

Legal Extranet

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Bolivia



[General Legal Overview](#)
[Basic Guide to Intellectual Property rights in the Territory](#)
[Statutory Bodies](#)
[Specific Legislation](#)

General Legal Overview:

General Legal Overview

In Bolivia there is no specific law that regulates advertisement. However, advertisement is inserted in a variety of legal texts (i.e. Childrens' and Adolescents' Code) which among others regulates the participation of children and adolescent in advertisement. Additionally, regulatory bodies, such as the Superintendence of Telecommunications, Consumer Rights Defense Committee (CODECO), and the Consumer Rights Office issue specific norms regarding specific issues.

The applicable legislation for intellectual property is found in the Decision 486 (Common Regime on Industrial Property) and Decision 351 (Common Regime on Copyright and Neighbouring Rights).

Basic Guide to Intellectual Property rights in the Territory:

Trademarks:

Decision 486 of the Andean Community sets forth that any mark capable of distinguishing goods and services on the market shall constitute a trademark. Signs that are capable of graphic representation shall be eligible for registration as trademarks as well.

In Bolivia the procedure to register a trademark must be filed before the Intellectual Property National Service Office (SENAPI) . The registration of each trademark is granted for a 10 year period which may be renewed.

Copyrights:

Decision 351 of the Andean Community is intended to provide adequate and effective protection to authors of and other owners of rights in the literary, artistic or scientific field, whatever their nature or form of expression and regardless of their literary or artistic merit or purpose.

The procedure for copyrights is filed before SENAPI once certain requirements are complied with.

Gobiernos Municipales

City governments also play a role in regulating advertisement in their respective cities.

Servicio Nacional de Propiedad Intelectual ("SENAPI")

Location: Av. Camacho esq. Bueno No. 1488 La Paz- Bolivia Telephone: (591-2) 203820 Fax: (591-2) 372047 e-mail: info@senapi.gov.bo

Web link: <http://www.senapi.gov.bo>

Superintendencia de Telecomunicaciones

This is the regulating body in Telecommunications and regulate advertisement related to telecom companies.

Tobacco	25 May 2006
Children	30 May 2006
Alcohol	30 May 2006
Pharmaceuticals	01 June 2006
Health & Beauty	01 June 2006

Information supplied by: [Guevara & Gutierrez S.C.](#)

[Alexandra Blanco](#)

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Legislation Article

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Subject	Tobacco	
Country	Bolivia	
General legal framework	Health Code (Law Decree No. 15629) Tobacco Use Regulation (Supreme Decree No. 18886) Tobacco Use Regulation Modifications (Supreme Decree No. 27053) WHO Treaty for Tobacco Control	
The subject of the rules	Tobacco advertisement regulation is somewhat limited to outdoors, radio, cinema, and written press. Specific regulation is scarce and general regulation barely addresses the subject, yet these provide basic guidelines and restrictions.	
Restrictions to the activity	All promotions, offers, and jobs related to tobacco is restricted to people over 18. Free samples for promotional or advertisement purposes are prohibited. Sale of tobacco is restricted to people over 18.	
Restrictions to the media	<i>Cinema</i>	Advertisement for tobacco is only allowed for movies rated for people over 18 years of age.
	<i>Outdoor</i>	Banners and other types of outdoor advertisement are allowed, but may not exceed 35 square meters in size and must be at least 100 meters from schools, hospitals, and health centers.
	<i>Radio</i>	No radio advertisement allowed, unless radio station has the capability of filtering out listeners under 38 years of age.
	<i>Others</i>	Tobacco companies cannot use comic strip characters in order to advertise their products or any items related to their products.
Restrictions to the public	<i>Children and adolescents</i>	Children and adolescents cannot be part of tobacco advertisements. It cannot be directed towards underaged people nor imply a special attraction.
	<i>Others</i>	Pregnant women cannot be part of tobacco advertisements. Tobacco cannot be related in any way with sports, home activities, and work activities.
<i>Others</i>	Advertisements must contain information regarding the quality, origin, and purity of the product. Advertisement cannot imply that it is good for health or well being. Advertisement may not contain people inhaling or exhaling smoke in front of other people (whether it be real or not). Advertisement cannot suggest that it will promote social success, success in sports, or provide sexual attraction.	
Other conditions	All advertisement, whether it be outdoors, cinema, written, or any other type of advertisement must contain a health warning.	
Last updated	25 May 2006	

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Subject	Children	
Country	Bolivia	
General legal framework	Children and Adolescents Code (Law 2026 of October 27, 1999) Children and Adolescents Code Regulation (Supreme Decree No. 27443 of April 8, 2004) Children and Adolescents Code Regulation (Supreme Decree No. 26086 of February 23, 2001)	
The subject of the rules	Regulation for this subject matter is mostly directed toward TV schedules, childrens publications, and types of advertisement activities children can be involved in.	
Restrictions relating to products or services	<i>Tobacco</i>	Advertisements related to tobacco can only be aired during TV schedules established for adults.
	<i>Alcoholic beverages</i>	Advertisements related to alcohol can only be aired during TV schedules established for adults.
Restrictions to the activity	Children and adolescents cannot be depicted in any advertisement related to tobacco, alcohol, or any other product of similar characteristics and that are not good for health. They cannot participate in any movies, advertisements, or videos that affect their dignity.	
Sanctions	In addition to any criminal charges, the Childrens and Adolescents Judge may impose sanctions, such as warnings, community service, fines, closing of the activity.	
Last updated	30 May 2006	

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Subject	Alcohol
Country	Bolivia
General legal framework	Health Code (Law Decree No. 15629)
The subject of the rules	Regulation is limited to establish that the health authority is in charge of supervising and controlling advertisements related to drinks and foods for human consumption in order to avoid fraud and health dangers.
Last updated	30 May 2006

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Subject	Pharmaceuticals	
Country	Bolivia	
General legal framework	Health Code (Law Decree No. 15629) National Pharmaceutical Policy (Law No. 1737) National Pharmaceutical Policy Regulation (Supreme Decree No. 24672) Medical Ethics Code of August 4, 1993	
Restrictions relating to products or services	<i>Pharmaceuticals</i>	Regulation is mostly related to setting the ethical norms required for the promotion and advertisement of pharmaceuticals in general.
Restrictions to the activity	It is the Health Authorities responsibility to establish the rules for the promotion and advertisement of pharmaceuticals through administrative resolutions. There is only one known resolution, Resolution of the National Health Secretary, No. 0139/94 of 3/1/1994.	
Last updated	01 June 2006	

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Subject	Health & Beauty	
Country	Bolivia	
General legal framework	Health Code (Law Decree No. 15629)	
The subject of the rules	Regulation is limited to establishing that any advertisement indication, or form of administration that claim to have therapeutical atributes are prohibited for cosmetics.	
Restrictions relating to products or services	<i>Others</i>	The offer of medical services must be done in a sober manner, indicating the name of the professional or organization, title or degree of the person offering the service, time and place of work. Any advertisement that is flashy or ostentatious is prohibited.
Restrictions to the activity	Any advertisement relating health services or products that claim to cure disease or be beneficial for the patient must be approved by Health Authorities.	
Last updated	01 June 2006	

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