

	Argentina	Australia	Austria	Belgium
Which of the following new marketing communications techniques have self-regulation codes & self-regulation processes in place in your country (yes or no answer suffices)?				
Buzz?	No	No	No	No
Viral?	No	Yes, but principally covered by legislation - Spam Act. Also covered by the Australian eMarketing Code of Practice.	No	No
Online?	No	Yes, AANA Code of Ethics which applies to all advertising including online advertising. Industry specific codes which are applicable to online advertising such as the Therapeutic Goods Advertising Code. Internet Industry Association (IIA) Codes of Practice – Codes for Industry Co-Regulation in Areas of Internet and Mobile Content. IIA Spam Code of Practice	No	No
Advergaming?	No	No, if the game is online its content is regulated in the same way as any other online content. See "Online" generally as set out above. If it is in DVD or video format then regulation is legislative in respect of classification.	No	No
Product Placement in TV?	No	Yes, Commercial Television Industry Code of Practice	No	No
Product Placement in Motion Pictures?	No	No	No	No
Text messaging?	No	Yes - but principally covered by legislation - Spam Act. Also covered by the Australian eMarketing Code of Practice and, if it is a premium service, also covered by the Mobile Premium Services Industry Scheme. Also see above in respect of "Online" regarding mobile content	No	No
Corporate / Private Websites?	No	Yes but only as for "Online" generally as set out above. AANA Code of Ethics which covers all advertising including online. Other industry specific codes of practice such as the Therapeutic Goods Advertising Code.	No	No
Consumer generated content?	No	Yes but only as for "Online" generally as set out above.	No	No
Search?	No	Assume reference to "Search" is a reference to search engines, and, if so, the answer is "no". However, search engines' websites themselves would be regulated as for "Online" generally as set out above.	No	No
Mobile?	No	Yes - but principally covered by legislation (Spam Act). Also covered by the Australian eMarketing Code of Practice. If it is for a "premium service" it is also covered by the Mobile Premium Services Industry Scheme.	No	No
Electronic Games?	No	No - legislative in respect of classification depending upon format.	No	No
Are any of these techniques explicitly defined? If so, how?	No	Viral - The Australian eMarketing Code of Practice has provisions relating to viral marketing but does not define viral marketing. Online, Corporate / Private Websites, Consumer generated content, Search - Yes, although the terms "online" and "internet" are not defined. Terms which are defined in the IIA, include the following: URL is the abbreviation of Uniform Resource Locator, and is the global address of	Product Placement: The presentation of products, services, names, trademarks etc. against consideration on TV outside commercials.	N/a

**Where self-regulatory mechanisms apply (specifically to the techniques in question 1 where the answer was "yes"), what is the general substance of these codes; how are they governed/enforced? (name of the body); is their a relation to the formal regulatory framework?**

There is a self regulation system managed by the Advertising Self Regulation Council (CONARF). Specific legislation is the exception to the general rule. In fact, few rules arising from the Fair Trade Act, Article 10 bis of Paris Convention and Civil Code apply to the advertising industry. There are also applicable to advertising the various dispositions contained in the Consumer Protection Act. The advertising of some categories of products are prohibited by law and other categories only suffer limitations, such as: alcohol (Act 24.788), tobacco (Act 23.344) and health & beauty products (Disposition 4980/05).

Viral - The Australian eMarketing Code of Practice seeks to further clarify the Spam Act in respect of e-marketing. The Code was developed under Section 112(1A) of the Telecommunications Act 1997 by the Australian Direct Marketing Association and was subsequently registered by the Australian Communications and Media Authority (ACMA) under section 117 of the Act with the effect that compliance with the Code is mandatory and enforceable by the ACMA. Online, Corporate / Private Websites, Consumer generated content, Search -The ACMA registered the codes of practice for ISPs and Internet Content Hosts (ICH) on 26 May 2005 and includes safeguards for content delivered to mobile devices. The content codes were developed by the IIA and apply to all Australian ISPs and ICHs. Failure to comply may amount to an offence under the

N/a

N/a

**How do the self regulation codes & mechanisms for new media relate to those for traditional media? Are they compatible? Are they enforced differently, e.g., mandatory vs. optional? Are there new parties participating that are not historically involved in traditional media? (Keep to 200 words or less).**

The applicable legal framework for advertising of some specific products that suffers limitations (tobacco, alcohol, pharmaceuticals, etc) will generally apply to the new techniques.

Viral - As the Code is a registered code, it is now mandatory and enforceable by the ACMA. Product Placement in TV - Content of free-to-air commercial television, is regulated under the Commercial Television Industry Code of Practice which is registered with the ACMA. Online, Corporate / Private Websites, Consumer generated content, Search, Text messaging - see answer to previous question.

N/a

N/a

	Bolivia	Brazil	Canada	Chile
Which of the following new marketing communications techniques have self-regulation codes & self-regulation processes in place in your country (yes or no answer suffices)?				
Buzz?	No	No	Yes	No
Viral?	No	No	Yes	No
Online?	No	Yes	No	No
Advergaming?	No	No	No	No
Product Placement in TV?	No	Yes	No	No
Product Placement in Motion Pictures?	No	No	No	No
Text messaging?	No	No	Yes	No
Corporate / Private Websites?	No	No	No	No
Consumer generated content?	No	No, except for the use of testimonials that is regulated by CONAR	Yes	No
Search?	No	No	No	No
Mobile?	No	Yes, in Rio de Janeiro (State Law nº 4863/2006 regarding SMS)	No	No
Electronic Games?	No	No	No	No
Are any of these techniques explicitly defined? If so, how?	N/a	No	For Text Messaging, the "Description of Canadian Common Short Code Initiative" defines "Short Codes" as meaning "4, 5 and 6-digit Common Short Codes, the use of which will result in End Users sending and/or receiving a text message in order to experience an automated application." This document is published by the Canadian Wireless Telecommunications Association (CWTA), a self-	N/a

Where self-regulatory mechanisms apply (specifically to the techniques in question 1 where the answer was "yes"), what is the general substance of these codes; how are they governed/enforced? (name of the body); is their a relation to the formal regulatory framework?

N/a

Technically, rules governing advertising self-regulation apply to all categories and means of commercial publicity, since the ethical behavior set forth therein shall be observed by all professionals involved in advertising activities, including advertisers, advertising agencies, media, broadcasters, journalists all other communication professionals taking part in the advertising process as a whole.

