

## Legal Extranet

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Israel



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

**National Association:** Advertising Agencies Association of Israel (AAAI)  
 Hanger 1 Tel Aviv Port Israel Tel: 972 3 544 1155 Fax: 972 3 544 3377  
 Web link: <http://www.aaai.org.il>

**General Legal Overview:** The Consumer Protection law-1981 ("CPL") and its Regulations, inter alia, govern advertising. The Minister of Industry and Commerce, empowered by the CPL, may set regulations related to consumer protection. With these statutory powers, the Minister has enacted regulations such as Consumer Protection Regulations (Advertisements Targeted at Minors)-1991. The Consumer Protection Commissioner, empowered by the CPL, enforces the CPL and its regulations.

A large percentage of advertising is broadcasted on television. The Second Television and Radio Authority Rules (Television Advertising Ethics)-1994 and the Communication Rules (Bezek and Broadcasting) (Advertisements, Services and Sponsorship Broadcasting on Designated Channels)-2004, set specific rules and guidelines on advertising.

Empowered by The Second Television and Radio Authority Law-1990, the Second Authority Council, sets advertising rules and has the power to refuse broadcasting advertisements which infringe the relevant rules. Empowered by the Communication Law (Bezek and Broadcasting)-1982, the Cable and Satellite Council sets advertising rules and has the power to refuse broadcasting advertisements which infringe the relevant rules.

**Basic Guide to Intellectual Property rights in the Territory:** Trademarks

Trademarks are comprised of words, letters, numbers, images or other devices, in 2-D or 3-D.

Registered trademarks are valid for ten years from the application date and thereafter renewable for additional ten year periods. Licensed users must be registered as "Registered Users" in the Trademark Registry and marks become vulnerable to cancellation for non-use if they are not used in relation to the goods covered by the registrations for three (3) consecutive years preceding the date of a third party's motion for cancellation based on non-use.

Israel is party to the Madrid Protocol which will take effect in mid 2005.

Designs

Designs are figures, shapes, patterns or ornaments applied to any article by an industrial process, machine or hand craft, which appeal to and are judged the eye.

Designs are valid for five years and may be renewable for two additional five year terms.

Copyright

A copyright exists in literary, musical, dramatic, artistic and musical works. A copyright exists 70 years after the creator's life.

Commercial Torts

The Commercial Torts Law-1999, defines and outlaws commercial infringements such as passing off and the appropriation of trade secrets.

The Cable and Sattelite Council  
See Statutory bodies

The Second Television and Radio Authority  
See Statutory bodies

Cable and Sattelite Council  
Web link: [http://www.moc.gov.il/moc/doa\\_iis.dll/serve/item/english/1.1.7.1.html](http://www.moc.gov.il/moc/doa_iis.dll/serve/item/english/1.1.7.1.html)

The Second Authority for Television and Radio  
Web link: <http://rashut2.org.il>

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Subject	Alcohol
Country	Israel
Contact	Kuperschmit, Goldstein & Co.
General legal framework	the Second Television and Radio Authority Rules (Television Advertising Ethics)-1994, Consumer Protection Regulations (Advertisements Targeted at Minors)-1991, Banking Rules (Costumer Service) (Advertising Targeted at Minors)-1995
The subject of the rules	It is prohibited to target minors with alcohol advertisements, unless the beverage contains less than 1.2% alcohol. Additionally, ads are prohibited from representing the consumption of alcohol as a contributor to the quality of life, health, success, improved mental or physical functioning and sexual success. Further, it is prohibited to offer drinking competitions, prizes related to alcohol or uncontrolled drinking. Per the Consumer Protection Regulations, it is prohibited to encourage minors to drink intoxicating beverages. Per the Banking Rules, an incorporated bank may not target minors with ads which encourage minors to consume alcohol.
Last updated	01 June 2006

