

# LAW OF GEORGIA

## ON ADVERTISING

### Chapter I – General Provisions

#### Article 1 – Advertising legislation of Georgia

Advertising legislation of Georgia comprises the Constitution of Georgia, treaties and international agreements, this Law and other legislative and normative acts of Georgia.

#### Article 2 – The purpose and scope of the Law

1. This Law governs legal relations originated in the course of production, placement and dissemination of advertisements of commodity (works, services) and financial markets (including the securities market) of Georgia.
2. This Law aims to develop healthy competition in the field of advertising, protect public interests and rights of subjects of advertisement and consumers, and avoid and prevent improper advertising.
3. This Law applies to natural and legal persons of Georgia and of foreign countries that produce, place and disseminate advertisements in Georgia based on the registration under the established procedure.
4. This Law also applies when advertising activities of natural and legal persons of Georgia outside the country entail (or may entail) negative consequences (restrictions of competition, or misleading other natural and legal persons) within the territory of Georgia.
5. This Law does not apply to political advertising.
6. This Law does not apply to the statements of natural persons that are not directly related to entrepreneurial activities.
7. Articles 4(2) and 8(8) of this Law does not apply to trademarked consumer goods and equipment intended to promote trade the list of which shall be determined by a relevant normative act.
8. The issues of broadcast advertising and sponsorship are governed by the Law of Georgia on Broadcasting, and general advertising requirements and issues related to advertising of alcoholic beverages and tobacco products, sex-related items, medical products (and services), artificial baby food products, weapons and securities, also issues related to minors' protection during the production, placement and dissemination of advertising, shall be regulated according to this Law.

*Law of Georgia No 462 of 30 June 2000 – LHG I, No 27, 17.7.2000, Art. 84*

*Law of Georgia No 3245 of 9 June 2006 – LHG I, No 22, 16.6.2006, Art. 182*

#### Article 3 – Terms used in this Law

1. **Advertisement** – information about goods, services, and works (the 'goods'), natural and legal persons, ideas and causes disseminated by any means and form that is intended for an unlimited group of persons, and serves to form and maintain interest towards natural and legal persons, goods, ideas and causes, and to facilitate the sale of goods and to advance the ideas and causes;
2. **Improper advertising** – unfair, unreliable, unethical, misleading or other advertisement that violates the requirements for content, timing, placement and dissemination established by the legislation of Georgia;