The Word of Mouth Marketing Association's (WOMMA) Ethics Code governs members' activities in the Buzz, Viral, and Consumer Generated Content marketing areas. The Code generally requires 1) Honesty about the Relationship between the marketer and the advertiser; 2) Honesty of Opinion; and 3) Honesty about the marketer's Identity. WOMMA does not currently undertake governing or enforcement-type activity, though they are currently re-drafting their Ethics Code.

N/a

With respect to Text Messaging the CWTA's Code of Conduct requires that "Program Aggregators" – the bodies that control access to the Short Code network - ensure: (a) that users are required to "opt-in" to the marketing program; (b) that users can "opt-out" of the marketing program; (c) that users are informed of the

How do the self regulation codes & mechanisms for new media relate to those for traditional media? Are they compatible? Are they enforced differently, e.g., mandatory vs. optional? Are there new parties participating that are not historically involved in traditional media? (Keep to 200 words or less).

N/a

In order to fully enforce the Brazilian Advertising Self-regulation Code, enacted in 1978, a non-governmental organization was called Brazilian Advertising Self-Regulating Council ("CONAR") was created in 1980. The primary purpose of CONAR's Code is to regulate the ethical rules applicable to commercial advertising, meaning all activities designed to stimulate the consumption of products and services and to promote institutions, concepts and ideas. Despite the fact that CONAR is a non-governmental entity and, as a consequence, it's decision lacks of police power, the parties involved normally accept its rulings, which are rarely challenged in Courts of law. Even in the case when the dispute is brought before the Judiciary, most decisions uphold CONAR's opinion on the matter.

The governance and enforcement efforts are generally outlined by the contract between the marketers and the Program Aggregators, and either the Program Aggregator or the CWTA can remove a marketing program from the Short Code network if the program fails to comply with the Code.

It should be noted, however, that all advertising, including Online Advertising, Advergaming, Product Placements, Corporate Websites, Search-based advertising, Mobile-browsing advertising, and advertising in Electronic Games are subject to Advertising Standards Canada's (ASC) "Canadian Code of Advertising Standards".

1. Our Consumer law (Law 19.496) regulates marketing communications in very broad terms, meaning the latter that some of these new marketing techniques could eventually fall within our regulatory frame. I believe that online, text messaging, websites, and mobile marketing techniques could fall within the legal scope aforementioned.

2. In this sense, please bear in mind that article 28 of Chile's Consumer Law prohibits any kind of marketing material that induces consumers to error or confusion, and particularly in regards to:

- The components of the product and its percentages;
- The suitability of the product or service to provide exactly what has been offered in the marketing material;
- Relevant characteristics of the goods and service highlighted in the marketing material;

WOMMA and ASC are technology-neutral, in that they regulate not based on a technology, but on the message and how it is delivered.

The CWTA's Code of Conduct, however, is effectively a mandatory code, because all advertising must go through a provider that enables access to the cellular network, and these providers are charged with enforcing the code by contract. These providers are not historically involved in policing traditional media, but now have a role in regulating advertising content by virtue of their position as guardians of the network. If an advertiser does not comply with the Code, the provider can simply remove their access from the network.

	China	Colombia	Commonwealth Caribbean	Costa Rica
<b>Which of the following new marketing communications techniques have self-regulation codes &amp; self-regulation processes in place in your country (yes or no answer suffices)?</b>				
Buzz?	No	No	No	No
Viral?	No	No	No	No
Online?	No	No	No	No
Advergaming?	No	No	No	No
Product Placement in TV?	No	No	No	No
Product Placement in Motion Pictures?	No	No	No	No
Text messaging?	No	No	No	No
Corporate / Private Websites?	No	No	No	No
Consumer generated content?	No	No	No	No
Search?	No	No	No	No
Mobile?	No	No	No	No
Electronic Games?	No	No	No	No
Are any of these techniques explicitly defined? If so, how?	None of above new marketing communications techniques are explicitly defined in any self regulation codes in PRC.	No definitions.	N/A	N/A

**Where self-regulatory mechanisms apply (specifically to the techniques in question 1 where the answer was "yes"), what is the general substance of these codes; how are they governed/enforced? (name of the body); is their a relation to the formal regulatory framework?**

In China, self regulation system is not well developed. N/a  
Most of self regulation codes and mechanisms are too general to execute. In case of violation of the codes, the general consequence is to announce the violation activity on organizations' websites and/or cancel the membership of the violating party (ies).

N/A

N/A

**How do the self regulation codes & mechanisms for new media relate to those for traditional media? Are they compatible? Are they enforced differently, e.g., mandatory vs. optional? Are there new parties participating that are not historically involved in traditional media? (Keep to 200 words or less).**

In china, self regulation codes apply to all kinds of media. That is to say, there is no clear division of the new and the traditional media.

The self regulation code of Colombia applies to any advertising messages presented in the media having the objective of promoting sale of products or services regardless of the use of traditional or non-traditional marketing communications techniques. Our code does not regulates new media mechanisms and therefore enforcement for such advertising messages involved in new marketing techniques is executed in the same manner as traditional marketing techniques.

N/A

N/A

	Croatia	Denmark	Dominican Republic	Ecuador
Which of the following new marketing communications techniques have self-regulation codes & self-regulation processes in place in your country (yes or no answer suffices)?				
Buzz?	No	No	No	
Viral?	No	No	No	
Online?	No	No	No	
Advergaming?	No	No	No	
Product Placement in TV?	No	Yes	No, there is a self-regulation code for the major group of ad agencies that involves a general policy about advertisement.	
Product Placement in Motion Pictures?	No	Yes	No, there is a Consumer Protection law that requires exact information to the consumer	
Text messaging?	No	Yes	No	
Corporate / Private Websites?	No	No	No	
Consumer generated content?	No	No	No	
Search?	No	No	No	
Mobile?	No	No	No	
Electronic Games?	No	no	No	
Are any of these techniques explicitly defined? If so, how?	N/a	No	N/a	

Where self-regulatory mechanisms apply (specifically to the techniques in question 1 where the answer was "yes"), what is the general substance of these codes; how are they governed/enforced? (name of the body); is their a relation to the formal regulatory framework?

