



## **On Advertising**

### *Unofficial translation*

The Law of the Republic of Kazakhstan dated 19 December 2003 No. 508.

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This Law regulates the relations arising during the production, dissemination, placement and use of advertising in the territory of the Republic of Kazakhstan.

### **Chapter 1. General Provisions Article 1. The objectives of the Law**

The objectives of this Law are to provide necessary conditions for the production, dissemination, placement and use of advertising, to protect against unfair competition in the field of advertising, to prevent and suppress inappropriate advertising.

### **Article 2. Scope of application of the Law**

1. This Law shall apply to the relations arising during the activities of individuals and legal entities that produce, disseminate, place and use advertising in the territory of the Republic of Kazakhstan.

2. This Law shall not apply to the announcements of individuals, including those in the media that are not related to the entrepreneurial activity, as well as to the political agitation and propaganda carried out in accordance with the legislative acts of the Republic of Kazakhstan.

3. Specific aspects of regulating online advertising shall be established by the Law of the Republic of Kazakhstan "On Online Platforms and Online Advertising".

**Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 10.07.2023 No. 19-VIII (shall be enforced sixty calendar days after the date of its first official publication).**

### **Article 3. Basic definitions**

The following basic definitions shall be used in this Law:

1) public service advertisements - information addressed to the public at large and aiming to achieve charitable and other non-profit socially useful objectives, and to serve national interests;

1-1) brand identity – a visible element used to distinguish goods (works, services), business entities (commercial name, trademark, service mark, etc.);

1-2) advertisement – information disseminated and (or) placed in any form using any means, intended for the public at large and aiming to create or keep up interest in an individual or legal entity, goods, trademarks, works, services and promote their sale;

1-3) is excluded by Law of the Republic of Kazakhstan № 215-VI as of 08.01.2019 (shall be enforced three months after its first official publication).

2) inappropriate advertising - unfair, inaccurate, unethical, misleading and concealed advertising, wherein violations of requirements to its content, time, place and method of distribution, placement established by the legislation of the Republic of Kazakhstan are made;

3) an advertiser - an individual or a legal entity that is the source of the advertising information for the advertising production, distribution and placement;

4) an advertising producer - an individual or a legal entity that develops the advertising information to the form ready for the distribution and placement;

4-1) regulatory state bodies for advertising - state bodies in charge of a particular industry in which advertising is carried out;

4-2) the authorized body for advertising - the central executive body exercising the leadership and intersectoral coordination in the field of advertising;

5) an advertising distributor - an individual or a legal entity that distributes and places advertising information by providing and (or) using property, including the technical means of broadcasting and other means;

6) consumers of advertising - indefinite set of individuals and (or) legal entities for whom the advertising is intended to;

7) moving message - a method of dissemination of advertisements placed on outdoor (visual) advertising objects or broadcast on TV channels, in cinema and video viewing, characterized by successive alteration (movement) of combinations of letters, digits, signs that together make up certain information;

7-1) outdoor furniture (equipment) - objects of decorative nature and practical use (flower vases, pavilions, gazebos, benches, litter bins, public transport stops, information panel, equipment and structures for children's games and adults' recreation), installed in open spaces outside of premises in populated localities;

7-2) sign - information on the name and type of activity of individuals and legal entities, including their brand identities, placed within the building's entrance area, the number of which shall be equal to that of entrances, and (or) at the entrance of the fencing of the occupied territory, and also on roofs and facades of buildings, their extensions and temporary structures of individuals and legal entities in the places of their actual location and sale of goods, performance of works and provision of services;

7-3) pointer - a structure up to two square meters in size, placed on the ground or on the contact network and lighting supports, indicating the location of an organization, trade or another facility and located in close proximity to them, containing information only on their name, brand identity (if any) and navigation;

8) is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V ( shall be enforced from 01.01.2015);

9) outdoor (visual) advertising - advertisements placed on outdoor (visual) advertising objects and accessible to visual perception in open spaces outside of premises in populated localities, on the right of way of public roads, in open spaces outside of premises outside of populated localities and outside of the right of way of public roads;

10) outdoor (visual) advertising object - structures, various types of volumetric or planar structures, including screens and electronic displays, light structures, and other means used for dissemination and (or) placement of advertising;

11) teleshopping - a public offer on a TV channel aiming to sell goods or provide services

Footnote. Article 3 as amended by the Laws of the Republic of Kazakhstan dated 19.06.2007 No. 264 (the order of enforcement see Article 2 of the Law); dated 05.07.2011 No . 452-IV (shall be enforced from 13.10.2011); dated 18.01.2012 No. 546-IV (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 28.12.2017 No. 128-VI ( shall be enforced upon expiry of ten calendar days after its first official publication); № 215-VI as of 08.01.2019 (shall be enforced three months after its first official publication).

#### **Article 4. The legislation of the Republic of Kazakhstan on advertising**

1. The legislation of the Republic of Kazakhstan on advertising is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If an international treaty ratified by the Republic of Kazakhstan establishes the rules other than those contained in this Law, then the rules of the international treaty shall be applied.

#### **Article 5. Copyright and related rights on advertising**

Advertising fully or partially can be subject matter of copyright and related rights. Copyright and related rights shall be protected in accordance with the legislation of the Republic of Kazakhstan, as well as international treaties.

#### **Chapter 2. General and specific requirements to advertising**

##### **Article 6. General requirements to advertising**

1. Advertising must be reliable, recognizable without special knowledge or the use of special tools immediately at the time of its presentation, regardless of the form or means of its dissemination, placement, including the field of e-commerce.

2. Advertising on the territory of the Republic of Kazakhstan (with the exception of periodicals, Internet resources, news agencies) shall be distributed in the Kazakh language, and at the advertiser's discretion also in Russian and (or) other languages.

The translation of the content of advertising shall not distort its basic meaning.