3. **Unfair advertising** – advertisement which includes inappropriate comparison of the advertised goods with goods of other natural and legal persons, also expressions denigrating the name, dignity and reputation of a competitor or a third party, or which discredits natural and legal persons that do not use the advertised goods; and an advertisement that misleads consumers about the qualities of the advertised goods by abusing their confidence, lack of knowledge and experience;
4. **Unreliable advertising** – advertisement that contains untrue data about an advertising customer, qualities of goods, ingredients, also the place, way and date of production, the purpose, consumer properties, conditions for use, certification marks, compliance with state standards, quantity, availability of products on the market, the possibility of purchasing the stated amount at a specific place and within a specific period of time; and the cost (price) of the product at the time of advertising, additional terms of payment, delivery, return, repair, warranty obligations, and the best before period, the right to use state symbols (flag, coat of arms, and anthem), official recognition (commendations, prizes, diplomas, and other awards), the results of a product investigation and tests, and the actual demand for the product;
5. **Unethical advertising** – advertisement that violates universally recognised human and ethical norms by using abusive words and comparisons in relation to nationality, race, profession, social origin, age, gender, language, religion, political and philosophical beliefs of natural persons, and that infringes on objects of art and historical and architectural monuments included in the list of national and world cultural heritage, discredits state symbols (flag, coat of arms, anthem), national currency of Georgia or of any other state, religious symbols, natural and legal persons, their activity, profession or goods;
6. **Misleading advertising** – advertisement by which an advertising customer (a producer and/or a disseminator of advertisement) intentionally misleads consumers of advertisement and which may harm a competitor;
- 6<sup>1</sup>. **Comparative advertising** – advertisement that directly or indirectly refers to a competitor, or to the goods and/or services offered by the competitor;
7. **Counter advertising** – dissemination of denunciation of an improper advertisement;
8. **Advertising customer** – a natural or legal person that represents the source of advertising information for its further production, placement, and dissemination.
9. **Advertising producer** – a natural or legal person that gives a finished form to advertising information for placement and dissemination.
10. **Advertisement disseminator** – a natural or legal person that places and/or disseminates an advertisement by using property (including, technical means of radio and television broadcasting, communications channels, broadcasting time and other means).
11. **Advertising consumer** – a natural or legal person targeted to be influenced by advertising information.
12. **Advertisement of tobacco products** – an advertisement that contains the trademark and the logo of an advertised tobacco product or of its producer, and demonstrates a pack, a box or the consumption process of a tobacco product or related acts.
13. **Advertisement of alcoholic beverages** – an advertisement that contains the trademark and the logo of alcoholic beverages or their producer, and demonstrates an alcoholic beverage, its packaging or consumption process or related acts.
14. **Advertisement of strong spirit drinks** – an advertisement of alcoholic beverages in which alcohol concentration exceeds 14 per cent.
15. **Advertisement of sex-related products** – an advertisement demonstrating products that serve to satisfy sexual needs, including medical products intended to prevent and treat sexual disorders.
15. **Broadcast advertising** – commercial, social or pre-election advertisement disseminated (broadcasted) by a broadcaster, except for statements made by a broadcaster with respect to its own or an independent programme, which is the information on natural or legal persons, goods, services, works, ideas and initiatives and is disseminated by any means and in any form; it is intended for an unlimited group of persons and serves to form and maintain interest towards natural and legal persons, goods, services, works, ideas or initiatives, and facilitates sales of goods, services, works, ideas and initiatives.
16. **Signboard** – a board bearing the inscription of any shape and size and which is displayed on a facility of an economic agent or an entrepreneur, and denotes the name of the facility and is placed no farther than 1.5m from it.



## **Chapter II – General and Special Requirements for Advertising**

### **Article 4 – General requirements for advertising**

1. Upon advertising, the information shall be immediately perceived, without special knowledge or technical means, as an advertisement.
2. Advertisements shall be disseminated in the official language throughout the territory of Georgia. This requirement shall not apply to programmes and publications disseminated in other languages, and to the inscriptions on the images of goods, except for the trademark; and the owner of the trademark (service) logo registered in another language but placed in Georgia shall be obliged to use a Georgian transliterated version of the inscription.
- 2<sup>1</sup>. Throughout Georgia, inscriptions on a signboard shall be made in the official language; it may also be made in a foreign language, if desired. The inscription made in a foreign language must not exceed the size of the inscription made in the official language.
3. The inscription made in a foreign language must not exceed the inscription (transliterated) in the official language in size (on all occasions) and in quantity (except for TV products).
4. If a bilingual illuminated inscription is used, all inscriptions (in Georgian and in a foreign language) must be equally illuminated and readable.
5. Compliance with language standards in an advertisement shall be regulated by the legislation of Georgia.
6. Advertising of goods the production and sales of which is prohibited by the legislation of Georgia or which requires a special permit (licence) but not obtained yet; also advertising of an economic agent whose activities require a special permit (licence) but not obtained yet, shall be inadmissible.
7. Advertising of goods that requires a special certificate must be marked with the word ‘certified’.
8. Placement and dissemination of improper advertisements shall be prohibited. They shall entail liability under the legislation of Georgia that is commensurate with the action committed, the degree of public hazard and its nature.
9. Usage of an image or the name of a natural person in an advertisement without his/her consent shall be prohibited.
10. Objects with exclusive rights (intellectual property) shall be used in advertisements as provided for by the legislation of Georgia.
11. An advertisement must not incite citizens to violence, aggression or chaos, and must not urge them to commit dangerous actions that may harm human health or threaten his/her safety.
12. Differentiation of advertising fees according to the types of advertised goods shall be prohibited.
13. Advertisements disseminated (broadcasted) in Georgia from a foreign country that contradict the Law of Georgia on Advertising must be removed according to the legislation and international agreements of Georgia.
14. Usage of images or voices of minors for advertising of sex-related products in any form shall be prohibited.