N/a

Product placement in both TV and motion pictures is regulated by the Danish act on TV and radio advertising, without being explicitly defined. Any product placement is covered by the prohibition of hidden advertising. The Danish Radio and TV Board governs and enforces the rules in the Danish jurisdiction. Text messaging is covered by the rules prohibiting spamming. Any advertising via text messaging must have been approved by the receiver of the advertising.

N/a

How do the self regulation codes & mechanisms for new media relate to those for traditional media? Are they compatible? Are they enforced differently, e.g., mandatory vs. optional? Are there new parties participating that are not historically involved in traditional media? (Keep to 200 words or less).

N/a

Basically the new medias for advertising is covered by The Danish Marketing Practices Act, which prohibits hidden advertising, and stipulates that any advertising must be clearly identifiable as such. There are no case law on the enforcement, but it is likely that such advertising will be enforced as strict as advertising in "normal" media.

There is no enforcement at all.

	Finland	France	Germany	Greece
<b>Which of the following new marketing communications techniques have self-regulation codes &amp; self-regulation processes in place in your country (yes or no answer suffices)?</b>				
<b>Buzz?</b>	No	NO	no, except in respect to advertising content as such	NO
<b>Viral?</b>	No	NO	no, except in respect to advertising content as such	NO
<b>Online?</b>	No	YES Recommendation "Advertising on Internet"	no, except in respect to advertising content as such	NO
<b>Advergaming?</b>	No	If Internet, Yes	no, except in respect to advertising content as such	NO
<b>Product Placement in TV?</b>	No	NO	yes, TV broadcast regulations	NO
<b>Product Placement in Motion Pictures?</b>	No	NO	no, except in respect of advertising content as such	NO
<b>Text messaging?</b>	No	If Internet, Yes	no, except in respect of advertising content as such	NO
<b>Corporate / Private Websites?</b>	No	YES Recommendation "Advertising on Internet"	no, except in respect of advertising content as such	NO
<b>Consumer generated content?</b>	No	NO	no, except in respect of advertising content as such	NO
<b>Search?</b>	No	NO	no, except in respect of advertising content as such	NO
<b>Mobile?</b>	No	NO	no, except in respect of advertising content as such	NO
<b>Electronic Games?</b>	No	NO	no, except in respect of advertising content as such	NO
<b>Are any of these techniques explicitly defined? If so, how?</b>	N/A	Recommendation "Advertising on Internet" : This Recommendation applies to any message whatever its form, whose purpose is to promote to the public, products, services or the adviser's image. Further, this Recommendation applies not only to the Internet strict sense but also to any advertising using the Internet protocols e.g., which does not require a browsing on the Internet (for instance the advertising	With the exception of Product Placement, there are no specific definitions of these techniques. Rules apply to advertising content.	N/a

Where self-regulatory mechanisms apply (specifically to the techniques in question 1 where the answer was "yes"), what is the general substance of these codes; how are they governed/enforced? (name of the body); is their a relation to the formal regulatory framework?

N/a

The Advertising self regulation Agency, called the *Bureau de Vérification de la Publicité* (BVP) is an association created under the care of the three advertising partners : the advertisers, the agencies and the media. The BVP issues "good behavior" codes (i.e., Recommendation). These rules are a real commitment from the whole profession but they do not replace the French general law which remains applicable and has to be complied with by the advertising professionals. The BVP members are entitled to ask for advice on their projects (whatever the media). Concerning TV, each TV advertising must be submitted to the BVP and seen by the BVP before its broadcasting. The BVP issues an opinion : "favorable", "to be modified" "do not broadcast". The BVP has no power to sentence an advertisers to pay monetary damages. It can only sentence a

The BVP generally issues new Recommendations devoted to new media (for instance the Recommendation on Internet has been issued recently in May 2005). However, the rules on new media are not enforced differently. In 2000 a new governmental agency has been created in order to help the government to issue rules adapted to new media and which essentially works on the Internet matters and other related new technologies (called the "Forum des droits de l'Internet").

Product placement control is part of the supervisory function of the German State Broadcast Authorities, based on the Inter-State Media Agreement and the Inter-State Media Youth Protection Agreement. As a regulatory and self-regulatory issue this is fairly new. The main area of concern is the field of youth media protection. The whole subject matter is currently under discussion in connection with the revision of the European Television Without Frontiers Directive. There are no reliable enforcement mechanics

In Greece the Advertising Companies Association has formed the GREEK CODE FOR ADVERTISING AND COMMUNICATION which provides for general principles in advertising such as the decency, the truth, the social responsibility, the protection of private life, the protection of children and teenagers, as well as provisions for the advertisement of tobacco products, the environment and the political communication while no specific reference is made to the abovementioned new marketing techniques by the said Code. Still, while there are several laws that have provisions related to the abovementioned new marketing techniques (prohibition of personal data process and non asked telephone calls without the direct and explicit consent of the person) which may not be considered as self regulation codes but instead they are laws.

How do the self regulation codes & mechanisms for new media relate to those for traditional media? Are they compatible? Are they enforced differently, e.g., mandatory vs. optional? Are there new parties participating that are not historically involved in traditional media? (Keep to 200 words or less).

N/a

There is no separate self-regulation re new media, the self-regulation rules deal with content and do not make a difference between new and traditional media.

N/a

Which of the following new marketing communications techniques have self-regulation codes & self-regulation processes in place in your country (yes or no answer suffices)?	Guatemala	Hungary	India	Ireland
Buzz?		Not directly	Yes	Yes
Viral?		Not directly	Yes	Yes
Online?		Yes	Yes	Yes
Advergaming?		Not directly	Yes	Yes
Product Placement in TV?		No	Yes / No	Yes
Product Placement in Motion Pictures?		No	Yes	Yes
Text messaging?		Yes	Yes	Yes
Corporate / Private Websites?		Yes	Yes	No
Consumer generated content?		No	Yes	No
Search?		No	Yes	No
Mobile?		Yes	Yes	Yes
Electronic Games?		No directly	Yes	Yes
Are any of these techniques explicitly defined? If so, how?		No, the definitions of formal regulations shall be applied	No	The Advertising Standards Authority of Ireland (ASAI) publishes a self regulatory code on advertising. The definitions for advertising and marketing communications in the Code could strictly speaking be applied to any of the techniques above. However there are no explicit definitions.

