[CZ] Advertising Logo Sponsorship

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A number of Czech television channels have recently broadcast several unusual commercial inserts. Immediately before the commercial separator was shown, the logo of a sponsor appeared, identified as the sponsor of the commercial separator.

The Broadcasting Council considered this to be a breach of the provisions of the Broadcasting Act on the separation of advertising and programme material. Advertising must be clearly identifiable and separated from other programme elements by optical means on television and acoustic means on radio. Sponsorship, on the other hand, is the contribution of a natural or legal person to the direct or indirect financing of a programme. However, since such a programme must have its own editorial value in the sense that it should deal with a particular theme, sponsorship of a commercial separator is prohibited.

The Broadcasting Council issued several fines in response to these violations, against which one of the broadcasters lodged a complaint. The broadcaster argued that the commercial separator was also a programme, since it corresponded with the definition contained in the Broadcasting Act, and could therefore also be sponsored. The Broadcasting Council disagreed, claiming that it could not be classified as a programme because of its short duration and the purpose and significance of the commercial separator.

The court rejected the complaint, concluding that the commercial separator was not a programme, but a means of distinguishing between advertising and programme content.

This verdict is open to appeal.

Rozsudek Městského soudu v Praze č.j. 8 Ca 234/2008 z 24.2.2009

http://www.rrtv.cz/cz/files/judikaty/8Ca234-2008.pdf

Prague Municipal Court ruling of 24 February 2009, case no. 8 Ca 234/2008

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