with paragraph pursuant to the Law No. 3480-IV (3480-15) dated 02.23.2006}

2. Upon demand of state authorities responsible for monitoring compliance with the laws on advertising, advertisers, advertising producers and distributors must submit documents, oral or written explanations, video tape and audio recordings, and also information which is necessary for them to exercise powers regarding monitoring.

{The first paragraph of the second part of Article 26 with amendments made pursuant to the Law No. 145-VI (145-17) dated 18.03.2008}

State authorities must notify advertisers, advertising producers and distributors about investigation of cases regarding violation of the laws on advertising not later than three days prior to such investigation, and in urgent cases – not later than one day.

3. In the course of investigation of issue on violation of this Law, advertisers, advertising producers and distributors shall have the right to:

- a) Attend the meeting of state authority in the course of investigation of issue on violation of this Law;
- b) Submit necessary documents, give explanations;

c) Receive a copy of minutes of meeting and state authority resolution adopted regarding them;

d) Appeal to a court against actions or omissions of the said state authority and officials thereof. {The fifth paragraph of the third part of Article 26 with amendments made pursuant to the Law No. 145-VI (145-17) dated 03.18.2008}

4. With the purpose of coordination of advertising market participants, the Cabinet of Ministers of Ukraine shall establish the Advertising Council composed of representatives of state authorities, civil associations, unions of advertising companies. Members of this Council shall work as volunteers there.

Article 27 Responsibility for violation of the laws on advertising

1. Persons/entities guilty of violating the laws on advertising shall bear disciplinary, civil, administrative and criminal responsibility pursuant to the law.

2. The responsibility for violation of the laws on advertising will lie upon:

1) Advertisers guilty of:

a) Ordering advertising of products which production and/or turnover is prohibited by law;

b) Providing advertising producer with untrustworthy information necessary for production of advertising;

c) Ordering distribution of advertising which is prohibited by law;

d) Failing to comply with requirements set by law regarding content of advertisements;

e) Violating the procedure of advertising distribution, if advertising is distributed by them independently;

2) Advertising producers guilty of violating third parties rights when producing advertising;

3) Advertising distributors guilty of violating the procedure of advertising distribution and placement.

3. For the purpose of protection of interests of society, state, advertising consumers and advertising market participants, state authorities specified in Article 26 of this Law may file petitions in court regarding ban on relevant advertising and its public denial.

4. Specially authorized central executive body in the field of protection of consumers rights and its territorial agencies in the Autonomous Republic of Crimea, regions, the cities of Kyiv and Sevastopol, as advised by state authorities specified in Article 26 of this Law, or independently in cases provided for by this Article, save for those which are applied to exceptional competence of the Antimonopoly Committee of Ukraine, and which are governed by the laws on copyright and related rights, shall impose fines, according to procedure established by the Cabinet of Ministers of Ukraine, on:

a) Advertisers for actions provided for by item 1 of the second part of this Article – in amount of fivefold cost of distributed advertising;

b) Advertising producers for actions provided for by item 2 of the second part of this Article – in amount of fivefold cost of advertising production;

c) Advertising distributors for actions provided for by item 3 of the second part of this Article – in amount of fivefold cost of advertising distribution.

{The fourth paragraph of the fourth part of Article 27 with amendments made pursuant to the Law No. 1033-V (1033-16) dated 05.17.2007}

Repeated violations in one year shall result in imposition of fine at double the amount provided for those violations.

5. The cost of distributed advertising shall be determined on the basis of agreed (contractual) cost excluding cost of paid (charged) taxes, duties (mandatory payments) set forth by the Law of Ukraine "On Taxation System" (1251-12).

6. Specially authorized central executive body in the field of protection of consumers rights and its territorial agencies shall impose a fine in amount of 100% of the untaxed minimum income on advertisers and advertising producers and distributors for failure to furnish or furnishing of untrustworthy information regarding cost of distributed advertising and/or advertising production and/or cost of advertising distribution, which is necessary for those bodies to exercise their powers provided for by this Law.

7. When it is impossible to determine the cost of advertising distributed in violation of requirements of this Law, specially authorized central executive body in the field of protection of consumer's rights by its resolution shall impose a fine in amount of 300% of the untaxed minimum income on advertisers and advertising distributors.

8. Resolution on imposition of fine in amount of 300% of the untaxed minimum income for violations of the laws on advertising shall be adopted exclusively by specially authorized central executive body in the field of protection of consumer's rights.

9. Specially authorized central executive body in the field of protection of consumer's rights and its territorial agencies may demand from advertisers to publish information, which improves and updates advertising, and to file petition to a court regarding unlawful actions of advertisers, advertising producers and distributors.

10. The Antimonopoly Committee of Ukraine shall impose fines on advertisers for violation of the laws on protection against unfair competition.

11. Resolutions as for cases concerning violation of the laws on advertising may be appealed to court.

12. Provisions of this Article shall not restrict rights of consumers impaired by unfair and unlawful comparative advertising to indemnification in accordance with the laws of Ukraine.

Article 28 Public denial of unfair and unlawful comparative advertising

1. Public denial of unfair and unlawful comparative advertising shall be performed of mere motion or under court judgment.

2. Public denial of unfair and unlawful comparative advertising shall be performed for account of guilty person/entity.

3. Public denial of unfair and unlawful comparative advertising shall be performed in the same manner as it was distributed.

Article 29 Rights of civil associations, unions of advertising companies

Civil associations and unions of advertising companies shall have the right to:

a) Carry out an independent expertise of advertisements and regulatory legal acts on advertising regarding compliance with requirements of the laws of Ukraine, and to give appropriate recommendations to advertisers, advertising producers and distributors;

b) Apply to executive and local authorities on the issues of violation of the laws on advertising;

c) File petition to court on behalf of advertisers, advertising producers and distributors in case of violation of their rights provided for by the laws;

d) Represent their members in executive and local authorities.

Chapter IV Final Provisions

1. This Law will be effective from the date of its publishing. The ninth part of Article 13 will be effective from January 1, 1005.

2. The first part of Article 4 of the Decree of the Cabinet of Ministers of Ukraine No. 7-93 (7-93) dated January 21, 1993 "On State Tax" (Bulletin of the Supreme Council of Ukraine, 1993, No.13 p. 113, No. 26, p. 281, No, 49, p. 459; 1994, No. 28, p. 241, No. 29, p. 257, No. 33, p. 300; 1995, No. 14, p. 90; 1996, No. 9, p. 43, No. 52, p. 306; 1997, No. 9, p. 70, No. 18, p. 131; 2000, No. 19, p. 143, No. 29, p. 232, No. 46, p. 398, No. 50, p. 436; 2001, No. 24, p. 124; 2002, No. 6, p. 43, No. 32, p. 223; 2003, No. 10-11, p. 87, No. 14, p. 100) shall be supplied with item 46 by following:

"46) Specially authorized central executive body in the field of protection of consumers rights, and territorial agencies thereof – regarding claims brought by them to court in cases related to violations of the laws on advertising."

3. The Cabinet of Ministers of Ukraine shall:

- a) Submit offers regarding amendments to the laws of Ukraine coming out of this Law to the Supreme Council before October 1, 2003;
- b) Bring its legal regulatory acts into compliance with this Law before January 1, 2004;
- c) Provide bringing legal regulatory acts by ministries, other central executive authorities into compliance with this Law;
- d) Develop legal regulatory acts, which are, as provided for by this Law, necessary to be adopted.

The President of Ukraine

L. Kuchma

City of Kyiv, July 3, 1996