The text of the advertisement must comply with the requirements of the Law of the Republic of Kazakhstan "On Languages in the Republic of Kazakhstan".

2-1. is excluded by Law of the Republic of Kazakhstan № 215-VI as of 08.01.2019 (shall be enforced three months after its first official publication).

3. (Is excluded dated 19 June 2007 No. 264).

4. Advertising of the goods (works, services) prohibited to be produced and sold in accordance with the legislation of the Republic of Kazakhstan is not allowed.

If the activity carried out by an advertiser is subject to licensing, then in advertising of the corresponding goods (works, services), as well as in advertising of an advertiser the license number and the name of the license issuing authority shall be indicated, apart from radio advertising.

4-1. In an advertisement, the price (tariffs, charges, rates) for a product (work, service) sold in the Republic of Kazakhstan shall be indicated in tenge.

5. It is prohibited to advertise religious associations and spiritual (religious) educational institutions not registered in accordance with the legislation of the Republic of Kazakhstan.

5-1. It is prohibited to advertise electronic casinos and online casinos.

6. Advertising shall not be used to promote or agitate for the dismantlement of statehood, violation of the integrity of the Republic of Kazakhstan, undermining national security, war, social, racial, ethnic, religious, class and tribal superiority, the cult of cruelty and violence, pornography, as well as the dissemination of information constituting state secrets of the Republic of Kazakhstan and other law-protected secrets.

7. Advertising shall not stir up panic in the society, encourage individuals to aggression, as well as to other unlawful actions (omission).

8. is excluded by Law of the Republic of Kazakhstan № 215-VI as of 08.01.2019 (shall be enforced three months after its first official publication).

9. It is not allowed to make references to brand identities, individuals and legal entities in public service advertisements, except for the cases specified in this paragraph.

The established restrictions shall not apply to references to state bodies, local governments, sponsors, individuals in distress or in need of treatment in order to provide them with charity assistance. In social advertising, it is allowed to make references to socially oriented non-profit organizations in cases where the content of this advertisement is directly related to information on the activities of such non-profit organizations aimed at achieving charitable or other socially useful goals.

In social advertising distributed in radio programs, the duration of references to sponsors may not exceed three seconds for each, in social advertising distributed in television programs

, cinema and video viewing - three seconds for each, and such a reference must be made no more than seven percent of the picture area, and in social advertising distributed by other means - no more than five percent of the advertising area (space). These restrictions shall not apply to references in social advertising about individuals who are distressed or in need of treatment in order to provide them with charity assistance.

10. Restrictions to advertising are established by this Law and other laws of the Republic of Kazakhstan.

**Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan dated 19 June 2007 No.264 (the order of enforcement see Article 2 of the Law); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 24.04.2015 № 310-V (shall be enforced upon expiry of twenty one calendar days after the day its first official publication); № 128-VI as of 28.12.2017 (shall be enforced ten calendar days after its first official publication); № 215-VI as of 08.01.2019 (refer to Article 2 for the enforcement procedure); № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication); No. 94-VII of 29.12.2021 (shall be brought into force ten calendar days after the date of its first official publication); dated 29.12.2021 No. 94-VII (shall be enforced ten calendar days after the date of its first official publication); dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).**

## **Article 7. Types of inappropriate advertising**

1. Unfair advertising is the advertising that:

1) contains the comparison of the advertised goods (works, services) with the goods (works, services) of other individuals or legal entities, as well as the statements, images defaming their honour, dignity and business reputation;

2) misleads consumers regarding the advertised product by copying the trade name, trademark, brand packaging, the external design of goods, formulas, images and other commercial designations used in the advertising of other products, or by abusing their trust;

3) contains the indications or allegations, the use of which during entrepreneurial activity may be misleading as to the nature, manufacturing process, characteristics, suitability for use or the amount of goods (works, services);

4) discredits, humiliates or ridicules individuals or legal entities that do not use the advertised goods (works, services);

5) presents the advertising of goods prohibited to be advertised by the Law of the Republic of Kazakhstan, where such advertising is carried out in a form of advertising of another good, which trademark or service mark is identical or confusingly similar to the trademark or service mark of good prohibited to be advertised, as well as under the pretence of advertising of the manufacturer or the seller of such goods.

2. Inaccurate advertising is the advertising wherein presented data not corresponding to the facts in respect to:

1) such product characteristics as the nature, composition, method and date of manufacture, application, consumer characteristics, conditions of use, an existence of the certificate of conformity, certification marks and marks of conformity with the national standards, quantity, origin;

2) the availability of a product on the market, the possibility of its purchase in a particular place;

3) the value (price) of a product and additional conditions of payment at the time of distribution and placement of advertising;

4) delivery, exchange, return, repair and maintenance of a product;

5) warranty liabilities, service life, shelf life;

6) the expected results of the application;

7) the exclusive rights to results of intellectual activity and equal to them means of individualization of a legal entity, product, performed works or services;

8) the right to use the state symbols (emblem, flag, anthem), as well as the symbols of international organizations;

9) the official recognition, receiving medals, prizes, diplomas and other awards;

10) the providing information on the methods of purchase of the full series of a product, if it is a part of the series;

11) the results of research and testing, scientific terms, quotations from technical, scientific and other publications;

12) the statements about goods (works, services) of conducting entrepreneurial activity, discrediting an individual or legal entity, an industrial or commercial activity of others;

13) the statistical information, which shall not be given as to exaggerate its validity;

14) the status or level of competence of a manufacturer, seller of goods (works, services) or persons advertising them.

3. Unethical advertising is the advertising that:

1) contains textual, visual, audio information that violates generally accepted standards of humanity and morality through the use of offensive words, comparisons, images in respect to race, ethnicity, language, profession, social status, age, gender, religious and political beliefs of individuals;

2) defames the objects of art, culture, historical monuments that are national or world heritage;

3) defames the state symbols, the national currency of the Republic of Kazakhstan or a foreign currency, religious symbols.

