

LAW
OF THE REPUBLIC OF ARMENIA

Adopted by the National Assembly

30 April 1996

ON ADVERTISING

CHAPTER I

GENERAL PROVISIONS

Article 1. Scope and objectives of this Law

1. This Law shall define the legal grounds for creating and disseminating advertisements in the territory of the Republic of Armenia and shall aim at:
 - (a) ensuring necessary conditions for creating and disseminating advertisements meeting the interests of the public, consumers of advertising, advertisers, advertising producers, advertising media;
 - (b) preventing the spread of inaccurate information through advertising which may harm legal or physical persons, their honour, dignity, business reputation and the interests of citizens;
 - (c) preventing misleading of legal and physical persons through advertising as regards the quality, the nature, the way and the place of producing, consumer properties, selling conditions and other characteristics of goods, works, services (hereinafter referred to as "goods), as well as the rights of advertisers;

- (d) preventing dissemination of advertisements, containing undue comparisons with other goods, as well as the rights and positions of other legal and physical persons;
 - (e) preventing dissemination of advertisements infringing on social values and universal moral principles.
2. This Law shall apply in the entire territory of the Republic of Armenia, irrespective of the citizenship and the place of residence of participants of the relations having arisen.
 3. This Law shall apply also to legal and physical persons of the Republic of Armenia, having contributed - through advertising - to limiting the competition by their actions carried out outside the Republic of Armenia, misleading legal and physical persons operating in the territory of the Republic of Armenia or having led to other negative consequences in commodities market of the Republic of Armenia.
 4. This Law shall not regulate the relations regarding political advertising.
 5. This Law shall not apply to physical persons' announcements not related to entrepreneurial activity.

Article 2. Main concepts used in the Law

The following main concepts shall be used in this Law:

Advertising — spread of information — among indefinite number of people, via different information media — on legal and physical persons, goods, ideas or initiatives, intended to form or maintain interest in those physical and legal person, goods or initiatives.

Unfair advertising — advertising, during the order, production and dissemination of which prohibitions and restrictions prescribed by the legislation in force have been circumvented.

Deliberate false advertising — a form of unfair advertising through which the advertiser, advertising producer or advertising medium intentionally misleads the consumers of advertising.

Counter-advertising — a type of advertising made with the purpose of eliminating the consumer's misperception formed due to unfair advertising, by means of refuting the unfair advertising and re-establishing the real facts.

Advertiser — a legal or physical person submitting advertising information for the purpose of producing, distributing and disseminating an advertisement.

Advertising producer — a legal or physical person which directly delivers services of advertising production.

Advertising medium — a legal or physical person which, by providing appropriate means, distributes and disseminates advertisements.

Consumer of advertisement — a legal or physical person to whom the advertisement is conveyed and who bears the relevant influence of the advertising.

"Umbrella" advertising — advertising in which the trade mark or trade name used for the goods and services being advertised is identical with or misleadingly similar to the trade mark of the goods and services or the trade name of the legal persons producing or offering them, for which there are advertising restrictions stipulated by this Law.

Social advertising — information disseminated with the purpose of raising public awareness regarding human rights and obligations, public health protection, as well as healthy lifestyle and social protection, voluntarism, nature protection, educational programmes, patriotic education, preservation, promotion and development of culture, resilience to disasters, protection of national interests and other areas, which has a non-commercial nature (not

intended towards gaining profit) and has been recognised as social advertising as prescribed by point 1.2 of Article 13 of this Law.

Lottery advertising — advertising of the lottery operators or their sponsors, or lotteries or lottery names, or trade names (logos) of lotteries.

(Article 2 supplemented by HO-156-N of 9 April 2007, amended by HO-205-N of 26 May 2011, supplemented by HO-95-N of 07 June 2016, amended by HO-275-N of 21 December 2017, supplemented by HO-91-N of 19 June 2019)

Article 3. Legislation on advertising

The legislation on advertising in the Republic of Armenia consists of the present Law, other legal acts of the Republic of Armenia, and the relevant international treaties signed by it.

Where international treaties of the Republic of Armenia prescribe rules other than those provided for by this Law, the rules of the international treaties shall apply.