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Activity	Prize Promotions	
Country	Israel	
General legal framework	Consumer Protection Law-1981 ("CPL")	
The subject of the rules	The CPL provides extensive disclosure obligations. In addition, there are many obligations and restrictions designed to prevent misleading and confusing costumers. Thus, advertisers should take care not to mislead consumers when offering "gifts", and "prizes".	
Restrictions relating to products or services	<i>Tobacco</i>	The Restriction of Advertising Tobacco for Smoking Law- 1983 prohibits distributing or marketing tobacco products which include gifts, rewards or the right to be a part of a raffle or contest. In addition, it is prohibited to market tobacco products without consideration.
Restrictions to the media	<i>TV</i>	Pursuant to The Second Television and Radio Authority Rules (Television Advertising Ethics)- 1994, offering prizes during a television program is subject to the following rules: • It is permissible to mention the goods or services offered as a prize, the name of the offerer. However, it is prohibited to praise the prize, describe its features or compare it to other goods or services. • A certain prize or prize offerer cannot be mentioned more than three times. • A single prize provider may offer three prizes only during a half an hour program. Thereafter, an additional prize for each additional twelve minutes. The relavant legislation prohibits advertisements which invite the public to participate in the opportunity to win prizes, unless participants may obtain written details relating to the conditions, winners and prize distribution.
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Activity	Sponsorship
Country	Israel
General legal framework	Communication Rules (Bezek and Broadcasting) (Advertisements, Services and Sponsorship Broadcasting on Designated Channels)-2004 Broadcasting Authority Rules (Radio Broadcasts of Advertisements and Messages)-1993 The Second Television and Radio Authority Rules (Service and Sponsorship Broadcasting)-1990 The Second Television and Radio Authority Rules (Advertisement and Commercial Reference Placements on Radio Broadcasts), 1999
The subject of the rules	Sponsorship is prohibited if: <ul style="list-style-type: none"> <li>• The sponsor has either a personal, commercial or political interest in the contents of the broadcast.</li> <li>• The sponsor is a political body.</li> <li>• If the sponsorship is conditioned on influencing the broadcast.</li> <li>• The sponsorship mentions prohibited goods or services.</li> <li>• Broadcasted during news, consumerism programs.</li> <li>• Broadcasted close to a related advertisement.</li> </ul>
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Subject	Tobacco	
Country	Israel	
General legal framework	The Restriction of Advertising Tobacco for Smoking Law- 1983 ("RAT"), Order on the Limitation of Tobacco Advertisements and Distribution (Change of the Warning's Version)-2002 Consumer Protection Regulations (Advertisements Targeted at Minors)-1991	
The subject of the rules	RAT contains 16 Sections which set clear limitations on advertising tobacco and the manner in which health warnings must be displayed.	
Restrictions to the media	<i>Cinema</i>	Prohibited
	<i>Outdoor</i>	Tobacco may advertised on "authorized signs", which include signs exhibited in the front or inside of a business premises or a vehicle belonging to a manufacturer, importer, agent, distributor of tobacco products or in a premises that sells tobacco products. There are stringent rules on the contents of tobacco ads.
	<i>Press</i>	Prohibited in newspapers targeted primarily at children and youth under 18. Prohibited in newspaper sections devoted to sport, entertainment or recreation.
	<i>Radio</i>	Prohibited
	<i>TV</i>	Prohibited
	<i>Others</i>	Prohibited to advertise tobacco shows, festivals or public events. Additionally, it is prohibited to advertise tobacco in games, software, video and cd cassetts.
Restrictions to the public	<i>Children and adolescents</i>	It is prohibited to target minors with ads that encourage smoking.
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Subject	Health & Beauty	
Country	Israel	
General legal framework	Consumer Protection Law-1981 ("CPL")	
The subject of the rules	The CPL generally prohibits misleading consumers as to the quality and substance of goods and services, which is often the case with "miracle" beauty and health products.	
Restrictions to the media	Radio	The Second Television and Radio Authority Rules (Radio Broadcasting by a Franchisee)-1999, prohibits advertisements that encouragement of goods or services which may harm consumers' health. When required, the advertisements will contain a note by the Ministry of Health.
	TV	The following ads' are prohibited: <ul style="list-style-type: none"> <li>•Advertisements which encourages behavior that may endanger health. This includes dieting or consuming food designed to reduce body weight.</li> <li>•Advertisements relating to health, drugs or medical treatments, unless a medical opinion acknowledges the reliability of the goods or services.</li> <li>•Advertisements that claim food as healthy, unless a medical opinion acknowledges the claim.</li> <li>•Advertisements that misleadingly claim food has dietary and health qualities.</li> <li>•Advertisements which offer treatments for weight reduction or body shaping, unless a legal opinion acknowledges the treatment and the advertisement is not targeted at minors.</li> </ul>
Restrictions to the public	Children and adolescents	The Consumer Protection Regulations (Advertisements Targeted at Minors)-1991, prohibits ads which encourage minors to endanger their health. This includes dieting or consuming food designed to reduce body weight.
Upcoming changes	A bill relating to food ads targeted at minors was submitted to the Knesset (the Israel Parliament). There will be restrictions related to ads covering foods with a high degree of fat, sugar, salt, food coloring and preservatives.	
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Subject	Pharmaceuticals	
Country	Israel	
General legal framework	Consumer Protection Regulations (Advertisements Targeted At Minors)-1991, Communication Rules (Bezek and Broadcasting) (Broadcasts of Advertisements, Services and Sponsorship on Designated Channels)-2004, The Second Television and Radio Authority Rules (Television Advertising Ethics)-1994, The Broadcasting Authority Rules (Advertisements and Announcements on the Radio)-1993	
The subject of the rules	The Consumer Protection Regulations (Advertisements Targeted At Minors)-1991 prohibits advertisements that encourage or direct minors to independently consume medicine or other dangerous materials, inclusive of cleaning materials or other chemical products.	
Restrictions to the media	Radio	The Broadcasting Authority Rules (Advertisements and Announcements on the Radio)-1993, prohibits advertising products or drugs that claim to heal sicknesses, defects and deformities, unless their effectiveness and safe use has been proven and approved by the Ministry of Health, excluding drugs that a manufactured by known producers, for the easing of headaches, tooth aches, colds etc.