[15. In offering and/or advertising the sale of property and/or provision of services in the territory of Georgia entrepreneurs shall denominate prices only in laris, except for cases established by a relevant legal act of the National Bank of Georgia. **(Shali become effective from 1 July 2017)**]

*Law of Georgia No 2135 of 22 June 1999 – LHG I, No 27(34), 6.7.1999, Art. 141*

*Law of Georgia No 462 of 30 June 2000 – LHG I, No 27, 17.7.2000, Art. 84*

*Law of Georgia No 2442 of 20 June 2003 – LHG I, No 20, 11.7.2003, Art. 137*

*Law of Georgia No 617 of 28 May 2013 – website, 18.6.2013*

*Law of Georgia No 243 of 29 December 2016 – website, 13.1.2016*

## **Article 5 – Indoor advertising**

1. Simultaneous concentration of consumers' attention on a specific trademark (model, marking of goods), producer, performer, or seller of goods without the prior warning that it is an advertisement shall be prohibited in non-advertising video, audio and film products, and in printed publications.

2. (Deleted)

3. (Deleted)

4. (Deleted)

5. (Deleted)

6. Interruption of films in cinema and video halls with advertising, except for intermissions between the series (parts) of a film shall be prohibited.

7. During the free telephone enquiry service, an advertisement may be provided to a telephone subscriber only after the subscriber has received the information requested.

8. During the paid telephone, computer and other enquiry service, an advertisement may be provided to a subscriber only with the consent of the subscriber. The price of this advertisement must not be included in the price of the information requested by the subscriber.

9. Dissemination of advertisements by telex or fax without a prior consent of the subscriber shall be prohibited.

*Law of Georgia No 3245 of 9 June 2006 – LHG I, No 22, 16.6.2006, Art. 182*

## **Article 6 – Outdoor advertising**

1. Advertisements shall be disseminated in the territory of the cities, villages and other administrative-territorial units of Georgia by means of posters, billboards, light boards and other technical means of fixed display (outdoor advertising) under the procedure provided for in paragraphs 2 and 8 of this article.

2. Outdoor advertising must not resemble the traffic signs and indicators, deteriorate the visibility of signs and the road; it must not endanger the movement of vehicles and pedestrians. Advertisements placed on buildings and structures must not mar their architectural design and its structure must be stable. Outdoor advertisement disseminated in any form must not deface historical or architectural monuments included in the national and world cultural treasures.

3. A representative body of a relevant self-governing unit shall make decisions on the introduction of a permit for outdoor advertising on the territory of this self-governing unit. If the decision is made on introduction of the permit for regulating placement of the outdoor advertising, the permit shall be issued by the executive body of a local self-governing unit (Tbilisi City



Hall in Tbilisi). A permit for placement of outdoor advertising shall be issued according to the Law of Georgia on Licences and Permits.

4. Local self-government bodies must have a plan for dissemination of outdoor advertisements (based on the size, form and appropriateness of the advertisement) to be agreed upon with:

a) an appropriate body for management of motor roads and a territorial subdivision of the traffic police – if the site where the advertisement is to be placed is located within the area belonging or adjacent to the motor road (outside the borders of settlements);

b) a territorial subdivision of the traffic police – if the site where the advertisement is to be placed is located in the territory of urban and rural settlements;

c) an appropriate body of the railway management – if the site where the advertisement is to be placed is located within the area belonging to the railway;

d) the Central Scientific and Production Department for Protection and Use of Historical and Cultural Monuments of Georgia or its structural units in the regions – if the advertisement is to be placed in the protected zones of nature, history and culture, natural reserves and national parks.