(Article 3 amended by HO-246-N of 23 March 2018)

Article 4. Copyright to advertising

Advertising may fully or partially be an object of copyright, which is protected by the legislation of the Republic of Armenia.

CHAPTER II

GENERAL AND SPECIAL REQUIREMENTS TO ADVERTISING

Article 5. General requirements to advertising

Advertising must be lawful, reliable and appropriate.

The language of advertising in the Republic of Armenia is standard Armenian language.

The text of advertising shall ensure the purity of the standard Armenian language and respect the established language rules.

Advertising made only in a foreign language in the territory of the Republic of Armenia shall be prohibited. This provision shall not apply to trademarks and labels registered in foreign languages.

Where necessary, upon the advertiser's discretion, the text of the advertisement may be accompanied also with two or more foreign languages, the total volume of which shall not exceed the volume (space) of the Armenian text and shall not include information not included in the Armenian text.

The advertisement text in Armenian language shall go before or ahead the text in foreign language, from top to bottom or from left to right.

The advertisement text in foreign language, with its image, colour or light effects, shall not exceed the text in Armenian language.

Accompanying Armenian text with a volume (space) not less than that of the advertisement in foreign language published in publications in foreign languages and programmes broadcast in foreign languages in the territory of the Republic of Armenia shall be mandatory.

The use of the name or the image of a physical person for advertising purposes shall be prohibited.

(Article 5 edited by HO-161-N of 23 May 2011)

Article 6. Lawfulness of advertising

Advertising shall be prohibited and shall be regarded as unlawful if it is carried out by:

- (a) exploiting people's confidence, their lack of experience or knowledge;
- (b) discrediting consumers who do not use the goods being advertised;
- (c) exploiting prejudice and superstitions;
- (d) expressions discrediting a competitor or a group of competitors, as well as the features of goods being produced or sold or other undue comparisons with legal and physical persons and goods;
- (e) using information not corresponding to the actual demands of goods;
- (f) calls instigating the citizens to violence, aggression, panic, as well as violation of universal moral principles;
- (g) calls and arguments against environment;
- (h) calls and argument instigating actions threatening the life, health and safety of consumers;
- (i) misleading consumers, using a project, text, advertising formulas, images, music and sound effects, and other means.

Article 7. Reliability of advertising

An advertising shall be prohibited where it violates the reliability of advertising and concerns the following:

- (a) features, nature, composition, manufacturing date, purpose, consumer properties, terms of application, conformity with the standards, quantity, country of origin of goods;

- (b) value and price of goods at the moment when the advertisement is published;
- (c) additional terms of payment;
- (d) delivery, exchange, return, repair, service and use of goods;
- (e) warranty liabilities;
- (f) copyright and ownership rights of manufacturer, in particular, patents, specimen, etc.;
- (g) the right to use the trade mark (service mark);
- (h) official recognition, receiving diplomas, medals, prizes and other awards;
- (i) submission of information on acquisition of full series, where the goods is a part of a series;
- (j) results of researches and tests, citations from technical and scientific publications;
- (k) statistical data that do not reflect the reality;
- (l) proper use of scientific terms;
- (m) references to guarantees or approvals of legal and physical persons, as well as use of overdue or short-term guarantees or approvals;
- (n) comparisons with other goods, rights and position of other legal and physical persons.

Article 8. Appropriateness of advertising

An advertisement shall be prohibited where it violates the appropriateness principle, i.e. it:

- (a) discredits the universal and national moral principles;

- (b) contains insulting expressions, comparisons or images regarding the race, nationality, profession or social origin, age group or sex, language, religious and other convictions;
- (c) disgraces or expresses, directly or indirectly, disrespectful attitude towards state symbols (coat of arms, flag, anthem, token money, etc.);
- (d) discredits legal and physical persons, as well as manufacturing, commercial or other activities, profession, type of goods, etc.