	TV	Is is prohibited to advertise the following: <ul style="list-style-type: none"> <li>• Medicinal products or medical treatments which are provided by a doctor's prescription.</li> <li>• Medicinal products not approved by the Ministry of Health.</li> <li>• Products for the treatment of alcoholism.</li> <li>• Products for the treatment of hair loss.</li> <li>• Products for determining pregnancy, unless authorized by the Manager of the Second Television and Radio Authority.</li> <li>• Medical treatment by hypnosis, psychoanalysis, etc.</li> <li>• Treatments that have not been scientifically proven.</li> <li>• The offering of medical treatments provided by correspondence.</li> </ul>
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Subject	Gaming & Betting	
Country	Israel	
General legal framework	Penal Law-1977, The Regulation of Sport Gambling Law-1967	
The subject of the rules	The Penal Law, generally, with few qualifications, prohibits organizing games where a person may win cash or any other prize based on the outcome of a game. Additionally, it prohibits organizing gambling or sweepstakes. Games, sweepstakes and gambling may be conducted if they are targeted at a certain group of people and do not exceed the realms of entertainment and amusement. The Minister of Finance may grant a licence to conduct certain types of sweepstakes. The organization of sport gambling is governed by the Regulation of Sport Gambling Law, which forms and authorizes a Sport Gambling Counsel to regulate and organize gambling, based on the results of sport matches. It should be noted that per the Supervisor of Banks Rules, an incorporated bank is prohibited from conducting sweepstakes among its costumers.	
Restrictions to the media	TV	The relevant rules prohibit ads which invite the public to participate in gambling, sweepstakes or the opportunity to win prizes, unless participants may obtain written details relating to the conditions, winners and prize distribution.
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Subject	Financial products and services	
Country	Israel	
General legal framework	Banking Law (Licensing)-1981, The Second Television and Radio Authority Rules (Television Advertising Ethics)-1994, Communication Rules (Bezek and Broadcasting)(Broadcasts of Advertisements, Services and Sponsorship on Designated Channels)-2004	
The subject of the rules	The Consumer Protection Law-1981, which governs a large portion of the rules relating to consumer protection, does not apply to incorporated banks or insurers. Many of the banks' obligations towards consumers and codes of conduct are governed by the Banking Law (Licensing)-1981 and the rules derived from this law. The different rules set detailed restrictions relating to bank advertisements, such as: ads must correspond to the level and understanding of the targeted audience and information conveyed must be precise and real.	
Restrictions to the media	TV	Ads relating to finance, banking, insurance, investment, etc., are prohibited unless the advertised entity is known and licensed, if a licence is required.
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Activity	Direct Marketing	
Country	Israel	
General legal framework	Consumer Protection Law-1981("CPL"), The Second Television and Radio Authority Rules (Television Advertising Ethics)-1994, Communication Rules (Bezek and Broadcasting)(Broadcasting of Advertisements, Services and Sponsorship on Designated Channels)-2004	
The subject of the rules	The CPL has special provisions relating to "distant marketing". Distant marketing covers situations where the offer/promotion is targeted at the consumer through the post, mail, fax, television or any other electronic means, catalogues, etc. In short, both parties are not present. In distant marketing, the following must be revealed by the vendor: The vendor's identity, the price in Israeli currency, the main features of the goods, date and method of delivery, the offer's deadline, the warranty, details of costumer's cancellation rights.	
Restrictions to the media	TV	Ads which offer the purchase of goods through the post or by other direct means such as the phone, internet, credit cards, etc, are prohibited. Unless the advertiser undertakes to provide consumers with all the relevant information related to the offered goods and that the advrtiser is capable of supplying the goods.
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Activity	Comparative advertising	
Country	Israel	
General legal framework	Consumer Protection Law-1981("CPL"), The Second Television and Radio Authority Rules (Television Advertising Ethics)-1994, Communication Rules (Bezek and Broadcasting) (Advertisements, Services and Sponsorship Broadcasting on Designated Channels)-2004, The Broadcasting Authority Rules (Advertisements on the Radio)-1993	
The subject of the rules	The CPL does not specifically prohibit comparative advertising. However it provides extensive disclosure obligations and prohibits misleading consumers. Thus, when comparing products, one must be take care not to mislead.	
Restrictions to the media	Radio	The Broadcasting Authority Rules prohibit misleading comparison between prices, goods and services and additionally prohibits treating the competitor with contempt.
	TV	It is prohibited to attack the products of others or other entities. In addition it is prohibited to diminish the products of others by misleading and unfair practises. Nevertheless, comparison is allowed, provided: The compared products must be similar and the bases of comparison identical. The points of comparison will refer to facts that can be substantiated. The compared products cannot be presented in a manner that creates an artificial advantage. It is prohibited to claim that a product is generally superior based on limited comparison.
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Established in 1990, Kuperschmit & Goldstein & Co. ("K&G"), with two offices, one in Carmiel, the other in Kiryat Shmona, has developed into one of the leading firms in northern Israel . The firm has a sound reputation in the fields of Cooperate Law, Labor Law, Real Estate Law, Intellectual Property, Advertising Law, Torts, Traffic and Criminal Law. With its experienced lawyers, fluent in English, Spanish and Hebrew, K&G have been providing its clients with dedicated legal service for over 15 years. Our clients include multinational kibbutz companies which manufacture clothing, footwear and cosmetics. Additionally, we represent wineries, plastic manufacturers, high tech industries, irrigation manufacturers, dairies and various factories throughout northern Israel . As a member of the International Trademark Association ("INTA") and the Global Advertising Lawyers Alliance ("GALA"), K&G has contacts with a vast amount of foreign law firms. Our foreign contacts enable us to provide our Israeli clients with legal services outside Israel and legal services to foreign companies within Israel .