5. (Deleted)

6. The permit for placement of outdoor advertisement as provided for by this Law shall be issued for placement of an advertisement only on land or other property owned by the State or a local self-governing unit. Placement of an outdoor advertisement on land or other property owned by a natural person or a legal entity under private law, or by another organisation formed under the legislation of Georgia shall be permitted based on the procedures provided for by the legislation of Georgia and shall not require a permit for placement of an outdoor advertisement provided for by this Law. The amount and the payment procedure for placement of an outdoor advertisement on land or other property owned by a natural person or a legal entity under private law or other organisation formed under the legislation of Georgia shall be defined by a contract concluded with the owner, unless otherwise provided for by this Law or the contract.

7. An outdoor advertisement must bear the number of the permit issued by a local self-government body to an advertising disseminator.

8. An inscription of any size placed at the office of an economic agent (entrepreneur) in any form (signboard, billboard, etc.), which indicates that a certain entity, commercial firm, restaurant, etc., is located in the office may not be considered as an advertisement if the distance between the advertisement and the entity is not at least 1.5 m.

*Law of Georgia No 1551 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 189*

*Law of Georgia No 629 of 5 December 2008 – LHG I, No 36, 12.12.2008, Art. 237*

*Law of Georgia No 1969 of 5 February 2014 – website, 19.2.2014*

## **Article 7 – Advertising on means of transport**

1. An advertisement shall be disseminated on means of transport on the basis of a contract concluded with the owner of a means of transport (or with a person having the right to own the means of transport), unless otherwise provided for by law or the contract.

2. To ensure safety of movement, the restrictions and prohibitions for placement of advertisements on means of transport shall be defined by an appropriate body of the Ministry of Internal Affairs of Georgia.

## **Article 8 – Advertising of alcoholic beverages and tobacco products**

1. Advertising of alcoholic beverages and tobacco products, irrespective of their method of dissemination, must not create an impression that consumption of alcohol or tobacco products contributes to the improvement of physical and mental states, or to the success in public life or in sport.



2. Advertising must not discredit the abstinence from consuming alcohol or tobacco products. In addition, it must exclude information on their positive curative qualities.
3. Dissemination of advertisement of strong spirit drinks and tobacco products in any form shall be prohibited on avenues, bridges or squares (and within 20 metres on the adjacent territory) of cities and other populated points, or on the means of transport.
4. Addressing the advertisement of alcoholic beverages and tobacco products directly to minors, and dissemination of such advertisements in any form in a cinema and video halls, or radio and television programmes and print publications intended for minors, shall be prohibited.
5. Advertising of alcoholic beverages and tobacco products at children's facilities, educational and medical institutions, cultural and sports organisations, and within 100 metres from them shall be prohibited, except for the cases provided for in paragraphs 5<sup>1</sup> and 5<sup>2</sup> of this article.
- 5<sup>1</sup>. Advertising of alcoholic beverages at sports organisations shall be permitted only if the sports organisations (a stadium, or a gym) host domestic (national/local) or international sports events (except for sports competitions for children).
- 5<sup>2</sup>. In the cases under paragraph 5<sup>1</sup> of this article, the use of the trademark and logos of alcoholic beverages or their producers, and their display on sports outfits and other attributes shall be permitted for advertising alcoholic beverages.
6. Advertisement of tobacco products must not demonstrate the product in an open pack or box, or during consumption process, and must not include slogans to use it. In addition, it must not violate the universally recognised human and ethical norms and moral norms established by ethnic psychology.
- 6<sup>1</sup>. Advertisement of alcoholic beverages that demonstrates an open container of the beverage or its consumption process, or includes slogans to use them, must be accompanied with the following warning: 'Alcohol abuse can damage your health'. In addition, it must not violate universally recognised human, ethical and moral norms established by ethnic psychology.
7. Advertising of strong spirit drinks and tobacco products through radio and television, or on the front pages of newspapers and magazine covers shall be prohibited.
8. Dissemination of an advertisement of tobacco products (except for dissemination through radio and television) must be accompanied with the warning about the harm of smoking, the text, computer font and size of which shall be determined by the Ministry of Labour, Health and Social Affairs of Georgia. Such information must constitute not less than 20 per cent of the whole content of the advertisement.
9. When advertising tobacco products through radio and television, information about the harm of smoking approved by the Ministry of Labour, Health and Social Affairs of Georgia must be voiced.

