[PL] Law Permits Comparative Advertising

IRIS 2000-6:1/27

Wtodzimierz Kozuchowski
Clifford Chance Pünder

As a result of an amendment to the Ustawa o zmianie ustawy o zwalczaniu nieuczciwej konkurencji oraz o zmianie ustawy o radiodonii i telewizji (Unfair Competition Act of 16 April 1993), adopted on 16 March 2000, new regulations on comparative advertising have been introduced in Poland. Comparative advertising was previously banned as it was considered anticompetitive unless it contained information that was accurate and useful to customers. There was no more detailed definition of the concept of comparative advertising.

According to the amendment, comparative advertising includes commercials in which, either directly or indirectly, competitors or their products or services are recognisable. In principle, it is allowed as long as it does not offend common decency. In order not to offend common decency, comparative advertising must: a) not be misleading; b) compare goods or services that fulfil the same needs or purposes in an honest, verifiable and objective way; c) compare objectively one or more essential, characteristic, verified and typical features of goods or services, which may include price; d) not lead to confusion between the advertiser and a competitor or between the brand names, trademarks or other distinguishing features of the goods or services offered by the advertiser and those of a competitor; e) not discredit the goods, services, activities, brand names, trademarks or any other characteristics of a competitor; f) always refer to goods from the same country of origin, where such information appears on the goods; g) not unfairly exploit the reputation of a brand name, trademark or other distinguishing feature of a competitor, nor that of the country of origin marked on competitors' products; h) not portray a good or service as an imitation or copy of a good or service with a protected brand name or trademark.

Furthermore, comparative advertising that relates to a special offer must, independently from the terms of such an offer, clearly and unambiguously state the date when the offer expires or the fact that it is only available while stocks last. If the special offer is not yet valid, the date when it begins must be announced.

These regulations enter into force on 18 June 2000.

Ustawa o zmianie ustawy o zwalczaniu nieuczciwej konkurencji oraz o zmianie ustawy o radiodonii i telewizji. Dziennik Ustaw Nr 29, Poz 356 z

© European Audiovisual Observatory (Council of Europe) 2026

2000r.

Act amending the Unfair Competition Act and the Radio and Television Act. Dziennik Ustaw Nr 29, Poz 356 z 2000r.

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026