4. Misleading advertising is the advertising through which advertisers (an advertising producer, an advertising distributor) intentionally mislead a consumer of advertising.

5. Concealed advertising is the advertising that has an impact insensible by consumer on his perception, instincts in the radio, television, video, audio and film production, as well as in



other products, including through the use of special video inserts, dual recording and other methods.

6. Inappropriate advertising is prohibited.

**Footnote.** Article 7 as amended by the Laws of the Republic of Kazakhstan dated 19.06.2007 No. 264 (the order of enforcement see Article 2); dated 19.03.2010 No. 258-IV; dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015).

## **Article 8. Advertising on television and radio channels**

1. Advertising on TV and radio channels, which do not specialize in advertising messages and materials, shall not exceed twenty percent of the total broadcasting time per day, except for a moving message, public service advertisements, information on TV and radio channels' own products (advertisements) not containing third-party advertisements, advertisements of events prepared and carried out by a TV and radio channel, as well as advertisements placed in the venue of an event broadcast live or in the recording of replay of a live program.

In the total broadcasting time of advertising per day, the total duration of advertising within the time period running from 18:00 till 23:00 local time shall not exceed twenty percent of an hour.

On TV and radio channels, the broadcasting time of advertising in the Kazakh language within every six-hour time interval, calculated from 00:00 local time, shall not be less than the total broadcasting time of advertisements disseminated in other languages.

The broadcasting time of advertising on TV and radio channels, except for public service advertisements, in Kazakh and Russian, and in other languages at the advertiser's discretion, depends on the running time of advertising materials placed in accordance with the rules for monitoring the media distributed in the Republic of Kazakhstan, approved by the authorized body for the media.

Teleshopping on TV channels that do not specialize in advertising messages and materials shall not exceed thirty percent of the total broadcasting time of advertising per day.

The broadcasting time of teleshopping on TV and radio channels specializing exclusively in advertising messages is not limited.

When broadcasting an advertisement, its sound shall not be louder than that of the program being broadcast.

1-1. The daily broadcasting time of public service advertisements placed free of charge on obligatory TV and radio channels must include at least ten advertisements within a time interval of eighteen hours, calculated from 06:00 local time, with two obligatory advertisements within a time interval of six hours, calculated from 18:00 local time.

Social advertising shall be distributed uniformly throughout its daily broadcast on the territory of the Republic of Kazakhstan in the Kazakh language, and at the advertiser's discretion also in Russian and (or) other languages.

2. When using overlay advertising, including a moving message, its size shall not exceed seven and a half percent of a picture area and affect textual or information material in TV programs.

3. It is prohibited to interrupt by advertising, including by means of running line, the broadcasting of official reports, speeches of candidates for the President of the Republic of Kazakhstan and for the deputies of the representative bodies, educational and religious television programs, as well as shows of children's television programs, with the exception of advertising intended for children and adolescents.

4. The advertising on television and radio channels is prohibited in the days of national mourning.

**Footnote. Article 8 is in the wording of the Law of the Republic of Kazakhstan dated 18.01.2012 No. 546-IV (shall be enforced upon expiry of thirty calendar days after its first official publication); as amended by Law of the Republic of Kazakhstan № 128-VI as of 28.12.2017 (shall be enforced ten calendar days after its first official publication); № 215-VI as of 08.01.2019 (refer to Article 2 for the enforcement procedure); No. 94-VII of 29.12.2021 (shall take effect ten calendar days after the date of its first official publication).**

#### **Article 9. Advertising in print periodicals**

Print periodicals make independent decisions on advertisements, their subject matter.

Print periodicals distributed by subscription are required to indicate their thematic focus in the subscription conditions.

Advertising in print periodicals is placed in the language specified in the medium's certificate of registration.

**Footnote. Article 9 as amended by Law of the Republic of Kazakhstan № 215-VI as of 08.01.2019 (shall be enforced three months after its first official publication).**

#### **Article 10. Advertising in cinema, video and reference services**

1. It is prohibited to interrupt by advertising the show of a film in the cinema and video services, with the exception of breaks between episodes.

2. During the reference services the advertising shall be provided only after notification of requested information.

3. During paid reference, computer and other services the advertising shall be distributed only with the consent of the client. The cost of such advertising shall not be included in the cost of the requested information.

#### **Article 11. The outdoor (visual) advertising**



1. Outdoor (visual) advertisement is placed by displaying and applying advertising images and (or) information on outdoor (visual) advertising objects, including those placed on the outside of buildings (structures).

Outdoor (visual) advertising objects, including pointers, shall be placed in accordance with the Land Code of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on architectural, town planning and construction activity, automobile roads and road traffic.

Outdoor (visual) advertising objects must comply with national standards.

1-1. Outdoor (visual) advertisements do not include:

- 1) a sign;
- 2) information on the hours of operation;
- 3) posters of cultural, sports and mass sporting events, located in specially designated places;
- 4) identities of technical service facilities and vehicles;
- 5) information on the types of petroleum products, prices for petroleum products, the name and logo of the seller, placed at the entrance to gas stations;
- 6) information (data) on cultural values and (or) objects of historical and cultural heritage, including historical and cultural monuments;
- 7) information containing data on the purchase and (or) sale rates of foreign currency in cash per tenge placed near exchange offices;
- 8) the interior design of shop windows and windows for external visual perception of the following nature:
  - commercial products placed indoors;
  - types of services provided;
  - brand identities;
  - decorative design and festive decoration.

1-2. Outdoor (visual) advertisements and outdoor (visual) advertising objects shall not lower the transport and operational qualities of a road, violate the safety requirements for the movement of vehicles and environmental protection, be similar to road signs and pointers, impair their visibility or perception, dazzle road users.