*Law of Georgia No 1220 of 21 December 2001 – LHG I, No 1, 10.1.2002, Art. 5*

*Law of Georgia No 3243 of 09 June 2006 – LHG I, No 22, 16.6.2006, Art. 180*

*Law of Georgia No 942 of 30 December 2008 – LHG I, No 2, 16.1.2009, Art. 5*

## **Article 8<sup>1</sup> – Advertising of sex-related products**

1. Advertising of sex-related products through radio, television, and on the front pages of newspapers and magazine covers shall be prohibited.
2. The prohibition under paragraph 1 of this article shall not apply to means of treatment and prevention and medical items of sexual nature if it is necessary for ensuring safety of the human health. In this case, advertisements of the above products shall be placed and disseminated under the procedure established by the legislation of Georgia.

*Law of Georgia No 2442 of 20 June 2003 – LHG I, No 20, 11.7.2003, Art. 137*



## Article 9 – Advertising of pharmaceutical products

1. Advertising of pharmaceutical products shall mean the materials and/or action disseminated through media or in any form and by any means that intend to promote the use of the pharmaceutical products.
2. Advertising of pharmaceutical products subject to special control (contained in group I), pharmaceutical products contained in group II and of pharmaceutical products that have no right to be present at Georgian market shall be prohibited.
3. Advertising of pharmaceutical products contained in group III shall be permitted on the basis of prior agreement of the advertisement text with a competent body under the Ministry of Labour, Health and Social Affairs of Georgia, and in compliance with the following conditions:
  - a) if advertisements of pharmaceutical products are disseminated in printed form, they must contain the following warning: 'Read the instructions before use. Consult your doctor for detailed information on the side effects';
  - b) if advertisements of pharmaceutical products are disseminated in non-printed form, the warning information must be voiced;
  - c) if pharmaceutical products are advertised on television, where the advertisement can be both visually perceived and voiced, the warning text must be visible (readable) for at least three seconds and must also be voiced;
4. Prior agreement of the advertisement text with a competent body of the Ministry of Labour, Health and Social Affairs of Georgia shall mean the agreement in relation to compliance of the advertising text with information specified in the instructions.
5. The advertisement text of pharmaceutical products may not differ in content from indications included in the instructions for consumers.
6. No diseases may be indicated in the advertisement text of complementary medicinal products, biologically active supplements and the paratherapeutic products not registered as pharmaceutical products, or voluntarily not registered through the national regime of state registration and such products may not be presented as pharmaceutical products.
7. Advertising of pharmaceutical products voluntarily registered under the national regime of state registration of pharmaceutical products shall be free and shall not be subject to the regulation provided for in this article, except for the regulation specified in paragraph 5 of this article.
8. A competent body within the Ministry of Labour, Health and Social Affairs of Georgia shall monitor advertising of pharmaceutical products to ensure observance of the Law of Georgia on Medicines and Pharmaceutical Activity.
9. The following shall not be considered as advertisement:
  - a) marking and instructions of pharmaceutical products;
  - b) business correspondence;
  - c) informative, factographic leaflets and reference material if the information included in the above material refers only to alteration of pharmaceutical products and/or precautionary measures;
  - d) information related to health and/or disease, unless it includes direct or indirect reference to treatment by the pharmaceutical product;
  - e) provision of information on pharmaceutical products to medical and pharmaceutical personnel.
10. Pharmaceutical products contained in group I and group II, and products that have no right to be present on Georgian market may not be distributed to people for advertisement purposes.

*Law of Georgia No 1775 of 24 December 1998 – LHG I, No 1(8), 14.1.1999, Art. 11*

*Law of Georgia No 1587 of 10 August 2009 – LHG I, No 26, 27.8.2009, Art. 150*



## **Article 9<sup>1</sup> – Advertising of artificial baby-food products**

Any advertisement of artificial baby-food products (except for supplementary food), dummies and bottles with nipples shall be prohibited.

