

General Rules of Preparing and Presenting Sponsors' Messages on TV

In accordance with requirements regarding advertising ethics specified in the Code of Advertising Council of the Czech Republic ("RPR") and upon notifying the Radio and TV Broadcasting Council ("RTV Council"), sponsors of programs included in TV broadcasting represented by the Czech Association for Brand Products, TV broadcasters represented by the Association of TV Organizations and advertising agencies – members of the Association of Communication Agencies and of the Association of Czech Advertising Agencies and Marketing Communication agreed on following the General Rules of Preparing and Presenting Sponsor Messages, as specified below.

A. Basic Premises

The purpose of the General Rules is to create a framework for effective application of law within the practice of TV broadcasters, sponsors and advertising and media agencies. In unclear cases, the law shall be always applied according to the principle of "if it is not prohibited, it is permitted", with the exception of governmental bodies, in which case the principle of "if it is not permitted, it is prohibited", or: the state power can apply regulation only in an extent permitted by law.

B. Legal Specification of Sponsoring in Electronic Media

Basic rules of sponsoring in radio and TV broadcasting are determined primarily by the Act on Radio and TV Broadcasting no. 231/2001, as amended, (hereinafter referred to as the "Act on Broadcasting") and, additionally, also the Act on Advertising Regulation no. 40/1995, as amended, (hereinafter referred to as the "Act Advertising Regulation"). Those rules must be followed completely during the creation and broadcasting of sponsor messages.

In accordance with the Act on Broadcasting, "sponsoring" means any contribution provided by natural person or legal entity, which does not operate TV broadcasting or produce audiovisual works, serving to directly or indirectly finance radio and/or TV programs to promote the name and surname of such natural person or the name of the respective legal entity, a business name, a brand, a graphic symbol (logo) or a trademark of the respective sponsor, or their services, products and/or other performance.

The Act also determines the following:

Persons and entities not allowed to sponsor:

A sponsor may not be any person/entity, the main business of which is formed by the production and/or sale of tobacco and tobacco products.

Any producer of pharmaceutical preparations and/or medical technology items, including providing services and selling such products, can be a sponsor only if the terms and conditions stipulated by law at met, which condition include a provision, according to which "The sponsoring of TV and radio programs by legal entities or natural persons, activities of which include the production and/or distribution of medicinal preparations or medical procedures, may not include any promotion of medicinal preparations or medical procedures subject to a doctor's prescription in this country."

Programs may not be sponsored by persons and/or entities, the main business of which is formed by the production and/or lease of products or providing services, which may not be subjects of advertising by law.

A TV broadcaster may not sponsor programs included in their own broadcasting. However, they may sponsor programs presented by another broadcaster.

Programs that may not be sponsored:

Political programs and news programs, with the exception of independent service information, primarily on weather, transport, timing presented in sports programs and information on exact time.

Duties of broadcasters connected with presenting sponsored programs:

Indicating every program sponsored partially or completely mainly at the beginning or at the end thereof using the business name, the graphic symbol (logo), the trademark and/or the service mark identifying the respective sponsor. If the sponsor is a producer or distributor of pharmaceuticals, the release of which is subject to a doctor's prescription, the content of the sponsor message can be formed only by the business name of the sponsor, or their logo.

Ensuring that the contents and the time of presentation of the respective sponsor program within the broadcasting cannot be influenced by the sponsor.

Ensuring that the contents of sponsored programs do not promote the sale, purchase or lease of products and/or services of the sponsor or any third party mainly by preventing the mentioning of their products and/or services specifically in the respective programs.

C. Relations between sponsoring and advertising

According to Act no. 231/2001, "advertising" means every communication, which contains accumulatively the three following elements: it must be a public announcement; it must be presented for a consideration; and it must serve primarily to support the sale or purchase of products and/or services.

According to Act no. 231/2001, "sponsoring" has the two following elements: the existence of a contribution to finance programs and the purpose of spending such contribution, i.e. promotion of the business name, the graphic symbol or the trademark, which means either identification data of a business or a natural person or their products.

A sponsoring message may contain advertising information in a broader sense, i.e. a communication promoting publicly the business name, a product or a service, or it can be a slogan, i.e. a specific expression or expressions specifying the business or their product, goods or services. It means that an advertising spot and a sponsor message can share some common features, as – in spite of all differences – they are a part of commercial communication in a broader sense.

The basic purpose of sponsoring is to create a good name and goodwill or a legal entity or a natural person or their products or performance.

The differing criterion separating advertising from sponsoring is the purpose of sponsoring. If a sponsor message urges to purchase a specific product or performance of a business, it is not considered a sponsor message but advertising.

Unlike advertising, a sponsor message may not invite to purchasing a specific product or performance, invite to consuming (mainly by presenting special promotion indications regarding such product or performance) and/or invite to visiting a selling point or a selling event; it may not include any delimitation in relation to competitors by using superlatives or comparatives. These limitations apply primarily to using special promotion elements from advertising spots.