**Where self-regulatory mechanisms apply (specifically to the techniques in question 1 where the answer was "yes"), what is the general substance of these codes; how are they governed/enforced? (name of the body); is their a relation to the formal regulatory framework?**

The Code of Ethics has been adopted by the Hungarian Advertising Association (MRSZ), a national tripartite organization (comprising advertising and media agencies, local advertising services, television and radio broadcasters, leading newspapers and magazine publishers and major marketers). Several professional advertising organizations have also approved the Code of Ethics. Self-regulations is implemented by positions (statements) and recommendations issued by the Ethical Committee. Decisions are widely obeyed (in more than 90% of the cases). Self-regulation is based on formal regulations while the formal regulatory framework acknowledges self-regulation.

ADVERTISING STANDARDS COUNCIL OF INDIA & ADVERTISING AGENCIES ASSOCIATION OF INDIA

Enforced by the ASAI. They are not linked to the formal regulatory framework. The Code is split into different types of advertising e.g. advertising to children, health and beauty etc. In addition the Broadcasting Commission of Ireland publish a Code on Broadcast advertising.

**How do the self regulation codes & mechanisms for new media relate to those for traditional media? Are they compatible? Are they enforced differently, e.g., mandatory vs. optional? Are there new parties participating that are not historically involved in traditional media? (Keep to 200 words or less).**

There aren't big differences between the treatment given to new and old media

The basis of self Registration codes are on Common Law. The ASCI Code is inspired by the similar Code in UK. It provides basic guideline for fair advertisement, in the interest of consumers. The main features of these guideline are as follows:  
1. Ensure the truthfulness and honesty of representations and claims;  
2. Ensure advertisements not offensive to generally accepted standards of public decency;  
3. Safeguard against promotion of hazardous products and products unacceptable to society at large; and  
4. Ensure that advertisements observe fairness in competition for informed consumers and consistent with canons of generally accepted competitive behaviour in business.

The ASAI Code is voluntary however the vast majority of advertisers in Ireland are signed up to it. A new Code was published in January 2007 which is more up to date with the newer media and will be covered in our country report later this month.

	Israel	Italy	Japan	Korea
<b>Which of the following new marketing communications techniques have self-regulation codes &amp; self-regulation processes in place in your country (yes or no answer suffices)?</b>		In Italy there is one general industry self-regulation Code for advertising, which is binding to all those adhering to the system and becomes applicable through a standard clause inserted by members in their contracts with clients.  Therefore self-regulation does not cover specific industry areas and is not structured according to advertising techniques or means of diffusion: relevant is the category the adhering member is		Please note that Korea has various general regulation regarding (i) customer information protection, (ii) Internet contents review, (iii) rating of games, videos and music, (iv) review of broadcasting contents, (v) juvenile protection, (vi) punishment of obscenity, defamation, breach of national security, etc. We hereunder just focused upon whether a specific regulation separately exists by each subject matter.
<b>Buzz?</b>	no	No	No	Yes (so far as "buzz" means telemarketing)
<b>Viral?</b>	no	No	No	No
<b>Online?</b>	no	Yes, but only through the general code (if an adhering web operator is involved); consider also the comments above in the last paragraph of the answer to question no. 1		Yes (in case of e-commerce)
<b>Advergaming?</b>	no	No	No	Theoretically, yes (in case of utilization of game contents for marketing)
<b>Product Placement in TV?</b>	yes	No, it's covered by general regulation through statute law	No	Yes
<b>Product Placement in Motion Pictures?</b>	no	No, it is covered by specific statute law	No	No
<b>Text messaging?</b>	no	Yes, but only in the (limited) terms exposed in the comments above in the last paragraph of the answer to question 1.	No	Yes
<b>Corporate / Private Websites?</b>	no	No	No	Corporate Websites: Yes (only when such websites provide "services" other than simply conveying information)/ Private Websites: No
<b>Consumer generated content?</b>	no	No	No	No
<b>Search?</b>	no	Yes, but only through the general code (if an adhering web operator is involved).		No
<b>Mobile?</b>	no	YES, but only in the (limited) terms exposed in comments above in the last paragraph of the answer to question no. 1.	No	Yes (mobile contents are subject to an autonomous regulation)
<b>Electronic Games?</b>	no	NO, but a ranking system is in place.	No	Yes
<b>Are any of these techniques explicitly defined? If so, how?</b>	N/a	Product Placement in TV - Illicit product placement in TV is usually defined as 'surreptitious advertising'. Product Placement in Motion Pictures -This refers to 'planned placement of products or trademarks on a movie set' (specific requirements will have to be met).	N/a	Buzz - "Telephone solicitation sale" is defined as "sale of goods or services using the method specified in the Ministerial Decree, which includes receiving orders from or entering into transactions with consumers, by soliciting them through telephone calls" under the Act on Door-to-Door Sale, etc., Online - "Electronic Commerce Transaction" is defined as "commercial acts by way of electronic

**Where self-regulatory mechanisms apply (specifically to the techniques in question 1 where the answer was "yes"), what is the general substance of these codes; how are they governed/enforced? (name of the body); is their a relation to the formal regulatory framework?**

The Consumer Protection Law - 1981, generally governs all types of marketing/advertising, even those techniques to which "No" was provided. However, advertising/marketing on private television are strictly regulated by the Second Television and Radio Authority.

Self-regulation is administered by the Institute for Advertising Self-Regulation – IAP, a private organization, which represents almost the entire advertising sector: advertisers (and their trade association), professionals, practitioners and services providers active in the advertising industry and media companies (members to IAP both, on an individual basis as well as through their associations). The system is based on the provisions of the Self-Regulation Code, which contains: (a) Rules of Behaviour, (b) Special Rules governing Sales Systems as well as certain Product Categories, (c) Complaint system (procedure, organs and sanctions), (d) Protection of Advertising Ideas /Creative Concepts, (e) Social Advertising (including fund raising for social, humanitarian, health-care initiatives). Even if based on a voluntary basis, the system has proven

N/a

Buzz - (1) the Act on Door-to-door Sale, etc. (2) enforced by the Korean Fair Trade Commission, and (3) similar to regulation on traditional door-to-door sale business. Online - (1) the Act on Protection of Consumer in the Electronic Commerce Transaction, (2) enforced by the Korean Fair Trade Commission, and (3) regulated under formal mail order business regulation framework. Product Placement in TV - (1) the Broadcasting Advertisement Review Regulation, subordinate to the Broadcasting Act, (2) enforced by the Korea Broadcasting Commission, and (3) regulated under the formal broadcasting regulation framework. Text messaging - (1) the Act on Telecommunication Network Use Promotion and Information Protection, (2) enforced by the Ministry of Information and Communication, and (3) regulated under the general anti-spam regulation framework.