*Law of Georgia No 2378 of 9 September 1999 – LHG I, No 43(50), 21.9.1999, Art. 219*

## **Article 10 – Advertising of weapons**

Dissemination of advertisements of military weapon shall be prohibited. Advertising of all other types of weapon, including hunting and sports weapon may be disseminated on the basis of a special permit issued by an appropriate body of the Ministry of Internal Affairs of Georgia.

## **Article 11 – Advertising of securities**

1. Advertisement of the emission and placement of securities shall be disseminated for information purposes. Securities shall only be offered and supplied through their prospectus.

2. Advertisement of securities must include:

- a) the name of an issuer;
- b) the name and the address of an underwriter;
- c) the identity and the address of persons responsible for placement;
- d) where and from who a potential investor can purchase or review a prospectus;
- e) the licence number and the name of the body that issued the licence.

3. The following shall be inadmissible when advertising securities:

- a) dissemination of securities advertisements before the state registration of their prospectus;
- b) dissemination of information other than indicated in the prospectus;
- c) announcement of any guarantees, promises or assumptions with respect to future efficiency (profitability) of activity, including with respect to the increase of the market value of securities;
- d) indication of a guaranteed amount of dividends on common shares;
- e) any attempt made by an issuer to self-list its own securities.

## **Article 12 – Social advertising**

1. Social advertising – means advertising intended to support public good, achieve charity objectives, increase public awareness about important social issues and/or encourage positive social behaviour change, which is neither commercial nor election advertisement and which does not intend to promote services rendered by a state or local self-government body, and by a legal entity under private or public law.

2. No commercial organisations and sole proprietors, specific makes of their goods (models, marking of goods), or specific makes of goods (models, marking of goods) that constitute the results of an ancillary entrepreneurial activity of non-commercial organisations shall be mentioned in social advertisements.





3. Free production and dissemination of social advertisements by natural and legal persons, and the transfer of their own property, including monetary funds, to other natural and legal persons for the same purpose shall be considered as charitable activity, for which privileges are provided for in the legislation of Georgia.

4. (Deleted)

*Law of Georgia No 3245 of 9 June 2006 – LHG I, No 22, 16.6.2006, Art. 182*

*Law of Georgia No 2760 of 31 October 2014 – website, 18.11.2014*

## **Article 12<sup>1</sup> – Comparative advertising**

Comparative advertising shall be permissible if:

- a) it compares goods and/or services that are used for the same needs or purposes;
- b) it impartially compares one or more material, essential, verifiable and common features of goods and/or services that the value may include;
- c) it does not cause confusion on the market between advertising customers and competitors or between trademarks, trade names, and other distinctive characters, goods and services of advertising customers and competitors;
- d) it does not discredit the status, trademarks, trade names, other distinctive characters, goods, services or activity of competitors;
- e) it indicates products of the same name when advertising products marked with the place of origin;
- f) it does not benefit from the reputation of a competitor's trademark, trade name and other distinctive characters, or from referring to the place of origin of competing products;
- g) it they are not reproductions of products and/or services with protected trademarks and trade names.

*Law of Georgia No 2165 of 25 November 2005 – LHG I, No 51, 6.12.2005, Art. 343*

## **Article 13 – Sponsorship**

According to this Law, sponsorship shall be the contribution made by natural and legal persons to the activity of other natural and legal persons (in the form of monetary funds, property, results of intellectual activity, provision of services and performance of work) on the condition that the products manufactured by the sponsor are advertised. Contributions made by a sponsor shall be considered as the cost of advertisement, and the sponsor and the sponsored entity shall be considered as the advertising customer and the advertising disseminator, respectively. A sponsor may not interfere in the activity of an advertising producer or disseminator. Persons whose products or activities are prohibited for dissemination under this Law shall not have the right of sponsorship. Sponsorship by tobacco producers, importers and traders, directly and/or indirectly, or through other natural or legal persons, shall be prohibited.