Article 9. Advertisement in electronic media

1. More than 1 ad pause (break) in radio programmes with a duration of less than 10 minutes and television programs with a duration of less than 20 minutes shall be prohibited.
2. Broadcast of advertisement during a radio and television programme for more than 14 minutes per 1 broadcasting hour shall be prohibited. The calculation of broadcasting hour shall start at 00.00 every day.
3. An ad break during broadcasts of official information messages shall be prohibited.
- 3.1. Broadcasting of advertisement by rebroadcasting television and radio companies and religious and cultural television channels of the Public Television and Radio Company, except for advertisements included in rebroadcasting foreign television and radio programmes shall be prohibited.
4. The frequency of special social advertising programmes broadcast via electronic media shall not be limited, however, the duration of each program in 1 broadcasting hour shall not exceed 5 minutes.
5. The provisions of this Article shall not apply where the radio and television programme has exclusively an advertising nature or where the programme is broadcast through an advertising channel.

6. Sponsorship of radio and television programmes, accompanying of the advertisement with television programmes through "news ticker", teleshops, as well as broadcasting of any information regarding the sponsors of the given television and radio programme prior to and/or after television and radio programmes notification shall be considered an advertisement broadcast via electronic media.

(Article 9 edited, supplemented by HO-205-N of 26 May 2011)

Article 10. Advertising in print media

1. The volume and the topic of advertisements in print media shall be determined as prescribed by the charters of those media.

The print media which are distributed through subscription shall be obliged to notify their subscribers of the limit volumes of advertising space in one issue of the printed medium and of possible changes thereof (without additional space envisaged for the advertisement).

2. Print media shall, not later than 20 days before the application, publish the rates for a space unit established for advertising (taking into consideration the placement, urgency and other characteristics) and all the changes thereto.
3. The calculation of advertising space shall be made with units of metric measurement system or with typographic signs.
4. The provisions of this Article shall not apply where the print media has exclusively an advertising nature.

Article 11. Outdoor advertising

Outdoor advertisement shall be placed in residential areas in the form of placards, posters, announcements, stands, illuminated billboards and other technical means.

The volume, the quantity and the procedure and terms of placement of outdoor advertisement shall be determined by local self-governmental bodies.

Permission for placement of advertisements in the streets and parks of the city of Yerevan shall be granted by the Mayor of Yerevan.

Placement of outdoor advertisement in areas other than those defined by the Community Council of Elders and without the authorisation of the Head of the community in the municipal areas of common use, on poles, utility poles, trunks, green furniture, as well as in any other public places, and placement of announcements in places other than the stands designated for that shall be prohibited.

Placement of advertisements in museums, historical and architectural monuments, as well as in the premises of state and local self-government bodies and in the territories thereof shall be prohibited.

(Article 11 edited by HO-35-N of 16 December 2005, HO-16-N of 26 December 2008, supplemented by HO-178-N of 25 March 2020)

Article 12. Advertising in public transport

Advertisement shall be placed in public transports upon the consent of the owners thereof.

With the view to ensuring safe traffic, the Government of the Republic of Armenia shall apply restrictions with regard to placement of separate advertisements in public transport.

Article 13. Social advertising

1. An advertising medium disseminating advertisements in electronic media, printed media and public transport shall be obliged to envisage, in a priority manner, not less than 5 percent of the annual broadcast time (printed space) envisaged for advertising to social advertising.
- 1.1. *(part repealed by HO-275-N of 21 December 2017)*
- 1.2. The social advertisement having, prior to its placement and dissemination, been discussed and approved by the Republican Commission adjunct to the authorised body, may be disseminated in the entire territory of the Republic of Armenia or within the territory of any administrative unit of the Republic of Armenia. The Republican Commission shall be set up of the representatives of civil society and state bodies. The number of the civil society representatives in the Republican Commission shall be by two members more than the number of the representatives of state bodies. The procedure for the establishment and operation of the Republican Commission shall be prescribed by a decree of the Government of the Republic Armenia; the principles defined therein shall be taken into consideration when setting up community commissions by the local self-government bodies. Outdoor social advertisement to be disseminated within the administrative territory of one community may be recognised as a social advertisement by the Community Commission established by the Head of the community. Three members of the Community Commission established by the Head of the community shall be nominated from among the representatives of the local self-government bodies, 5 members - from among the representatives of the civil society. The applicant shall be notified on the decision of the Community Commission established by the Head of the community within 3-day period after recognising the advertisement as a social advertisement.
- 1.3. The Republican Commission adjunct to the authorised body and community commissions established by local self-government bodies shall submit annual reports to the authorised body.