2. It is allowed to place outdoor (visual) advertisements after submitting a notification of the placement of outdoor (visual) advertisement in open spaces outside of premises in populated localities, on the right of way of public roads, in open spaces outside of premises outside of populated localities and outside of the right of way of public roads in accordance with the Law of the Republic of Kazakhstan “On Permits and Notifications”.

2-1. Notifications shall be sent by advertising distributors, placing outdoor (visual) advertisements, to:

local executive bodies of cities of republican significance, the capital, cities of regional significance - when placing outdoor (visual) advertisements in open spaces outside of

premises in cities of republican significance, the capital, cities of regional significance, on the right of way of public roads passing through the territory of cities of republican significance, the capital, cities of regional significance;

local executive bodies of districts - when placing outdoor (visual) advertisements in open spaces outside of premises in towns of district significance, villages, rural settlements, on the right of way of public roads passing through the territory of towns of district significance, villages, rural settlements, rural districts, in open spaces outside of premises outside of populated localities and outside the right of way of public roads.

2-2. A notification shall be sent at least five working days before the expected date of the placement of outdoor (visual) advertisement.

It is necessary to attach to the notification:

1) an information form containing data on the time period and location of outdoor (visual) advertisement;

2) a document confirming the payment for the first month of placement of outdoor (visual) advertisement in accordance with the tax legislation of the Republic of Kazakhstan;

3) a free-form description of the advertisement with its sketches attached.

Local executive bodies have the right to give substantiated written comments on submitted materials indicating the faults to be mandatorily eliminated.

If local executive bodies provide comments indicating the faults, an outdoor (visual) advertisement may only be placed after their elimination.

2-3. In case of a failure of local executive bodies to respond within four working days of receipt of a notification, an applicant has the right to place outdoor (visual) advertisement within the time frames specified by him/her/it in the application.

**Note!**

This wording of paragraph 3 has been in effect since 01.01.2018 for towns of district significance, villages, rural settlements, rural districts with over two thousand people in accordance with Law of the Republic of Kazakhstan № 90-VI as of 11.07.2017 (for the current wording in effect until 01.01.2020 for towns of district significance, villages, rural settlements, rural districts with fewer than two thousand people, refer to the archival version as of 28.12.2017 of Law of the Republic of Kazakhstan № 508 “On Advertising” as of 19.12.2003).

3. For the placement of outdoor (visual) advertisements on stationary advertising objects on the right of way of public roads, in open spaces outside of premises in the capital, cities of republican, regional, district significance and other populated localities, a fee shall be charged in the manner and in the amount established by the tax legislation of the Republic of Kazakhstan.

4. Local executive bodies, specified in paragraph 2-1 of this article, are obliged to submit to state revenue authorities information on payers, amounts of the fee, the time period and

location of placement of outdoor (visual) advertisement, submission of (a failure to submit) a notification in the manner established by the tax legislation of the Republic Kazakhstan.

5. It is prohibited to place outdoor (visual) advertisements on historical and cultural monuments and in their protection areas, on religious buildings (structures) and land plots allotted thereto and on their fences, and also in specially protected natural areas.

6. is excluded by Law of the Republic of Kazakhstan 215-VI as of 08.01.2019 (shall be enforced three months after its first official publication).

7. Outdoor (visual) advertisement shall be placed under a contract with the owners of outdoor (visual) advertising objects or persons with other property rights to outdoor (visual) advertising objects, unless otherwise provided for by laws or a contract.

Owners of outdoor (visual) advertising objects or persons with other property rights to outdoor (visual) advertising objects placed on the outer sides of buildings (structures) are required to:

keep outdoor (visual) advertising objects in the proper aesthetic, sanitary and technical condition;

ensure the safety of outdoor (visual) advertising objects for the life and health of people, to the property of all forms of ownership;

upon the expiration of the placement period under the contract, to dismantle the outdoor (visual) advertising object within thirty calendar days.

If the owners of outdoor (visual) advertising objects or persons with other property rights to the outdoor (visual) advertising objects placed on the outside of buildings (structures) failed to fulfil the obligation to dismantle the outdoor (visual) advertising objects within the established time period, or the owner of the outdoor (visual) advertising object is not known, the local executive body, in accordance with the Entrepreneurial Code of the Republic of Kazakhstan, issues a binding order to dismantle outdoor (visual) advertising object to owners of buildings (structures) or persons with other property rights to buildings (structures).

Owners of buildings (structures), owners of residential and non-residential premises in a residential house (residential building) or the management body of a condominium object, persons with other property rights to buildings (structures), on the outside of which an outdoor (visual) advertising object has been placed, are required to dismantle an object of outdoor (visual) advertising within thirty calendar days of the order's issuance. Owners of outdoor (visual) advertising objects or persons with other property rights to outdoor (visual) advertising objects placed on the outside of buildings (structures), at the request of owners of buildings (structures), owners of residential and non-residential premises in a residential house (residential building) or the management body of the condominium object, persons with other property rights to buildings (structures) are obliged to reimburse the costs incurred in connection with the dismantling of outdoor (visual) advertising objects.

In case of refusal by the owners of outdoor (visual) advertising objects or by persons with other property rights to outdoor (visual) advertising objects placed on the outside of buildings

(structures) to voluntarily reimburse the costs, owners of buildings (structures), owners of residential and non-residential premises in residential house(residential building) or the management body of a condominium object, persons with other property rights to buildings (structures) are entitled to apply to court with a claim for reimbursement of expenses incurred in connection with the dismantling of outdoor (visual) advertising objects.”;

It is prohibited to set fixed state prices (tariffs) for services for the placement of outdoor (visual) advertisements on private property objects.

8. It is allowed to place outdoor (visual) advertisements on outdoor furniture (equipment) installed by local executive bodies or investors at their own expense under relevant agreements with local executive bodies concluded on the basis of the results of open tenders. Investors can be both individuals and legal entities.

