

DECREE LAW No. 51/2011

of 21 December 2011

LEGAL REGIME OF ADVERTISING ACTIVITIES

This Decree-Law provides the legal system of Timor-Leste with a set of rules regulating advertising.

Article 2
Concepts

For the purposes of this law

- a) **Advertising agency:** shall mean a commercial company whose sole object is the exercise of advertising activity;
- b) **Advertiser:** the natural or legal person in whose interest the advertising is carried out;
- c) **Advertising operations:** means all those aimed at the design, creation, production, planning and distribution of advertising;
- d) **Advertising or Advertising Activity:** means any dissemination aimed at directing the attention of the public to a particular good or service of a commercial nature, with the aim of promoting its acquisition, as well as the legal and technical relations arising therefrom between advertisers, advertising agencies and entities exploiting the advertising media or carrying out such activity;
- e) **Advertising m**

- a) the value or price to be paid for the good or service;
 - b) in the case of payment in instalments of the price, the initial and subsequent instalments, the particular features of the credit and other conditions of payment;
 - c) the conditions of delivery, replacement of the goods or termination of the contract;
 - d) the gratuitousness of the goods or services advertised, unless the consumer is not required to pay any cost, including postage, freight or tax.
2. The use of formulas and suggestions considered legitimate, in accordance with the prevailing concepts of commerce, shall be excluded from the provisions of the preceding paragraph.

Article 8
Quality of life

Advertising which harbors messages instigating pollution, including noise, as well as that leading to the degradation of fauna, flora and other natural resources, shall not be permitted.

Article 9
Advertising

Consumer health and safety

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- d) contains any discrimination on grounds of race or sex;
 - e) uses obscene language;
 - f) encourages behavior prejudicial to the protection of the environment.
 - g) has as its object ideas of union, political or religious content, unless of authorship, duly announced and identified by the entities themselves.
4. It is also forbidden the advertisement that:
- a) has a hidden or criminal character;
 - b) is based on fear, ignorance or superstition of the recipients;
 - c) uses pornographic, obscene or in any way violates the dominant public morals;
 - d) concerns radio and television advertisements for alcoholic beverages or tobacco in accordance with Article 26;
 - e) does not alert to special care with regard to the prevention of accidents, when such care is required for the handling or use of the goods advertised.

Article 11
Specific prohibitions

1. May not be the subject of advertising:
- a) lending or pawn brokerage;
 - b) firearms;
 - c) pornographic material;
 - d) games of chance not authorized by law.

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- a) rescuing the presence of minors, or inciting them to consumption;
- b) encouraging excessive consumption;
- c) undervaluing non-drinkers;
- d) suggesting the success of any order associated with consumption, the warning of moderate

1, to the extent applicable to them, and may not, in addition, mislead the public with regard to the guarantees offered, the values, income or capital appreciation proposed and the special payment schemes.

Article 19
Travel and tourism

1. The advertising message on travel and tourism will necessarily indicate precisely the:
 - a) entity responsible for the trip;
 - b) means of transport and class used;
 - c) intended destinations and routes;
 - d)

Article 25

Sponsors

1. Sponsorship, for the purposes of this document, means the participation of natural or legal persons in the financing of any audiovisual works, programs, reports, editions, items or sections, hereinafter abbreviated to programs, regardless of the means used for their dissemination, with a view to promoting their name or image, as well as their activities, goods or services.
2. Television news and political information programs may not be sponsored by any type of undertaking.
3. Sponsored programs shall be clearly identified as such by the indication, at the beginning and end of the program, of the name, brand or logo of the sponsor.

Article 26

Prohibition of radio and television advertising for alcoholic beverages and tobacco

1. All forms of advertising for tobacco or alcoholic beverages shall be prohibited, irrespective of the medium used in radio and television broadcasts.
2. This prohibition shall not apply to brands but only to alcoholic or tobacco products, irrespective of the producer or trader, who may advertise other beverages or products not containing alcohol or tobacco.

CHAPTER IV

ADVERTISING ACTIVITIES

Article 27

Advertising Creation

1. Unless otherwise agreed, ownership rights in advertising shall be presumed to have been assigned exclusively to their intellectual creator.
2. The use of advertising creations without the authorization of the authors holding the respective rights is unlawful.

Article 28

State advertising campaigns

State advertising should preferably be carried out by advertising agencies certified by the advertising authorities or by those in whose interest the advertising is carried out.

Article 29

Civil liability

1. The owners of the advertising media shall be liable to the advertising agent and the advertiser jointly and severally for any damage caused to third parties as a result of the dissemination of unlawful advertising messages or accidents caused by physical or movable structures.
2. The advertiser may be exempted from the liability set out in the preceding paragraph if he proves that he had no prior knowledge of the advertising message broadcast or because he hired the advertising agent to post it on structures belonging to him.

CHAPTER V