2. Orders for placement of social advertisements shall be submitted by ministries, agencies, territorial administration and local self-government bodies, as well as non-commercial organisations of the Republic of Armenia.
3. Issues related to the production, placement and dissemination of social advertising shall be regulated by the contract prescribed by Article 17 of this Law.

(Article 13 supplemented by HO-228-N of 17 December 2014, edited, supplemented, amended by HO-95-N of 7 June 2016, amended by HO-275-N of 21 December 2017)

Article 13.1. Fees for placement of advertisements

A local duty shall be charged pursuant to the Law of the Republic of Armenia "On local duties and fees" for placing an outdoor advertisement in the administrative territory of a community.

Those placing an advertisement on state motor roads of common use of the Republic of Armenia (except for transit sections passing through residential areas), as well as on the layers of alienation and defence zones of motor roads (advertising media) shall pay a traffic fee for placing an advertisement (advertising panel) on the state motor roads of common use of the Republic of Armenia as prescribed and within the time-period established by the Tax Code of the Republic of Armenia (except for the case provided for by the third paragraph this Article).

Provisions of this paragraph shall not apply to the cases of placing billboards on the state motor roads of common use of the Republic of Armenia (except for transit sections passing through residential areas), as well as on the layer of alienation and defence zones of motor roads where a social advertisement recognised as prescribed by point 1.2 of Article 13 of this Law is placed.

Where, during the reporting period, the social advertisement is replaced by other types of advertisement, the authorisation for placing advertisement shall be issued and its content shall be monitored by the authorised state body (bodies) of the Government of the Republic of Armenia.

(Article 13.1 supplemented by HO-275-N of 21 December 2017, edited, supplemented by HO-500-N of 10 December 2020)

Article 14. Protection of minors during the production, placement and dissemination of advertisements

1. Advertising shall be prohibited, where:
 - (a) it exploits the credulity and inexperience of minors;
 - (b) it contains video and audio shots that may inflict moral and physical damage to minors;
 - (c) the reputation of parents and educators, as well as the trust of minors in them are undermined;
2. Placement of advertisement of alcoholic beverages in radio and television programmes envisaged for children and young people, in printed publications regarding minors, as well as in children, educational, medical, cultural, sport organisations, institutions and in the territories thereof, in historical and cultural places, in recreational centres for persons under 18 years, in the territories of public catering shall be prohibited.
3. Audiovisual use of images of minors or the use thereof in advertisements in some other way shall be prohibited where it is not related to goods intended for minors.

(Article 14 supplemented by HO-394-N of 26 June 2002, amended by HO-94-N of 13 February 2020)

Article 15. Advertising peculiarities of certain types of goods

1. When advertising alcoholic beverages, the following shall be forbidden:
 - (a) suggesting that alcohol has healing, stimulating, soothing and relaxing features;
 - (b) inducing consumers to alcohol use, expressing a negative reaction to moderate use or non-use;
 - (c) presenting the high dose of alcohol in beverages as a positive feature;
 - (d) suggesting that using alcoholic beverages is essential for building a good-looking body, achieving social success or becoming attractive;
 - (e) shooting and featuring persons under the age of 25.
2. All types of advertising of tobacco products, accessories of it, substitutes of tobacco products (except for the substitutes used for medical purposes), imitations of tobacco products, including their use, shall be prohibited.
3. Addressing directly to minors when advertising alcoholic beverages shall be prohibited.
4. Demonstrating alcoholic beverages or showing the process of their use when advertising alcoholic beverages, shall be prohibited.
5. It shall be prohibited to:
 - (a) ***(point repealed by HO-94-N of 13 February 2020)***
 - (b) broadcast from 06:00 to 22:30, through electronic media, an advertisement of strong alcoholic beverages (with spirit concentration of 20 volume and more).

5.1. It shall be prohibited to:

(a) ***(point repealed by HO-94-N of 13 February 2020)***

(b) place an advertisement of alcoholic beverages on the first page and the cover of newspapers or magazines.

5². ***(part repealed by HO-94-N of 13 February 2020)***

5³. ***(part repealed by HO-94-N of 13 February 2020)***

6. Advertising baby formulas and those for children of early age, any food not considered baby formula for infants under 6 months and related goods, shall be prohibited.