**Footnote. Article 11 as amended by the Laws of the Republic of Kazakhstan dated 19.06.2007 No. 264 (the order of enforcement see Article 2); dated 28.12.2010 No. 369-IV ( shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 13.06.2013 No. 101-V ( shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.12.2013 № 152-V (shall be enforced from 01.01.2014); dated 07.11.2014 № 248-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 29.03.2016 № 479-V(shall be enforced upon expiry of twenty one calendar days after the day its first official publication ); № 90-VI as of 11.07.2017 (refer to subparagraph 1 of paragraph 1 of Article 2 for the enforcement procedure); № 215-VI as of 08.01.2019 (shall be enforced three months after its first official publication); No. 94-VII of 29.12.2021 (shall be enacted ten calendar days after the date of its first official publication).**

## **Article 12. Advertisements on vehicles**

Advertisements on vehicles shall be placed in compliance with road safety rules under agreements with vehicle owners and persons with other property rights to vehicles, unless otherwise provided for by law or by agreement with respect to persons with other property rights to this property.

Advertisements on vehicles may be placed without sending a notification of the placement of outdoor (visual) advertisement and without charging fees for the placement of outdoor (visual) advertisement.

**Footnote. Article 12 as amended by Law of the Republic of Kazakhstan № 215-VI as of 08.01.2019 (shall be enforced three months after its first official publication).**

## **Article 13. Specific aspects of advertising of certain types of products (works and services)**

1. The advertising:

- 1) ethyl alcohol and alcoholic products, products imitating alcoholic beverages;
- 2) of breast milk substitutes;

3) goods (works, services) subject to mandatory confirmation of conformity, which failed to confirm their conformity;

4) tobacco and tobacco products, including products with heated tobacco, hookah tobacco, hookah mixture, tobacco heating systems, electronic consumption systems and liquids for them;

5) in the form of holding various events, including prize draws, lotteries aimed at stimulating demand and interest in alcoholic products, tobacco and tobacco products, including products with heated tobacco, hookah tobacco, hookah mixture, systems for heating tobacco, electronic consumption systems and liquids for them;

5-1) in the form of demonstration of tobacco products and the process of tobacco consumption in audiovisual works intended for children, including television and video films, in theatrical and entertainment performances, in radio, television, video and newsreel programs, as well as public performance, broadcasting, by cable and any other use of the specified works, performances, programs in which tobacco products and the process of tobacco consumption are demonstrated;

5-2) in the form of demonstration of tobacco products and the process of tobacco consumption in audiovisual works intended for adults, including television and video films, in theatrical and entertainment performances, in radio, television, video and newsreel programs, as well as public performance, broadcasting, by cable and any other use of the specified works, performances, programs in which tobacco products and the process of tobacco consumption are demonstrated, unless such action is an integral part of the artistic intent;

6) the activity of a financial (investment) pyramid.

1-1. It is prohibited to advertise goods (works, services) using elements of trademark and (or) name, known as the name of alcoholic products, products imitating alcoholic beverages, tobacco and tobacco products, including products with heated tobacco, hookah tobacco, hookah mix, tobacco heating systems, electronic consumption systems and liquids for them, which directly or indirectly offer alcoholic products, products imitating alcoholic beverages, tobacco and tobacco products, except for advertising a trademark and (or) the name of wine produced on the territory of the Republic of Kazakhstan that meets the requirements of Article 14-2 of this Law.

1-2. It is prohibited to advertise services for mandatory confirmation of conformity and (or) intermediary services in the field of confirmation of conformity of products by organizations not accredited in the manner established by the legislation of the Republic of Kazakhstan on accreditation in the field of conformity assessment.

1-3. It is prohibited to advertise the lottery, with the exception of advertisement placed by the lottery operator and (or) distributors (agents) of the lottery under an agency agreement concluded with the lottery operator.

2. (Is excluded - dated 19 June 2007 No. 264).

3. The features of advertising of medical services, methods and means of prevention, diagnosis, treatment and medical rehabilitation, medicines and medical products, dietary supplements are regulated by the legislation of the Republic of Kazakhstan in the field of healthcare.

4. Is excluded by the Law of the Republic of Kazakhstan dated 16.07.2009 No. 186-IV.

5. Advertising of service and civilian weapons, as well as arms, military equipment and dual-use products, which are exported and imported in accordance with the legislation of the Republic of Kazakhstan, shall be allowed only in special publications, as well as at specialized exhibitions or trade fairs. The specified advertising should not directly or indirectly disclose the production technology, methods of using combat and special weapons, arms, military equipment.

5-1. When displaying audiovisual works, including television and video films, television, video and newsreel programs that demonstrate tobacco products and the process of tobacco consumption, the broadcaster or organizer of the demonstration must provide an accompanying text message about the dangers of tobacco consumption immediately before or during demonstration of such a work, program.

6. It is prohibited to advertise a residential house (residential building) under construction or commissioned that does not correspond to the classification of residential houses (residential buildings) in the approved design documentation.

Footnote. Article 13 is in the wording of the Law of the Republic of Kazakhstan dated 07.07.2006 No. 171 (the order of enforcement see Article 2); the Article as amended by the Law of the Republic of Kazakhstan dated 19.06.2007 No. 264 (the order of enforcement see Article 2 of the Law); dated 16.07.2009 No. 186-IV; dated 17.01.2014 № 166-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 18.06.2014 № 210-V (shall be enforced upon expiry of twenty one calendar days after the day its first official publication); dated 29.03.2016 № 479-V (shall be enforced upon expiry of twenty one calendar days after the day its first official publication); dated 21.04.2016 № 504-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); № 211-VI as of 28.12.2018 (shall be enforced ten calendar days after its first official publication); № 215-VI as of 08.01.2019 (shall be enforced three months after its first official publication); dated 18.03.2019 No. 237-VI (shall be enforced upon expiry of twenty-one calendar days after its first official publication); dated 18.03.2019 No. 237-VI (shall be enforced upon expiry of twenty-one calendar days after its first official publication); dated 10.06.2020 No. 343-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.07.2020 No. 361-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2020 No. 394-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 14. Specific aspects of advertising financial, insurance, investment services, securities and secured digital assets**



Footnote. The heading of Article 14 as amended by the Law of the Republic of Kazakhstan dated 06.02.2023 No. 194-VII (shall be enforced from 01.04.2023).