Buzz - Compatible. Similar to regulation on traditional door-to-door sale business. There are many brand-new telemarketing outsourcing companies. Online - Compatible. Similar to regulation on traditional mail order sale business. There are numerous internet shopping malls newly established. Product Placement in TV - Compatible. Regulated as a part of the traditional broadcasting content review. Prohibited, and thus there are no active companies. Text messaging - Regulated as a part of brand-new anti-spam regulation. No active business activities. Mobile - No relation to the formal regulatory framework. Various brand-new mobile contents providers. Electronic Games - Compatible. Subject to the same regulation for traditional game software. There are many brand-new game software developers.

**How do the self regulation codes & mechanisms for new media relate to those for traditional media? Are they compatible? Are they enforced differently, e.g., mandatory vs. optional? Are there new parties participating that are not historically involved in traditional media? (Keep to 200 words or less).**

The codes and regulation relating to private television are mandatory to all those marketing/advertising on television.

Regulations usually stumble behind technical progress. Self-regulation for new media is just 'on the horizon'; the system is likely to react to the impact of the new media through extension of the existing self-regulation system. While this will work efficiently as to the key principles to respect, enforcement will almost certainly require some significant changes in order to adapt efficiency requirements to the new technical means. Certainly new players will come onto the scenario and will have to be involved in the self-regulation process (e.g. the audio-visual service providers, companies/organizations owning satellites, social or virtual networks, search engines, etc.).

As far as we are aware, no particular self-regulatory scheme is going to be in place, where constitutional freedom of speech seems highly regarded in Japan.

	Luxembourg	Malaysia	Mexico	Netherlands
Which of the following new marketing communications techniques have self-regulation codes & self-regulation processes in place in your country (yes or no answer suffices)?				The Dutch Advertising Code applies to all advertisements whatsoever media is used. Advertising is defined as: any form of public commendation of goods, services or ideas (referred to collectively as "products"). The solicitation of services is also defined as advertising. Advertising means commanding something in public. This includes teleshopping. Commendations not made in public do not fall within the definition.
Buzz?	YES		NO	Yes
Viral?	YES		NO	Yes, under discussion is whether adds in for example consumer generated content or electronic games are to be considered as public commendations. In my opinion only the content of the add is relevant for the answer on this question, not whether you have to buy goods or services in order to be able to read the add. This is similar as in print (newspapers, magazines). There is a case pending on product placement in <i>electronic names</i> Yes
Online?	YES		YES	Yes
Advergaming?	YES		YES	Yes
Product Placement in TV?	YES		YES	No, governed by the Media Act regulated by the Commissariaat voor de Media based on Administrative Law. This body can impose fines.
Product Placement in Motion Pictures?	YES		YES	No, governed by the Media Act regulated by the Commissariaat voor de Media based on Administrative Law. This body can impose fines.
Text messaging?	YES		YES	Yes
Corporate / Private Websites?	YES		YES	Yes
Consumer generated content?	YES		NO	Yes / No ?
Search?	YES		NO	Yes
Mobile?	YES		YES	Yes
Electronic Games?	YES		YES	Yes / No ?
Are any of these techniques explicitly defined? If so, how?		Advertisement - means an announcement of a public nature whether for the sale or purchase or provision of goods or services or constituting of an invitation to participate in an activity and conveyed by or through any signage, image or sound disseminated through electronic medium for advertising purposes. Specific Broadcasting – these is content that is broadcast through the following media: (i) Direct to Home (DTH)	Through definitions on the related laws and common reiterated criteria by the related authorities	Telemarketing Code, definition of telemarketing: The systematic use of a telephone conversation to command consumer goods, services or concepts, this also includes the solicitation for services. Advertising Code for telephone information services. Information services is defined as: services which are accessible through an information number. Code for distribution of advertisements by e-mail. Advertising by e-mail is

Where self-regulatory mechanisms apply (specifically to the techniques in question 1 where the answer was "yes"), what is the general substance of these codes; how are they governed/enforced? (name of the body); is their a relation to the formal regulatory framework?

The two self-regulatory codes that apply widely in Malaysia are (a) The Malaysian Code of Advertising Practice; and (b) The Malaysian Communications and Multimedia Content Code. The general substance of The Malaysian Communications and Multimedia Code is to regulate all contents (including advertisements contents) that are disseminated through electronic means. The Malaysian Communications and Multimedia Code is governed / enforced by the Malaysian Communications and Multimedia Commission through a Complaint Bureau which is set up pursuant to the Multimedia and Communications Act also through sanctions. The sanctions include (a) issuance of a written reprimand; (b) imposition of a fine not exceeding RM50K; and (c) request to remove the content or cessation of the offending act. YES, the Malaysian Communications and Multimedia Code and mechanism for new media widens the scope of consumer protection as it also covers traditional media. In fact the provisions of the code that regulates the new media has preserved those of the traditional media to a certain extent. YES, they are compatible to each other and govern the advertisement industry side-by-side. The mechanism that governed traditional media was drawn by a non-governmental organization and governed through the Advertising Standards Authority(ASA). The ASA dealt with public complaints through the Local Government Departments and sanctions which included withholding of advertising space and time from advertisers and/or the sanction of adverse publicity against the offending advertiser , naturally caused advertisers to abide by it's provisions. The self regulation for new media is enforced by the Malaysian Communications and Multimedia Commission.

Ethics code, general principles, normally adopted by the authorities in difficult cases providing expertise by the self regulatory entity.

The mechanisms are mostly the same, and compatible. Their enforcement is also similar, since the law and self regulatory entities maintain a broad definition of media. It is possible to homologate procedures, new parties include various mobile ad companies to mention the most significant ones at the moment.

The Advertising Code Authority is a body which over forty years has been dealing with the self regulation system of advertising in the Netherlands. The three parties that constitute the advertising industry (advertisers, advertising agencies and media) have formed an agreement regarding the rules with which advertising messages should comply. The advertising code authority encourages sensible and responsible advertising in the Netherlands. The rules are to be found in the Dutch Advertising Code. This Code is divided into a general section and a special section consisting of special advertising codes, some of which are mentioned above and apply to advertising for specific products and services.