### Disclaimer

*The information set out above is only intended to provide a general overview of the subject matter covered. It is not a substitute for legal advice, which should be obtained for each individual situation, from a suitably qualified and experienced local lawyer.*

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## Legislation Article

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Activity	Data Protection/Privacy	
Country	Israel	
General legal framework	The Privacy Protection Law-1981 ("PPL"), The Law Against Defamation-1965	
The subject of the rules	The PPL prohibits infringement of an individual's privacy. Specifically, it prohibits spying on or trailing an individual in a harassing manner, eavesdropping, publishing an embarrassing photo, using one's name, photo or voice for profit, publishing private information on one's personal life. Additionally, the PPL prescribes rules relating to the protection of privacy within data bases, including rules governing the administration of a data base registry and the manner in which privacy rights are protected.	
Restrictions to the media	<i>Direct Mail</i>	The PPL sets rules which restrict the manner of contacting individuals chosen due to their characteristics as revealed in a data base. "Contacting" includes written material, phone, fax via a computerized method or any other means. When contacting an individual, the contactor must reveal the data base used to trace the individual and the right to be erased from the data base.
	<i>E-mail</i>	See "Direct Mail"
	<i>SMS</i>	See "Direct Mail"
Last updated	01 June 2006	

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Activity	Collateral Gifts	
Country	Israel	
General legal framework	Consumer Protection Law-1981("CPL", The Second Television and Radio Authority Rules (Television and Advertising Ethics)-1994,Communication Rules (Bezek and Broadcasting)(Broadcasting of Advertisements, Services and Sponsorship on Designated Channels)-2004	
The subject of the rules	Generally, the CPL does not prohibit offering "free gifts" with a purchase. However, the CPL provides extensive disclosure obligations and restrictions designed to prevent misleading consumers. Additionally, per the Supervisor of Banks Rules, an incorporated bank is prohibited from giving adults gifts in excess of approximately US\$50 and minors gifts in excess of \$25.	
Restrictions to the media	TV	It is prohibited to offer "free gifts", unless they are completely free, excluding postal fee. Goods and services offered in exchange for the purchase of additional goods or services, must be described as such and cannot be described as "free gifts"
Last updated	01 June 2006	

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