*Law of Georgia No 462 of 30 June 2000 – LHG I, No 27, 17.7.2000, Art. 84*

*Law of Georgia No 942 of 30 December 2008 – LHG I, No 2, 16.1.2009, Art. 5*

## **Article 14 – Protection of minors during production, placement and dissemination of advertisements**

To protect minors from manipulation due to their credulity and inexperience during the production, placement and dissemination of advertisements, the following shall be prohibited:

- a) convincing minors to persuade their parents and other persons to buy advertised goods;



- b) drawing attention of minors to the fact that owning advertised goods will grant them privilege over other minors, and not owning the goods will have the opposite effect;
- c) using in advertisements of the text or audio and video information that displays minors in dangerous places and circumstances;
- d) not considering the necessary level of skills needed for minors to use the goods. In addition, if the results of the use of the goods are demonstrated or described, the advertisement must provide information on what can actually be achieved for the minors of a target age group;
- e) creating unrealistic (distorted) impressions regarding the cost (price) of goods on minors, in particular by using the words like 'only', 'just', etc., and by direct or indirect indication that any family can afford the goods advertised.

### **Chapter III – Rights and Obligations of Advertising Customers, Producers and Disseminators**

#### **Article 15 – Period for storing advertising materials**

Advertising customers, producers and disseminators shall be obliged to retain advertising materials or their copies, including all changes made to them, for two months after the last day of dissemination of the advertisement; and if the advertising material becomes disputable, the advertisement shall be kept until appropriate bodies settle the dispute.

#### **Article 16 – (Deleted)**

*Law of Georgia No 1551 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 189*

*Law of Georgia No 1969 of 5 February 2014 – website, 19.2.2014*

### **Chapter IV – State Control in Advertising**

#### **Article 17 – Powers of local self-government bodies in advertising**

The local self-government bodies may, within the scope of their competence, impose administrative sanctions under the procedure established by law on persons violating the advertising legislation of Georgia.

*Law of Georgia No 883 of 29 December 2004 – LHG I, No 6, 19.1.2005, Art. 39*

*Law of Georgia No 1551 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 189*

*Law of Georgia No 1969 of 5 February 2014 – website, 19.2.2014*

#### **Article 17<sup>1</sup> – Control of broadcast advertising**

Control over the advertisement timing, placement forms (venue) and the means used in the field of broadcast advertising, as well as control of compliance with the restrictions established by the disseminator of broadcast advertisement under the Law of Georgia on Broadcasting, the Law of Georgia on Advertising and other legislative acts of Georgia shall only be exercised by the Georgian National Communication Commission, which shall, within its scope of competence:

- a) make a decision to partially or fully suspend improper advertising or to apply counter advertising;



b) be authorised, under the procedure established by law, to impose sanctions defined by the Law of Georgia on Broadcasting on violators of the Laws of Georgia on Broadcasting and on Advertising, and other legislative acts;

c) be authorised to apply to appropriate bodies for commencement of criminal prosecution.

*Law of Georgia No 3245 of 9 June 2006 – LHG I, No 22, 16.6.2006, Art. 182*

## **Article 18 – (Deleted)**

*Law of Georgia No 1551 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 189*

*Law of Georgia No 1969 of 5 February 2014 – website, 19.2.2014*

## **Chapter V – Counter Advertising and Responsibility for Improper Advertising**

### **Article 19 – Counter advertising**

Counter advertisement must be disseminated by the same means and with the use of the same features of their sequence, space and place as were used for improper advertising.

*Law of Georgia No 1551 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 189*

*Law of Georgia No 1969 of 5 February 2014 – website, 19.2.2014*

### **Article 20 – Responsibilities of advertising customers, producers and disseminators**

1. An advertising customer shall be held liable for violating the advertising legislation of Georgia with regard to the content of the information submitted for creation of the advertisement, unless it is proved that the violation occurred because of an advertising producer or a disseminator.

2. An advertising producer shall be held liable for violating the advertising legislation of Georgia in a part that refers to the design, production or preparation of the advertisement.

3. A disseminator shall be held liable for violating the advertising legislation of Georgia in a part that refers to the timing, place and means of dissemination of advertisements.

### **Article 21 – Liability for violation of the advertising legislation of Georgia**

1. Natural and legal persons (advertising customers, producers and disseminators) shall be held liable for violating the advertising legislation of Georgia under the legislation of Georgia.