Bases for Dutch Advertising Law is case law based on tort (Civil Code 6:162) which is recently worked out in specific items based on EU regulations, for example on misleading and comparative advertising. In spite of this, self regulation still is one of the most important institutes of dispute resolution in the Netherlands. There are new parties participating in self regulation so historically we are not involved such as the E-mail Marketing Association Netherlands (EMA-NL), de Nederlandse Thuiswinkel Organisatie (NTO), Federatie Nederlandse Levensmiddelen Industrie (FNLI), Werkgevers Vereniging Callcenters (WVCC).

How do the self regulation codes & mechanisms for new media relate to those for traditional media? Are they compatible? Are they enforced differently, e.g., mandatory vs. optional? Are there new parties participating that are not historically involved in traditional media? (Keep to 200 words or less).

	New Zealand	Nicaragua	Nigeria	Norway
<b>Which of the following new marketing communications techniques have self-regulation codes &amp; self-regulation processes in place in your country (yes or no answer suffices)?</b>	<p>Note: All advertisements for gambling and gaming must adhere to the Code for Advertising Gaming and Gambling to ensure that advertising of gaming will be conducted in a socially responsible and non-misleading manner, by requiring it to comply with the laws of New Zealand, observe a high standard of social responsibility (which includes not being directed at minors, not promoting reliance on gaming, not encouraging participation excessively or beyond consumers' means, and not implying a promise of</p>			
Buzz?	no	No	No	No
Viral?	.	No	No	No
Online?	may fall within regulations/statute governing gambling - see Note above	No	No	No
Advergaming?	may fall within regulations/statute governing gambling - see Note above	No	No	No
Product Placement in TV?	no	No	No	No
Product Placement in Motion Pictures?	no	No	No	No
Text messaging?	may fall within regulations/statute governing gambling - see Note above	No	No	No
Corporate / Private Websites?	may fall within regulations/statute governing gambling - see Note above	No	No	No
Consumer generated content?	no	No	No	No
Search?	no	No	No	No
Mobile?	may fall within regulations/statute governing gambling - see Note above	No	No	No
Electronic Games?	may fall within regulations/statute governing gambling - see Note above	No	No	No
Are any of these techniques explicitly defined? If so, how?	The terms noted above may fall within the "remote interactive gambling" prohibition under the Gambling Act 2003 (which is a statute rather than a self-regulatory code). This includes gambling by a person at a distance by interaction through a "communication device" which means a machine, device, or thing for communicating at a distance and using any technology. For example, selling lottery tickets on the	No	N/a	N/a

**Where self-regulatory mechanisms apply (specifically to the techniques in question 1 where the answer was "yes"), what is the general substance of these codes; how are they governed/enforced? (name of the body); is their a relation to the formal regulatory framework?**

Sales promotion schemes that involve communications devices which are in the form of a lottery are not prohibited as remote interactive gambling. A "sales promotion scheme" means gambling that does not involve gaming machines but rather requires a person to purchase the goods or services promoted for a price not exceeding the usual retail price and the person is not required to pay direct or indirect consideration other than to purchase the goods or services promoted and there is an outcome which is determined, randomly or wholly or partly by chance. Normal costs of mailing or texting a sales promotion entry are acceptable. A text sales promotion that charges a higher than normal rate for text messaging will not be legal. "Lottery" means a scheme or device involving multiple participants for which a person directly or indirectly pays

There is only 1 self regulation code in Nicaragua for the beer industry. It is worth noting that some of this self-regulation will generally apply to the new techniques as it is very broad and covers the same issues as the formal regulatory framework.

N/a

**How do the self regulation codes & mechanisms for new media relate to those for traditional media? Are they compatible? Are they enforced differently, e.g., mandatory vs. optional? Are there new parties participating that are not historically involved in traditional media? (Keep to 200 words or less).**

New Zealand has a system of self-regulation of the advertising industry through the Advertising Standards Authority ("ASA"). ASA's members are drawn from all sectors of the advertising world. ASA has developed various Codes of Practice (the "Codes") which members voluntarily agree to abide by the Codes. The Codes include a Code of Ethics and a number of specific codes, covering particular issues or product areas as considered necessary, which currently include Codes relating to advertising to children, comparative advertising, environmental claims, financial advertising, food advertising, gaming and gambling, liquor, therapeutic products and services, vehicles, and weight management.

Please refer to the previous reply. Self-regulation is only mandatory to the parties who voluntarily submit to it.

N/a

For the purposes of the Codes the word "advertisement" is taken in its broadest sense to embrace any form of advertising, including in traditional and new media such as online, website, email, SMS or text messaging. ASA has established an Advertising Standards Complaints Board to deal with breaches of its Codes of Practice. There is also a Television Commercials Approval Bureau ("TVCAB") which is responsible for approving the content of television commercials prior to first telecast.

	Paraguay	Poland	Portugal	Puerto Rico
<b>Which of the following new marketing communications techniques have self-regulation codes &amp; self-regulation processes in place in your country (yes or no answer suffices)?</b>				
<b>Buzz?</b>	Yes	no specific regulation, general rules apply (concerning No e.g. unfair competition, restrictions on advertising alcohol, tobacco, gaming, addressing advertisement to children etc.).	No	
<b>Viral?</b>	Yes	It is prohibited to send on individual e-mail boxes the commercial information that was not ordered by the user of the e-mail address. To express consent for receiving such information it is sufficient to announce the e-mail address to the administrator of a given website.	No	
<b>Online?</b>	Yes	no specific regulation, general rules apply	No	
<b>Advergaming?</b>	Yes	no specific regulation, general rules apply	No	
<b>Product Placement in TV?</b>	Yes	generally forbidden as hidden advertising, but if information on sponsoring of the movie appears on the screen at the end of the movie, advertisement would be subject to general rules	No	
<b>Product Placement in Motion Pictures?</b>	Yes	same as TV <i>supra</i>	No	
<b>Text messaging?</b>	Yes	no specific regulation, general rules apply	No	
<b>Corporate / Private Websites?</b>	Yes	no specific regulation, general rules apply	No	
<b>Consumer generated content?</b>	Yes		No	
<b>Search?</b>	Yes	no specific regulation, general rules apply	No	
<b>Mobile?</b>	Yes	no specific regulation, general rules apply	No	
<b>Electronic Games?</b>	Yes	no specific regulation, general rules apply	No	
<b>Are any of these techniques explicitly defined? If so, how?</b>	Every orientation, creation, production or diffusion of publicity/advertisement messages destined to inform the consumer about the existence of products, services or benefits, encompassing every publicity piece resulting of the process, in spite of the form of media used for its diffusion.	no definition of any kind of advertising from the above can be found in the Polish legislation	No	