When producing, distributing, advertising financial (including banking), insurance, investment and other services related to the use of money of individuals and legal entities, securities, as well as secured digital assets, it shall be prohibited to:

1) provide information in advertising that is not directly related to the advertised services, securities or secured digital assets;

2) guarantee the receipt of income and the amount of dividends on ordinary shares or the receipt of income on secured digital assets;

3) to advertise securities without the registration of the issuance, as well as when the issuance of securities is suspended or recognized as failed;

4) provide any guarantees or suggestions on the future effectiveness (profitability) of activities, including by announcing an increase in the market value of securities or secured digital assets;

5) to conceal any of the essential conditions of contracts stipulated in advertising;

6) to advertise kinds of entrepreneurial activities that encourage individuals to earn their profit or benefit from the involvement of other individuals in the activity of this enterprise or the purchase of goods of this enterprise;

7) advertising of residential houses (residential buildings) after the court's revocation of a permit to attract equity holders' money.

Footnote. Article 14 as amended by the Laws of the Republic of Kazakhstan dated 07.07.2006 No. 181 (shall be enforced from 01.01.2007); dated 19.06.2007 No. 264 (the order of enforcement see Article 2); dated 11.07.2009 No. 183 (the order of enforcement see Article 2); dated 07.04.2016 № 487-V (shall be enforced upon expiry of six months after the day its first official publication); dated 06.02.2023 No. 194-VII (shall be enforced from 01.04.2023).

#### **Article 14-1. Specific aspects of advertising of trademarks and goods specified by these marks**

1. The duly registered trademarks shall be given in the language of original.

2. is excluded by the Law of the Republic of Kazakhstan dated 18.06.2014 № 210-V (shall be enforced upon expiry of twenty one calendar days after the day its first official publication).

3. Is excluded by the Law of the Republic of Kazakhstan dated 18.06.2014 № 210-V (shall be enforced upon expiry of twenty one calendar days after the day its first official publication).

Footnote. The Law is supplemented by Article 14-1 in accordance with the Law of the Republic of Kazakhstan dated 19 June 2007 No. 264 (the order of enforcement see Article 2 of the Law); as amended by the Law of the Republic of Kazakhstan dated 18.06.2014 № 210-

V (shall be enforced upon expiry of twenty one calendar days after the day its first official publication).

**Article 14-2. Features of advertising a trademark and (or) the name of wine produced on the territory of the Republic of Kazakhstan**

1. Advertising of a trademark and (or) the name of wine produced on the territory of the Republic of Kazakhstan shall be allowed:

1) in the period from twenty-two o'clock in the evening to six o'clock in the morning local time on domestic television and radio channels (with the exception of children's and religious ones), taking into account the following requirements:

advertising on domestic TV channels during broadcasting and (or) rebroadcasting must be accompanied by a warning about the dangers of excessive consumption of wine in at least ten percent of the advertising area (space);

advertising on domestic TV channels when broadcasting and (or) rebroadcasting is accompanied by two social advertising to promote a healthy lifestyle in accordance with the procedure determined by the authorized body in the field of television and radio broadcasting;

advertisements on radio channels, at the end of their broadcast, must be accompanied by a message warning about the dangers of excessive consumption of wine;

2) in printed periodicals (except for children's and religious ones) taking into account the following requirements:

should not be placed on the first and last pages of newspapers;

should not be placed on the first and last pages and covers of magazines, almanacs, bulletins, supplements to them;

must contain social advertising to promote a healthy lifestyle, the volume of advertising area (space) of which is equal to the volume of advertising area (space) for advertisement of a trademark and (or) the name of wine produced on the territory of the Republic of Kazakhstan.

Formation and selection of social advertisement on promotion of a healthy lifestyle shall be carried out in accordance with the rules for the formation and placement of social advertisement on promotion of a healthy lifestyle on domestic TV channels, approved by the authorized body in the field of television and radio broadcasting in agreement with the authorized bodies in the field of health and advertisement.

2. Advertisement of a trademark and (or) the name of wine produced on the territory of the Republic of Kazakhstan must not:

1) advertise wine;

2) be related to work and driving;

3) be filmed (recorded) with participation of minors, including with the help of cartoons (animation);

4) be addressed to minors;

5) assert that wine has medicinal properties, encourage its excessive consumption;

- 6) condemn abstinence from the use of wine;
- 7) assert that drinking wine helps to strengthen relationships.

Footnote. The Law is supplemented by Article 14-2 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2020 No. 394-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 15. Protection of minors during the production, distribution, placement of advertising**

During the production, distribution, placement of advertising in order to protect minors from abuse of their trust and lack of experience it is not allowed:

- 1) to discredit the authority of parents, educators, teachers, to undermine the trust of minors in them;
- 2) a direct offer calling to persuade their parents or others to purchase the advertised products;
- 3) an express indication to minors that the possession of some products gives them an advantage over others, and that the absence of such products will be counterproductive;
- 4) to place in the advertising the text, visual or audio information showing minors in dangerous places and situations, where it is not justified for preventive purposes;
- 5) visual or sound use of images of minors in advertising, with the exception of social advertising and advertisement of goods (works, services) for minors, as well as goods (works, services) that will not entail a harmful effect on the physical, mental health and morality of minors;
- 6) to detract the required level of skills of minors for the use of products, except in cases when the results of use of the products are shown or described. The advertising shall provide information about what is actually achievable for minors of the age group for which the product is intended;
- 7) to create among the minors the unreal (distorted) perception on the cost (price) of products for minors, as well as a direct or indirect reference to the fact that the advertised products are available for any family budget.