7. Advertising of medications, medical equipment and medical treatment methods without the authorisation of the Ministry of Health of the Republic of Armenia shall be prohibited.

(paragraph repealed by HO-91-N of 17 May 2016)

Advertising of medications, medical equipment and medical treatment methods the use of which requires a special medical prescription, shall be prohibited.

The list thereof shall be approved by the Government of the Republic of Armenia.

7¹. Relations pertaining to medication advertisement shall be regulated by the Law of the Republic of Armenia “On medication”.

7². When advertising medical equipment and medical treatment methods via electronic and print mass media or through outdoor advertising billboards, the number and the date of the authorisation of the Ministry of Health of the Republic of Armenia shall be indicated in the advertisement.

7³. When advertising organisations and individual entrepreneurs providing medical assistance and care, pharmacy activities, production of medicines, medical secondary vocational or higher educational programmes, the number and the

issue date of the license for the activity of the organisation and individual entrepreneur shall be mandatorily indicated in the advertisement.

- 7⁴. The procedure for issuing an authorisation for advertising medicine, medical equipment and medical treatment methods, as well as the requirements to such advertising shall be approved by the Government of the Republic of Armenia.
- 7⁵. Commercial advertising of human organs and tissues shall be prohibited.
8. Advertising of weapons and ammunition, except for hunting and sports weapons and ammunition, shall be prohibited.
9. Advertising of promotional lottery monetary prizes through mass media shall be prohibited.
10. Any advertisement of any lottery broadcast via any telecommunication channel shall be permitted for the period of 22:00-07:00, and by radio — for the period of 08:00-20:00. Advertising within one hour preceding and following children and youth programmes shall be prohibited. During the mentioned period, the total duration of advertisement, including promotional programs and promotional information regarding a lottery or a lottery operator, may not exceed 3 minutes which may be broadcast not more than twice within one hour and its total duration may not exceed 60 seconds.

Advertising during sport events broadcast within the time period of 07:00-22:00 via a television programme shall be permitted not more than once, after each programme and only with indication of the name of the sponsor organisation.

Broadcasting of the prize pool draw for a draw lottery or a combined lottery may be performed only with the frequency set by the regulation for organising and holding a lottery agreed with the authorised body, moreover, it may be broadcast in a television programme within the time period of 22:00-07:00 hours and its total duration shall not exceed 30 minutes.

Lottery operators shall have the right to advertise the lottery via Internet. Advertising prescribed by this paragraph via children and youth, educational, medical sites shall be prohibited; advertising prescribed by this paragraph on news websites shall not exceed more than 20 percent of the given website.

Advertising of a lottery on backside poster during the coverage of events taking place in a press club during a newscast shall be permitted only with the indication of the title of the lottery, which shall not contain the web address of the lottery and shall necessarily contain a visible indication "21+".

Outdoor advertisement shall not exceed 5 square meters and shall contain only its trade name (logo). Outdoor advertisement at the entrance of lottery and betting facilities, premises or halls intended for holding on-line games of chance shall not exceed 0.5 square meters and shall contain only its trade name (logo). Advertisement of lotteries and on-line games of chance shall be prohibited in elevators and at entrances of buildings, premises, as well as in the areas of public food and services to population.

Operators of a lottery shall have the right to advertise the lottery through pitch-side advertising boards in stadiums only during sport events and/or on the sportswear of the teams participating in those sport events.

When advertising betting, games of chance, on-line games of chance or casinos, the indication "21+", whereas when advertising draw lottery, instant lottery or a combined lottery - the indication "18+" shall be visible.

Operators of lotteries, games of chance, on-line games of chance or casinos having not been granted a relevant license as prescribed by laws and secondary regulatory legal acts of the Republic of Armenia shall not have the right to advertise the relevant activities in the Republic of Armenia.

Advertising of a lottery and on-line game of chance by means other than provided for by this part shall be prohibited.