A classic example of a sponsor message is the graphic presentation of the sponsor's logo or their product together with a slogan characterising the sponsor or the product or the sponsor's performance in a static form, indicating the sponsor as a sponsor of a specific program.

Considering the close relation between sponsoring and advertising, the limitations applying to the contents of advertising (Section 48 of Act no. 231/2001) must be applied also to sponsoring.

D. Contents and preparation of sponsor messages

1. Basic Specification

A sponsor message must be prepared in a manner, which clearly indicates the informative function thereof (sponsoring identification), which may not be restrained in favour of the promotion function (sponsor identification).

No sponsor message may contain any invitation to purchasing or consuming, to visiting a selling place or selling event. This limitation applies both to visual and voice parts of sponsor messages and must be fully respected not only in individual parts of the respective sponsor message, but also in the general presentation of the sponsor message.

2. Sponsoring (sponsored program) indication

2.1 Within the framework of any sponsor message (at the beginning, at the end or at any time during the presentation thereof), it must be clearly stated it is a sponsor message. This information on sponsoring can be in the form of a voice over or text information (a text line).

Examples of possible use:

- Weather forecast sponsored by XY
- This program is sponsored by XY
- The prize for the winner was provided by XY, the program sponsor
- Enjoy this program with XY, the program sponsor

2.2 If the expression “sponsor” (the sponsor is...; sponsored by...) is missing in the voice over, it is recommended that it is used in the text line.

Examples of possible use:

- *Voice:* XY invites you to enjoy this film. *Text line:* Program sponsor
- *Voice:* The furniture in the studio provided by XY. *Text line:* Program sponsor

2.3 No sponsor message may indicate that the sponsor produced the respective program.

Examples of unacceptable use:

- This program was prepared by XY.
- This live transmission has been arranged by XY.

2.4 The frequently used expression “Brought to you by...” can be used only in connection with a clear announcement of the fact that it concerns sponsoring, for example, by using the “program sponsor” expression in the text line or in the voice over.

Examples of possible use:

- *Voice:* This program is brought to you by XY. *Text line:* Program sponsor

3. Sponsor Identification

3.1 Any sponsor message must include the sponsor identification by including their name and surname in the case of a natural person, or the business name or a graphic symbol (logo) or the trademark or service mark in the case of a legal entity, identifying the sponsor or a specific product (or service) or performance of the sponsor.

Sponsor messages may include basic information about the person/entity providing the sponsoring contribution, or their brand name, products or performance. A brand name, a product or performance may be presented only within the framework of short general characteristics thereof.

Examples of possible use:

- XY, mineral water producer, invites you to watch the program.
- This program is sponsored by YY, car importer and distributor.
- This program is sponsored by AB Yoghurt.
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3.2 Sponsor messages may also include information on prizes received by the sponsor, their products and/or performance in a professional contest, or information on charity and publicly beneficial activities of the sponsor.

Examples of possible use:

- This program is sponsored by XY, the winner of the Bank of the Year 2006 poll.
- This program is sponsored by XY, the main partner of the representation.

3.3 Sponsor messages may also contain slogans, including the respective voice characteristic (“voice – logo”), which is typical for the sponsor or, respectively, their product, whether or not registered as a part of the trademark. However, if the slogan contains an invitation to consuming or purchase of a product or performance, it may not be used in a sponsor message, even if it is a part of a trademark.

Examples of possible use:

- This program is sponsored by AB, the winner of the Beer of the Year 2005 poll.
- This program is sponsored by Philips. Philips. Let’s make things better.
- This program is sponsored by the Blesk daily paper. Blesk. It has been and will be!

3.4 A sponsor message may also include an expression, which characterizes the sponsor or their product in the best manner without being subject to trademark protection.

Examples of possible use:

- This program is sponsored by XY*, seawater in spray. (Nose drops producer).
- Many beautiful places for summer holiday from AB, the program sponsor. (A travel agency).

3.5 In the case of sponsoring by producers of freely available medicals and nutrition supplements, a sponsor message must include a clear statement of “freely available medicine”, “nutrition supplement”, “food supplement”, “special nutrition”, or another precise specification of a human medical preparation in accordance with valid legal regulations.

4. Evaluation and comparison

4.1 No sponsor message may contain information on the price or on the comparison of utility characteristics of a brand name, product or performance to competitors’ items, an evaluation of the respective brand’s, product’s or performance’s advantages connected with the use or purchase thereof.

No sponsor message may contain any superlatives or comparatives in connection with the sponsor and/or their products or performance, which would favour the sponsor’s brand name, product or performance over any other brand names, products or performance.

Examples of unacceptable use:

- XY, the only vacuum cleaner with a 5-year guarantee, inviting you to watch the program.
- This program is sponsored by AB yoghurt. Available for only CZK 7.50.
- This program is sponsored by AB yoghurt. Only 0.1 fat and no sugar.
- AB, the brand of the most delicious pastry, inviting you to watch the program.

4.2 It is also unacceptable to use an advertising slogan containing comparisons to competitors, even if it is registered as a trademark.

Examples of unacceptable use:

- Sponsored by XY, the best on the market.