Footnote. Article 15 as amended by Law of the Republic of Kazakhstan № 215-VI as of 08.01.2019 (shall be enforced three months after its first official publication); dated 29.06.2020 No. 352-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 16. Sales life of materials containing advertising**

An advertiser, an advertising producer shall keep materials or their copies containing the advertising, including any further changes to them within one year, an advertising distributor - for at least one month from the date of the last distribution, placement of advertising.

### **Chapter 3. State regulation in the field of advertising Article 17. State regulation in the field of advertising**

1. The state regulation in the field of advertising shall be understood as the control over production, distribution and placement of advertising as provided in accordance with the regulatory legal acts of the Republic of Kazakhstan.

State regulation in the field of advertising is carried out by the authorized body for advertising, regulatory state bodies for advertising, as well as local executive bodies within their competence established by the legislation of the Republic of Kazakhstan.

2. The main objectives of the state regulation in the field of advertising are:

1) the protection of national interests;

2) the prevention and suppression of inappropriate advertising and the advertising encroaching on social values and generally accepted rules of morality and ethics;

3) the protection against unfair competition.

3. State control over compliance with the legislation of the Republic of Kazakhstan on advertising is exercised in the form of an inspection and preventive control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan.

4. Preventive control without visiting the subject (object) of control is conducted in accordance with this Law.

The object of preventive control without visiting the subject (object) of control in the field of advertising is the activity of advertising distributors and advertisers.

The subjects of preventive control without visiting the subject (object) of control are advertising distributors and advertisers.

The objectives of preventive control without visiting the subject (object) of control are timely suppression and prevention of violations, enabling the subjects of control to eliminate violations found as a result of preventive control without visiting the subject (object) of control on their own, and reducing the administrative burden on them.

Preventive control without visiting the subject (object) of control is conducted by analyzing information obtained from various sources of information.

In case of detection of violations as a result of preventive control without visiting the subject (object) of control, it is necessary to send a recommendation to the subject of control within five working days of violations' detection.

A recommendation shall be delivered to the subject of control by hand against signature or using any other method confirming its dispatch and receipt.

A recommendation sent using one of the following methods is considered to be delivered in the following cases:

1) by courier – on the date of receipt mark in the recommendation;

2) by mail - on the date of the return receipt of the postal item;

3) electronically – on the date of its sending to the electronic address of the subject of control indicated in the letter received upon the request of a state or local executive body.

The recommendation to eliminate violations found as a result of preventive control without visiting the subject (object) of control shall be fulfilled within ten working days of the day following its delivery.

In case of disagreement with the violations indicated in the recommendation, the subject of control has the right to send an objection to the state or local executive body that sent the recommendation within five working days of the day following the recommendation's delivery.

A failure to fulfill the recommendation on elimination of violations found as a result of preventive control without visiting the subject (object) of control, entails the scheduling of preventive control with a visit to the subject (object) of control by including it in the semi-annual list of preventive control with a visit to the subject (object) of control.

Preventive control without visiting the subject (object) of control shall not be conducted more than twice a month.

**Footnote. Article 17 as amended by Law of the Republic of Kazakhstan № 215-VI as of 08.01.2019 (shall be enforced three months after its first official publication).**

#### **Article 17-1. Competence of the authorized body for advertising and regulatory state bodies for advertising**

1. The authorized body for advertising shall:

1) develop and approve the rules for placing outdoor (visual) advertisements in open spaces outside of premises in populated localities, on the right of way of public roads, in open spaces outside of premises outside of populated localities and outside of the right of way of public roads;

**2) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).**

3) exercise other powers provided for by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

2. The authorized body for TV and radio broadcasting, within its competence, shall:

1) approve the rules for the formation and placement of public service advertisements on obligatory TV and radio channels;

2) exercise other powers provided for by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

3. The authorized state body for automobile roads, within its competence, shall:

1) develop and approve the rules for placing outdoor (visual) advertising objects on the right of way of public roads of international, republican, regional and district significance;

2) exercise other powers provided for by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

4. The authorized body for architecture, town planning and construction activity, within its competence, shall:

1) develop and approve the procedure for placing outdoor (visual) advertising objects in open spaces outside of premises in populated localities;

2) exercise other powers provided for by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

5. Regulatory state bodies for advertising, within their competence, shall:

1) make proposals on improving the legislation of the Republic of Kazakhstan on advertising to the authorized body for advertising;

2) carry out state control over compliance with the legislation of the Republic of Kazakhstan on advertising;

3) exercise other powers provided for by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

**Footnote.** The Law is supplemented with Article 17-1 in accordance with the Law of the Republic of Kazakhstan dated 19.06.2007 No. 264 (the order of enforcement see Article 2); as amended by Law of the Republic of Kazakhstan № 215-VI as of 08.01.2019 (shall be enforced three months after its first official publication; dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication)).

#### **Article 17-2. Competence of local representative and executive bodies**

1. Local executive bodies of cities of republican significance, the capital, cities of regional significance shall:

1) receive and consider notifications of the placement of outdoor (visual) advertisements in open spaces outside of premises in a city of republican significance, the capital and a city of regional significance, on the right of way of public roads passing through the territory of a city of republican significance, the capital, a city of regional significance in accordance with the Law of the Republic of Kazakhstan “On Permits and Notifications”;

1-1) approve the list of specially designated places for placing posters of cultural, sports and sports events;

2) exercise, within their competence, state control over compliance with the legislation of the Republic of Kazakhstan on advertising;

3) identify outdoor (visual) advertisements placed without a notification and outdoor (visual) advertising objects placed without the consent of the owners of buildings (structures), owners of residential and non-residential premises in a residential house (residential building)



or the management body of a condominium object, persons with other property rights to buildings (structures);

4) issue, in accordance with the Entrepreneurial Code of the Republic of Kazakhstan, binding orders to eliminate violations of the legislation of the Republic of Kazakhstan on advertising;

5) establish the actual placement of outdoor (visual) advertising in open spaces outside of premises in a city of republican significance, the capital, a city of regional significance, on the right of way of public roads passing through the territory of a city of republican significance, the capital, a city of regional significance, by one-time confirmation with a photo or video of the fact of its placement with obligatory indication of the location, name of the advertising distributor and the date of establishment of the fact of its placement;

6) in the interests of local government, exercise other powers assigned to local executive bodies by the legislation of the Republic of Kazakhstan.