**Where self-regulatory mechanisms apply (specifically to the techniques in question 1 where the answer was "yes"), what is the general substance of these codes; how are they governed/enforced? (name of the body); is their a relation to the formal regulatory framework?**

The Self Regulatory Code, although is private, can be enforce by filing a complaint at the Self Regulatory Council (CONAR) of the National Centre of Communication Regulation (CERNECO). Being this entity a private entity, said code is applicable to their members only. The CONAR's judgment can resolve changing or suppression of the advertisement and establish pecuniary or expulsion sanctions and it can be disclosed in the media if not observed by the infringing party. Comment: Although this is not mandatory, the majority of the commercial companies in Paraguay are members of CERNECO.

we are not aware of existence of any self-regulatory mechanisms relating to the above issues in Poland

There are only 3 self regulation codes from different bodies: General Advertising (ICAP), Alcoholic Beverages (APAN), Advertising to Minors (APAN); some of this self-regulation will generally apply to the new techniques as it is very broad and covers the same issues as the formal regulatory framework.

**How do the self regulation codes & mechanisms for new media relate to those for traditional media? Are they compatible? Are they enforced differently, e.g., mandatory vs. optional? Are there new parties participating that are not historically involved in traditional media? (Keep to 200 words or less).**

The advertisement self regulation code applies to all kind of advertisement in general. This code does not make specific distinctions between new or traditional media.

N/a

Please refer to the previous reply. Self-regulation is only mandatory to the parties who voluntarily submit to it.

	Romania	Singapore	South Africa	Spain
Which of the following new marketing communications techniques have self-regulation codes & self-regulation processes in place in your country (yes or no answer suffices)?			South Africa has an Advertising Standards Authority, which is a member of EASA, the European Advertising Standards Alliance. The advertising, and to some extent marketing, industry agreed some years ago to self-regulate, and together came up with the Code of Advertising Practice, which the ASA simply enforces. All advertising issues in South Africa are dealt with by the ASA and certain of the types of new marketing communications that you mention, including viral marketing and online advertising, have	
Buzz?	No		No	No
Viral?	No		No, but has been dealt with by the ASA	No
Online?	Yes		No, but the ASA has frequently dealt with website content.	Yes
Advergaming?	No		No	No
Product Placement in TV?	No		No	No
Product Placement in Motion Pictures?	No		No	No
Text messaging?	No		No	No
Corporate / Private Websites?	Yes		No	Yes
Consumer generated content?	No		No	No
Search?	No		No	No
Mobile?	No		No	No
Electronic Games?	No		No	No
Are any of these techniques explicitly defined? If so, how?	No		None of the above terms are defined except if the ASA has dealt with these terms in their rulings.	No

Where self-regulatory mechanisms apply (specifically to the techniques in question 1 where the answer was "yes"), what is the general substance of these codes; how are they governed/enforced? (name of the body); is their a relation to the formal regulatory framework?

Singapore Advertising Standards Authority (ASAS).

The above question is not applicable, as none of the answers to question 1 was yes. However, it is important to note that a number of these issues would in the past have been dealt with by the Marketing Federation of South Africa, which no longer exists. No interim measures are in place and a lot of these sorts of marketing issues are either "in limbo" or are dealt with by the ASA.

The general substance of the "Ethic code of e-commerce and interactive publicity" is regulating all aspects of commercial activities in the internet including E-commerce, Publicity, Data protection and Protection of Minors. The code is enforced by the self regulating bodies "Autocontrol" and "AECE" (Spanish Association of E-Commerce). There is a relation to the formal regulatory framework as the self-regulating codes are established in accordance with the Spanish Law. The code is further submitted to the consulting of the Spanish Data Protection Agency, the Ministry of Science and Technology and the National Consume Institute. The code itself is inscribed at the General Register of Data Protection of the Spanish Data Protection Agency.

How do the self regulation codes & mechanisms for new media relate to those for traditional media? Are they compatible? Are they enforced differently, e.g., mandatory vs. optional? Are there new parties participating that are not historically involved in traditional media? (Keep to 200 words or less).

For new media: Internet Industry Guidelines & Internet Code of Practice

As mentioned above, the ASA (via its Code of Advertising Practice) will deal with complaints in these areas. The definition of an "advertisement" in the ASA Code is as follows: "any visual or aural communication, representation, reference or notification of any kind – 1.1 which is intended to promote the sale, leasing or use of any goods or services; or 1.2 which appeals for or promotes the support of any cause. Promotional content of display material, menus, labels, and packaging also fall within the definition. Editorial material is not an advertisement, unless it is editorial for which consideration has been given or received. The word "advertisement" applies to published advertising wherever it may appear. It does not apply to editorial or programming publicity." If faced with a new form of advertising or a new marketing communication technique, the ASA's first step is to decide whether or

The self regulatory codes and mechanism for publicity in the Internet and WWW stand in addition to those of traditional media. In general they include the same principles like the protection of minors and data protection, so they do not contradict each other. They are both enforced by the same self-regulating system established by AUTOCONTROL the principle self regulation body in Spain. The decision are only binding to the parties who voluntary submit to it. In the area of new media there a also new parties participating, e.g. the AECE (Spanish Association of E-Commerce) and the FECEMD (Spanish Federation of E-Commerce and Direct Marketing).