11. Showing money or featuring minors when advertising a lottery, game of chance or a casino shall be prohibited.
 - 11.1. During the advertising of a lottery, game of chance, on-line game of chance or a casino, it shall be prohibited to:
 - (a) address, in any way, to minors;
 - (b) suppose that the participation in the game ensures an opportunity to receive regular income (profit) or it is an alternative to employment;
 - (c) suppose that receiving regular income (profit) is guaranteed;
 - (d) convince that it is possible to achieve public, professional, sport success through gambling;
 - (e) disparage abstention from participating in a lottery or on-line games of chance.
 - 11.2. Advertisement of a lottery, game of chance, on-line game of chance or casinos shall contain a warning against gambling under the influence of alcohol or in a state of depression.
 - 11.3. Advertisement of a lottery, game of chance, on-line game of chance or casinos or draw lottery prize pool draw shall mandatorily contain a warning with the following content:

"Warning: participation in the game contains a risk of incurring material damages." or "Warning: You may incur material damages by participating in the game.". Moreover, the mentioned warning must be not less emphasised than the rest of information in the advertisement.
12. It shall be prohibited to announce as a sponsor on Public Television any lottery, a game of chance, on-line game of chance, a casino, a night club, cigarette tobacco, as well as any products and services the advertising of which on television is prohibited by this Law.

- 12.1. Advertising of a lottery, instant lottery, draw lottery, combined lottery, trade promotion lottery, betting, on-line games of chance and night clubs on Public Television shall be prohibited.
13. Advertising of a lottery during news programs, 20 minutes before and 20 minutes after such programs shall be prohibited.
14. Organisations or sole proprietors (advertisers) providing cultural services shall mandatorily indicate information on the advertiser, content, genre, author, participants, venue, time of the occasion, as well as the use of audio specifications (live performance or use of any type of phonogram) of concert events in the advertisements of public theatrical and concert events, festivals, concert tours, in all mass media - television and radio, electronic, printed or outdoor advertising.

The volume, space or content of information about live performance or phonogram shall not be less than 7% of the total volume, space or content of the advertisement.

15. Any advertising of a game of chance (except for an on-line game of chance) or a casino or a gambling hall or the operators thereof (including advertising via radio, television or internet), shall be prohibited, except for advertisements posted on the official website thereof or in casinos or inside or on the buildings, premises or halls of the games of chance, at the border crossing points of the Republic of Armenia, as well as in at least 4-star hotels; advertising of a draw lottery or a combined lottery shall be permitted also at draw lottery or combined lottery points. The requirements and limitations prescribed by this Article for lottery advertising shall apply to advertising of on-line games of chance.
16. Advertising of services of performing, drafting, preparing the tasks, researches and other practical works (reference paper, coursework, diploma paper, dissertation, etc.) to be prepared by a learner (pupil, student, attendee,

researcher) himself or herself within the scope of educational, scientific and research programmes shall be prohibited.

(Article 15 supplemented by HO-299 of 28 April 1999, supplemented, edited by HO-394-N of 26 June 2002, supplemented by HO-4-N of 17 December 2003, edited, supplemented by HO-35-N of 16 December 2005, supplemented, amended by HO-52-N of 02 May 2006, supplemented by HO-67-N of 19 March 2009, HO-143-N of 4 October 2010, amended by HO-89-N of 14 April 2011, edited by HO-106-N of 21 June 2014, amended, supplemented by HO-126-N of 21 June 2014, edited by HO-228-N of 17 December 2014, HO-183-N of 20 November 2014, amended, edited by HO-91-N of 17 May 2016, supplemented by HO-29-N of 8 May 2019, edited, supplemented by HO-91-N of 19 June 2019, amended, edited by HO-94-N of 13 February 2020, supplemented by HO-216-N of 16 April 2020, amended by HO-378-N of 16 July 2020)

Article 16. Advertising of financial, insurance, investment services and securities

Advertising of institutions carrying out banking, insurance and other financial and credit and financial operations, including advertising of companies carrying out security transactions and services provided thereby shall be prohibited where, at the moment of advertising and in the process of publication thereof, the object of advertising has not acquired a license as prescribed by the law.

The following shall be prohibited in advertisements of the above-mentioned services:

- (a) posting a guarantee, prediction or a promise with regard to effectiveness (guarantees) of future activities, including statements regarding the raise of the market price of securities;

- (b) posting quantitative data which is not directly related to the institutions being advertised, as well as the services provided by them and the securities;
- (c) posting in an advertisement of regular shares any information regarding the market price thereof or a guarantee on the dividends thereof.