2. Local self-government bodies shall be responsible for meeting requirements provided for in Article 6 of this Law.

2<sup>1</sup>. The Georgian National Communication Commission shall impose liability for violating the regulatory norms of broadcast advertising.

3. Persons whose rights and interests are infringed by improper advertising may make a claim in court, in a prescribed manner, for compensation of damage to their health and property, name, dignity and business reputation, and require public refutation of improper advertising.



4. Holding an advertising customer, a producer and a disseminator liable shall not release them from ceasing to violate the advertising legislation of Georgia and from fulfilling the decision to implement counter advertising.
5. An advertising customer, a producer and a disseminator may, under the legislation of Georgia, file an application in court for declaring a decision of a local self-government body fully or partially void.
6. Filing of an application referred to in paragraph 5 of this article in court shall not suspend fulfilment of the decision of a local self-government body, unless the court makes a decision to suspend it.

*Law of Georgia No 1551 of 3 June 2005 – LHG I, No 31, 27.6.2005, Art. 189*

*Law of Georgia No 3245 of 9 June 2006 – LHG I, No 22, 16.6.2006, Art. 182*

*Law of Georgia No 1969 of 5 February 2014 – website, 19.2.2014*

## **Chapter VI – Transitional and Final Provisions**

### **Article 22 – Transitional provisions**

1. (Deleted)

1<sup>1</sup>. The following shall be permitted until 1 January 2015:

a) any type of dissemination of advertisements of strong spirit drinks on avenues, bridges, squares and means of transport of cities and other populated points ; dissemination of advertisements of strong spirit drinks on television and radio after 20:00 under the procedures established by Article 8 of this Law for advertising strong spirit drinks;

b) dissemination of advertising of alcoholic beverages within a 100m radius from cultural and sports organisations;

2. The wording of Article 8(8) of this Law (except on television and radio) shall be valid until 31 December 2001.

3. Article 12(3) of this Law shall become effective on the date when appropriate amendments to the Tax Code of Georgia enter into force.

4. Local self-government and government bodies shall be assigned to take measures, within two months after the Law becomes effective, to ensure compliance of outdoor advertising with the requirements of this Law.

5. (Deleted)

6. (Deleted)

7. Within the framework of the Union of European Football Associations (the ‘UEFA’) Super Cup 2015 and the related events, any advertising or other activities (except for the sports review programmes disseminated by the broadcasters) done by unauthorised persons to gain a benefit using the credibility of UEFA shall be prohibited. Offering UEFA Super Cup 2015 tickets for sale or their usage in any commercial events shall also be prohibited.

*Law of Georgia No 1775 of 24 December 1998 – LHG I, No 1(8), 14.1.1999, Art. 11*

*Law of Georgia No 2378 of 9 September 1999 – LHG I, No 43(50), 21.9.1999, Art. 219*

*Law of Georgia No 3245 of 9 June 2006 – LHG I, No 22, 16.6.2006, Art. 182*

*Law of Georgia No 1061 of 13 March 2009 – LHG I, No 5, 24.3.2009, Art. 19*

*Law of Georgia No 3962 of 10 December 2010 – LHG I, No 73, 23.12.2010, Art. 442*



**Article 23 – Entry of the Law into force and normative acts to become invalid**

1. This Law shall become effective on its promulgation.
2. Article 8(7) of this Law shall become effective as from 1 April 2003.
3. The following shall be considered invalid from the date this Law becomes effective:
  - a) Edict No 60 of 10 March 1995 of the Head of State of Georgia on Protection of Consumers from Unfair Advertising;
  - b) Ordinance No 160 of 27 March 1995 of the Cabinet of Ministers of the Republic of Georgia on Urgent Measures for Protection of Consumers from Unfair Advertising.

*Law of Georgia No 2378 of 9 September 1999 – LHG I, No 43(50), 21.9.1999, Art. 219*

*Law of Georgia No 1220 of 21 December 2001 – LHG I, No 1, 10.1.2002, Art. 5*

**President of Georgia**

**Eduard Shevardnadze**

**Tbilisi,**

**18 February 1998**

**No 1228-III**

