[RU] Judicial Chamber Concludes that TV Listings are not Advertising

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The Judicial Chamber on Informational Disputes under the President of the Russian Federation has concluded that TV listings cannot be considered as advertising.

Russian advertising law states that the amount of advertising in a non-advertising medium shall not be more than 40 percent of total printing space. Anyone violating that limit can be fined. Two cable television companies in the Urals region were publishing listings of their programmes in a general interest local newspaper. In total, advertising information per se and program listings made up 60 percent of the printing space. The Commission of the Sverdlovsk Territorial Administration of the State Antimonopoly Committee decided that program listings in the newspaper should be considered as advertising in the sense of articles 1 and 4 of the Statute "on Competition and Limitations of the Monopolistic Activities on Commodity Markets". The Judicial Chamber found that the categorisation of program listings as advertising information is legally and de facto incorrect. Such extended treatment of an item of advertising information can paralyze activity of any medium. The Judicial Chamber stated in its conclusion that it is necessary to distinguish between service and advertising of such service. In the judgement of the Judicial Chamber, printing of program listings in a mass medium should be considered as a peculiar informational service. Thus the position of the Commission of the Sverdlovsk Territorial Administration of the State Antimonopoly Committee by the Chamber's conclusion was wrongful and unreasonable.

O pravomernosty otnesenia k reklamnoy informatsii programmy teleperedach kabelnogo televidenya. Zakonodatelstvo i praktika sredstv massovoy informatsii, journal # 54 (February 1999).

Expert conclusion of the Judicial Chamber on Informational Disputes # (47) 04.02.1999 “on Legality of Attribution to Advertising of Cable TV Listings ”. Published in “Zakonodatelstvo i praktika sredstv massovoy informatsii” journal # 54 (February 1999).

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