Article 16¹. “Umbrella” advertising

“Umbrella” advertising shall be prohibited.

(Article 16¹ supplemented by HO-156-N of 9 April 2007)

CHAPTER III

RIGHTS AND OBLIGATIONS OF ENTITIES ENGAGED IN ADVERTISING ACTIVITIES

Article 17. Contractual nature of advertising

The relations between an advertiser, an advertising producer and advertising medium shall have a contractual nature and shall be regulated as prescribed by law.

Article 18. Rights and obligation of entities engaged in advertising activities in the field of providing information on the production and dissemination of advertisements

The advertising producer and the advertising medium shall be obliged to require and the advertiser shall be obliged to provide them with a documentary confirmation of the reliability of the information provided for the production of advertisement (patents, statements of information).

Article 19. Obligations of advertising producers with regard to compliance with the legislation of the Republic of Armenia on advertising

1. Where the requirements of the advertiser with regard to advertising contradict the legislation of the Republic of Armenia on advertising, the advertising producer or the advertising medium shall be obliged to inform him or her thereon.
2. Where the advertiser - despite of the substantiated warning of the advertising producer or advertising medium - does not change his or her requirements or does not establish with documents the reliability of the information submitted by him or her, the advertising producer or the advertising medium shall be entitled to rescind the contract and claim from the advertiser a compensation for the damages incurred.

Article 20. Obligations of the advertisers, advertising producers and advertising medium with regard to providing information to state authorities

Upon the request of the authorised public administration body in charge of the supervision of compliance with the legislation on advertising, the advertiser, advertising producer and advertising medium having violated the legislation shall be obliged to provide documents, written and verbal explanations and other information.

CHAPTER IV

UNFAIR ADVERTISING: CONSEQUENCES OF UNFAIR ADVERTISING

Article 21. General provisions on unfair advertising

1. Publishing unfair, including deliberate false advertising shall be prohibited.
2. In order to recognise the advertising as unfair, the fact of misleading or that of the social danger shall be present.

"Misleading" means disorientation of legal and physical persons as a result of a complete or partial unreliability, omissions or distortion of information on the characteristics, quantity, quality, features, price of the goods and other data, as well as information on advertisers thereof.

"Social danger" means the actual potential of the advertisement to inflict damage to competitors, to incite violence, to exploit the prejudice, superstition and inexperience of the consumer of advertising, to incite consumers of advertising to actions that are dangerous for health, property, as well as the environment.

3. Where the actions of advertisers, advertising producers, and advertising media carried out during advertising activities are objective, yet they may mislead the consumers or make the advertisement socially dangerous, the presence or the lack of deliberate intention of the advertiser or the advertising producer shall not be taken into consideration.
4. Partially unfair advertising shall be considered as completely unfair.
5. The literal truthfulness of an advertisement shall not protect it from being considered as unfair, where the general content of advertisement implies other meaning.
6. An advertisement may be considered as unfair not only because of its content, but also because of the place, time and means of dissemination (placement).

Article 22. Counter-advertising

1. In case a fact of unfair advertising is detected, the offender shall be obliged to publish counter-advertising at his or her own expense.
2. Counter-advertising may be carried out also by other legal and natural persons who, upon the recommendation of the authorised public administration body carrying out supervision over compliance with legislation on advertising, or judicial authorities, would voluntarily undertake the mentioned obligations.
3. Counter-advertising shall be carried out by the same means as the advertising, using the same duration, space, place and conditions.

Article 23. Liability for using unfair advertising and refusing counter-advertising

1. Legal and natural persons whose rights have been violated as a result of unfair advertising shall be entitled to apply to a court to claim:
 - (a) compensation for damages;
 - (b) compensation for damages caused to the life, health or property of persons;
 - (c) compensation for non-pecuniary damages;
 - (d) a public refutation of the advertisement.
2. The liability for using unfair advertising or refusing counter-advertising shall be borne by the advertiser, advertising producer and advertising medium.