	Sweden	Switzerland	Turkey	United Kingdom
Which of the following new marketing communications techniques have self-regulation codes & self-regulation processes in place in your country (yes or no answer suffices)?			Please note that there is not any exclusive regulation concerning the below counted subjects. The Act on Consumer Protection, Regulation on Basics and Procedures of Radio and Television Broadcasts and Regulation on Principles of Commercial Advertisements and Announcements includes such relative provisions to the subjects.	
Buzz?	No	Yes	Yes	No, but probably contrary to basic principles
Viral?	No	Yes	No	Yes
Online?	No	Yes	Yes	Yes
Advergaming?	No	Yes	No	No
Product Placement in TV?	No	Yes	Yes	Yes
Product Placement in Motion Pictures?	No	Yes	Yes	No
Text messaging?	No	Yes	No	Yes
Corporate / Private Websites?	No	Yes	Yes	No
Consumer generated content?	No	no	No	No
Search?	No	no	No	No
Mobile?	No	Yes	No	Yes
Electronic Games?	No		No	No
Are any of these techniques explicitly defined? If so, how?	No	Product placement is defined, others not, but some mentioned explicitly	Product Placement in TV: That is called soft sell or secret advertisement in Turkey. It defined in the Regulation about Basics and Procedure of Radio and Television Broadcast and stated: "Secret advertisement is; Advertising with logo, business title, trademark, image, verbal statement or reminiscing implies of goods, services, names, trademark or producers or service providers actions due to money	Viral: defined by the Committee of Advertising Practice as e-mail, text or other non-broadcast marketing messages that are designed to stimulate significant circulation by recipients to generate commercial or reputational benefit to the advertiser from the consequential publicity. Product Placement is defined in the draft audio visual media services directive as "any form of audiovisual commercial

**Where self-regulatory mechanisms apply (specifically to the techniques in question 1 where the answer was "yes"), what is the general substance of these codes; how are they governed/enforced? (name of the body); is their a relation to the formal regulatory framework?**

Sweden has a considerable number of self-regulatory bodies. Most of the self-regulatory bodies are industry bound rather than method-specific. Examples are the Ethic Committee for Direct Advertising, the Suppliers of Alcoholic Beverages Examination Committee and the Ethic Committee for Marketing of Trusts. A majority of the self-regulatory do not have a specific regulatory codes. The self-regulatory bodies apply legislation concerning marketing practice as well as international codes on marketing such the ICC rules. The general terms of the Marketing Practice Act marketing state that marketing must be trustworthy and made in accordance with fair marketing practice. The self-regulatory bodies operates as creators of opinion forming a platform of reasonable standards. Thus, they state what is to be regarded by the industry as trustworthy and in accordance to fair Please refer to the reply above.

Rules applied by the Swiss Commission for Loyalty in Advertising, No enforcement, just recommendation but highly respected

The Act on Consumer Protection is enforced by Council of Ministers, Regulation on Basics and Procedures of Radio and Television Broadcasts is enforced by the Radio and Television Supreme Council and Regulation on Principles of Commercial Advertisements and Announcements is enforced by the Ministry of Commerce and Industry.

Viral, on-line, text and mobile are governed by the Committee of Advertising Practice's (CAP) Code of Advertising, Direct Marketing and Sales Promotion, enforced through the Advertising Standards Authority. Product Placement is currently prohibited in the UK on television through the Broadcast Committee of Advertising Practice's (BCAP) Code of Television Advertising Standards. CAP is a purely self-regulatory body, whereas BCAP is a co-regulatory body, whose powers have been contracted out to it by the statutory regulator, Ofcom, the Office of Communications.

**How do the self regulation codes & mechanisms for new media relate to those for traditional media? Are they compatible? Are they enforced differently, e.g., mandatory vs. optional? Are there new parties participating that are not historically involved in traditional media? (Keep to 200 words or less).**

There are no specific rules for new techniques, except that they are mentioned for instance in the rules that apply to direct marketing, distant selling, games etc. In this sense, these are compatible.

In traditional media, Advertisement Board has three sanctions in case of such an infringement. These are; interception, correction and pecuniary penalty. They are not used strictly. But in new media, since there is no specific regulation about it, it is very hard to apply these sanctions. Although; interception and pecuniary penalty is applied, correction is very rarely used.

The mechanisms for new media and traditional media are broadly compatible, and the aim of regulation is to be media neutral, so that the same principles apply across all media in the same way. They are basically enforced in the same way.

	United States	Uruguay	Venezuela	Zimbabwe
Which of the following new marketing communications techniques have self-regulation codes & self-regulation processes in place in your country (yes or no answer suffices)?				
Buzz?	No		No	No
Viral?	No		No	No
Online?	Yes, in limited circumstances involving advertising to children		No	No
Advergaming?	Yes, in limited circumstances involving advertising to children		No	No
Product Placement in TV?	Yes, in limited circumstances involving advertising to children		No	No
Product Placement in Motion Pictures?	Yes, in limited circumstances involving advertising to children		No	No
Text messaging?	No		No	No
Corporate / Private Websites?	No		No	No
Consumer generated content?	No		No	No
Search?	No		No	No
Mobile?	No		No	No
Electronic Games?	Yes, in limited circumstances involving advertising to children		No	No
Are any of these techniques explicitly defined? If so, how?	There are no explicit definitions. Industry standards apply.		N/a	N/a

**Where self-regulatory mechanisms apply (specifically to the techniques in question 1 where the answer was "yes"), what is the general substance of these codes; how are they governed/enforced? (name of the body); is their a relation to the formal regulatory framework?**

The Council of Better Business Bureau, an organization funded by corporations throughout the United States, oversees the National Advertising Review Council, the primary self-regulatory body for advertising. Under NARC's umbrella, the Children's Advertising Review Unit oversees children's advertising, the National Advertising Division oversees general advertising, and the Electronic Retailing Self-Regulation Program oversees direct response advertising, e.g., infomercials. In addition, the Beer Brewers Association and Distilled Spirits Council have their own self-regulatory mechanisms. In general, all of these codes stress truth in advertising and appropriate depictions geared to the audience to which an advertisement is directed. These organizations have no legal relationship with the formal regulatory framework, but they do report they are generally compatible. All self-regulation in the United States is voluntary in nature but has a very high compliance rate (greater than 95%). The parties who participate are the same as those who are involved with traditional media.

**How do the self regulation codes & mechanisms for new media relate to those for traditional media? Are they compatible? Are they enforced differently, e.g., mandatory vs. optional? Are there new parties participating that are not historically involved in traditional media? (Keep to 200 words or less).**

In Venezuela, the only self-regulatory regulation is the N/A ANDA/FEVAP Ethical Code, which is a private regulation that establishes a mechanism for controversies resolution between Advertisers and/or Advertising Agencies, which are members of these organizations (ANDA is the National Association of Advertisers, and FEVAP is the National Federation of Advertising Agencies). Since it is a private regulation, it only establishes disciplinary measures for those members who infringe any dispositions of the Code, but does not content any legal actions. Also, we have no knowledge of any players related to new media, that are actually members of ANDA

In Venezuela, there is no different self-regulation codes for new and traditional media. In both cases the applicable regulation is the ANDA/FEVAP Code N/a