4.3 However, evaluation elements do not include information, which may evoke the idea of the product quality but do not exceed the framework of general characteristics applying to the entire group of products or services.

Examples of possible use:

- This program is sponsored by AB, a paper for every day.
- This program is sponsored by XY, a premium world insurer.

5. Inviting to visit, purchase, consume

5.1 No sponsor message may invite to visiting of a selling point or a selling event, to purchasing or to consuming.

Examples of unacceptable use:

- This program was brought to you by AB stick. Enjoy!
- This program was brought to you by AB yoghurt. Available in your supermarket.
- This program was brought to you by the owner of the AB motor show. Come to look.
- This program was brought to you by XY. Come to shop in our supermarket.

5.2 Unacceptable invitation to consuming includes showing a consumer or a domestic pet immediately before, during or immediately after consuming a consumable product (food, cosmetics, etc.).

Examples of unacceptable use:

- A sponsor message promoting milk producer showing a person wiping off milk from their mouth.
- A sponsor message promoting a lipstick showing a woman using a lipstick or licking lips, on which a lipstick has just been used.

5.3 Unacceptable invitation to visiting or purchasing includes information about special offers.

Examples of unacceptable use:

- Sponsored by XY Bank. The cheapest loans until the end of March.

6. Address, date, contact

6.1 A sponsor message may include only contact data referring to more detailed information on the sponsor, without indicating any selling places or selling events. Such contact data include, for example, a teletext page or a website address. No sponsor message may include an address of any selling place of the sponsor or a phone number.

Examples of possible use:

- XYZ, the program sponsor, inviting you to enjoy the program.
www.xyz.atlas.cz
- This program is sponsored by ABC.
Teletext page no. 255

6.2 However, the reference to a website or a teletext page may not contain any evaluation or invitation to purchasing any product or performance.

Examples of unacceptable use:

- This program is sponsored by AB yoghurt. www.nejlepsijogurty.cz. (“*the best yoghurts*”)

6.3 No sponsor message may contain any date of single selling events. A date may be provided only with events, the purpose of which is not only commercial.

Examples of possible use:

- This program is sponsored by Engineering Fair Brno, 18 – 22. 9. 2006.
- The musical festival Prague Spring, 12 - 20.5. 2006, inviting you to enjoy this program.
- This program is sponsored by Země živilka exhibition, České Budějovice, 10 – 20. 9. 2006

7. Connection with the program

7.1 A sponsor message may contain an explicit notification of the connection between the respective program and the entity sponsoring the program. This relation can be expressed by text, for example, by paraphrasing the scale of business of the entity, or by an animation of the sponsor message, for example, by indicating a typical environment of the program, an exaggeration of a typical course of the program, etc.

Examples of possible use:

- Paraphrasing the title “Do you want me?” in a sponsor message connected with a program on abandoned animals.
- A visual metaphor of whirling roofing material in a sponsor message connected with a dancing competition together with a comment: “Sponsored by AB. AB endures the wildest dance”.
- A visual presentation of transformations (metaphor) in a sponsor message connected with the program “Looking great”.
- A visual metaphor of a relaxing can of beer in a sponsor message connected with the program “Please, relax!”

7.2 However, no sponsor message may include any voice or image extracts from the sponsored program.

E. Broadcasting sponsor messages and special sponsoring formats

1. Basic premise

Broadcasters are obliged to notify viewers of watching a sponsored program by indicating it is a sponsored program within the broadcasting. Broadcasters are responsible for the contents of sponsor messages and also decide on the frequency of presentation and the timing of sponsor messages in broadcasting.

2. Broadcasters may include sponsor messages into broadcasting at the beginning or at the end of the respective programs, and also during the program itself. Sponsor messages must be presented without interrupting the integrity of the respective programs or violating any copyrights of third parties.

3. Sponsored programs can be also indicated by the respective broadcaster including the sponsors’ logos into the respective program, placing logos in space covered by cameras (for example, on the speaker’s desk), or using a voice reference in the course of the program. The inclusion of a logo may not contain any subliminal communication.

F. Mechanism of sponsoring self-regulation

The Advertising Council of the Czech Republic (RPR) plays the main role in the sponsoring self-regulatory process.

1. In case of doubts during the preparation of a sponsor messages, the sponsors, broadcasters and/or their media representatives and advertising or media agencies can contact RPR with a request for recommendation. The first filing will be subject to a fee of CZK 5,000.
2. RPR, or its Arbitration Committee (“AC”), respectively, will consider any disputable items and issue a recommendation either
 - a/ within the framework of regular monthly AC meetings, or
 - b/ *per rollam* in emergencies.

A representative of the person or entity filing the request may participate in the respective meeting. If the RTV Council’s request is discussed, an RTV Council’s representative will be invited.

RPR shall inform the RTV Council on considered cases.

The RTV Council will note RPR recommendations as information to be used when considering broadcast sponsor messages.

The RTV Council will request a RPR’s opinion when considering disputed cases of broadcast sponsor messages (Section 8, Subsection 7 of the Act on Advertising Regulation).