The advertiser shall be responsible for the lawfulness of the advertising order and the reliability of data contained therein, unless he or she proves that the violation of requirements of advertising legislation has been occurred due to the fault of the advertising producer or advertising medium.

The advertising producer shall be responsible for the appropriateness and lawfulness of the advertisement message.

The advertising medium shall be responsible for the means, time and place of placing an advertisement.

3. Legal and natural persons shall be held liable as prescribed by Article 26 of this Law and the legislation of the Republic of Armenia for using unfair advertising and refusing counter-advertising.

CHAPTER V

STATE SUPERVISION OVER ADVERTISING ACTIVITYIES

**Article 24. The authorised public administration body
of the Republic of Armenia carrying out supervision over
compliance with the legislation on advertising**

1. The authorised public administration body of the Republic of Armenia carrying out supervision over compliance with the legislation on advertising shall be established as prescribed by the Government of the Republic of Armenia.
2. The National Commission on Television and Radio of the Republic of Armenia shall be the authorised public administration body of the Republic of Armenia carrying out supervision over compliance with the legislation on advertising in the field of television and radio.

(Article 24 edited by HO-156-N of 9 April 2007)

Article 25. Competence of the authorised public administration body of the Republic of Armenia carrying out supervision over compliance with the legislation on advertising

The authorised public administration body of the Republic of Armenia carrying out supervision over compliance with the legislation on advertising shall be entitled to:

- (a) warn about unfair advertising committed by legal and natural persons, and to prohibit it;
- (b) send notifications to an advertiser, advertising producer and advertising media on discontinuation of the violation of the legislation on advertising and notifications on carrying out counter-advertising;
- (c) file actions with the court against an advertiser, advertising producer and advertising media in case of detecting a fact of unfair advertising and to file an action with a motion on their liquidation where the violation of the legislation on advertising is frequent;
- (d) give official clarifications on the legislation of the Republic of Armenia on advertising.

Article 26. Liability for violating the legislation of the Republic of Armenia on advertising

1. The authorised public administration body of the Republic of Armenia shall be entitled to impose a fine on the advertiser, advertising producer and advertising media as prescribed by the legislation of the Republic of Armenia in force for evading to fulfil the requirements of its notification on violation of the legislation on advertising or for failure to fulfil them in time.
 - 1.1. The Mayor of Yerevan shall be entitled to impose a fine as prescribed by the legislation of the Republic of Armenia in force for avoiding to fulfil requirements

of his or her notifications on violation of the terms of authorisation for placing an outdoor advertisement in the territory of the relevant community in Yerevan in accordance with the municipal rules, or for failure to fulfil them in time, as well as for placing an outdoor advertisement in the city of Yerevan without the authorisation to place an outdoor advertisement.

2. Heads of advertiser, advertising producer and advertising media enterprises shall bear administrative liability for the violations stipulated by point 1 of this Article. In this case, the authorised public administration body of the Republic of Armenia shall be entitled to impose a fine on them in the amount of up to 100-fold of the minimal salary.
 - 2.1. Advertisers, advertising producers and advertising media shall bear administrative liability for the violations stipulated by point 1.1. of this Article. In this case, the Mayor of Yerevan shall be entitled to impose a fine on them in the amount of up to 100-fold of the minimal salary.
 - 2.2. Heads of advertiser and advertising media enterprises shall bear administrative liability for the stipulated violations. In this case, the authorised public administration body of the Republic of Armenia shall impose a fine on them in the amount of up to 1000-fold of the minimal salary.
3. Advertisers, advertising producers, and advertising media shall be entitled to apply to court with a claim to fully or partially invalidate the notifications of the authorised public administration body of the Republic of Armenia, or to revoke or change the decision on imposing a fine.

The claim pending before the court shall not terminate the fulfilment of the notification requirements or the execution of the decision on fine, unless the court has rendered a decision to suspend or terminate the enforcement of the mentioned acts.

(Article 26 supplemented by HO-99-N 21 March 2012, HO-91-N of 19 June 2019)

Article 27. Entry into force of this Law

This Law shall enter into force from the moment of its promulgation, except for points 5.2 and 5.3 of Article 15 which shall enter into force from 1 October 2006.

(Article 27 supplemented by HO-37-N of 21 March 2006)