2. Local executive bodies of a district shall:

1) receive and consider notifications of the placement of outdoor (visual) advertisements in open spaces outside of premises in a town of district significance, village, rural settlement, on the right of way of public roads passing through the territory of a town of district significance, village, rural settlement, rural district in open spaces outside of premises outside of populated localities and outside the right of way of public roads in accordance with the Law of the Republic of Kazakhstan “On Permits and Notifications”;

2) exercise, within their competence, state control over compliance with the legislation of the Republic of Kazakhstan on advertising;

3) identify outdoor (visual) advertisements placed without a notification and outdoor (visual) advertising objects placed without the consent of the owners of buildings (structures), owners of residential and non-residential premises in a residential house (residential building) or the management body of a condominium object, persons with other property rights to buildings (structures);

4) issue, in accordance with the Entrepreneurial Code of the Republic of Kazakhstan, binding orders to eliminate violations of the legislation of the Republic of Kazakhstan on advertising;

5) establish the actual placement of outdoor (visual) advertisements in open spaces outside of premises in a town of district significance, village, rural settlement, on the right of way of public roads passing through the territory of a town of district significance, village, rural settlement, rural district, in open spaces outside of premises outside of populated localities and outside the right of way of public roads, by one-time confirmation with a photo or video of the fact of its placement with obligatory indication of the location, name of the advertising distributor and the date of establishment of the fact of its placement;

6) in the interests of local government, exercise other powers assigned to local executive bodies by the legislation of the Republic of Kazakhstan.

3. Local executive bodies of regions, cities of republican significance and the capital on the basis of the rules for placing outdoor (visual) advertisements in open spaces outside of premises in populated localities, on the right of way of public roads, in open spaces outside of premises outside of populated localities and outside rights of way of public roads, in coordination with the authorized body for advertising, develop and submit for approval to maslikhats of regions and cities of republican significance and the capital, rules for the procedure for and conditions of placement of outdoor (visual) advertisements in open spaces outside of premises in populated localities, on the right of way of public roads, in open spaces outside of premises outside of populated localities and outside the right of way of public roads.

4. Local representative and executive bodies shall be prohibited from adopting regulatory legal acts on the regulation of outdoor (visual) advertising, except as prescribed by this Law and the Law of the Republic of Kazakhstan "On the special status of the city of Almaty".

**Footnote.** The Law is supplemented with Article 17-2 in accordance with Law of the Republic of Kazakhstan № 264 as of 19.06.2007 (refer to Article 2 for the enforcement procedure); as amended by Law of the Republic of Kazakhstan № 215-VI as of 08.01.2019 (shall be enforced three months after its first official publication); as amended by Law of the Republic of Kazakhstan No. 130-VII of 30.06.2022 (shall become effective sixty calendar days after the date of its first official publication); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

#### **Article 18. Providing the advertised information**

In case of non-performance of the requirements of this Law an advertiser, an advertising producer and an advertising distributor at the request of the authorized bodies shall provide the documentary proof of advertised information according to the procedure provided for by the legislation of the Republic of Kazakhstan.

If an advertiser, despite the warning does not change its requirements to advertising or fails to provide the documentary proof of the accuracy of the advertised information or does not resolve any other circumstances that may make advertising inappropriate, an advertising producer and (or) an advertising distributor are entitled to terminate a contract in due course and demand the full compensation for losses, unless otherwise provided in a contract.

#### **Article 19. Retraction**

1. In the case of establishment of the fact of violation of the legislation of the Republic of Kazakhstan on advertising, a person committed the violation shall immediately cease the distribution, placement of such advertising and retract according to the procedure provided for by the legislation of the Republic of Kazakhstan. In this case, all costs of the retraction shall be incurred by a person committed the violation.

2. The retraction shall be announced by the same means and methods of distribution, placement with the use of the same specifications and characteristics for duration, area, place and procedure as the rebutted inappropriate advertising.

3. If the retraction is not announced within established period, then by the decision of the authorized body the retraction shall be announced by advertising distributors that have the right of exoneration (recourse) for reimbursement of costs against a person that committed the violation of the legislation of the Republic of Kazakhstan on advertising and did not retract within established period.

#### **Article 20. Responsibility for the violation of the legislation of the Republic of Kazakhstan on advertising**

1. An advertiser shall be responsible for the violation of the legislation of the Republic of Kazakhstan on advertising in relation to its content, language, unless it is proved that this happened due to the fault of an advertising producer or advertising distributor.

2. An advertising producer shall be responsible for the violation of the legislation of the Republic of Kazakhstan on advertising in relation to the design or production of advertising.

3. An advertising distributor shall be responsible for the violation of the legislation of the Republic of Kazakhstan on advertising in relation to time, place and method of distribution, placement of advertising.

4. The responsibility of the persons specified in paragraphs 1, 2 and 3 of this Article shall rise according to the procedure provided for by the laws of the Republic of Kazakhstan.

**Footnote. Article 20 as amended by the Law of the Republic of Kazakhstan dated 19 June 2007 No. 264 (the order of enforcement see Article 2 of the Law).**

#### **Article 21. The order of the entry into force of this Law**

This Law shall enter into force from the date of its official publication with the exception of subparagraph 1) of paragraph 1 of Article 13 that shall enter into force from 1 January 2004.

*The President  
of the Republic of Kazakhstan*