

## THE SPONSOR'S TOOLKIT – SPONSOR'S INDICATION

Definition pursuant to Article 17.1 of the Act on Broadcasting of 29 December 1992 (pl: Ustawa o radiofonii i telewizji, hereafter: "URIT"):

**Indicating the Sponsor may include only its name, company name, trademark or other mark characterizing the entrepreneur or his operations, a reference to manufactured goods, services or their related trademark.**

### I. GENERAL RULES

1. Indicating the Sponsor, hereinafter "indication" aims at popularizing or increasing the reputation, name, enterprise, goods, trademark or other indication, which characterizes the Sponsor or its operations (Article 4.18 URIT).

2. An indication cannot have the nature of an advertisement; it cannot aim at promoting sales, or the use of goods or services against charge (Article 4.17 URIT).

3. Whereas none of the elements included in sponsor's indication may have the nature of an advertisement, it is inadmissible to use:

a) expressions addressed directly at the viewer, e.g. *"Your..." ".... for you"*;

b) descriptive expressions, e.g. *"Created with ..... in mind"*, *"Medicine especially for...."*;

c) rhetorical questions, e.g. *"Do you have a headache?"*, *"Tired?"*;

d) adjectives and adverbs with superlatives such as *"with high/double dose"*, *"best protection system"*;

e) expressions emphasizing attributes, e.g. *"super strong"*, *"super fast"*, *"effective"*;

f) expressions or animations suggesting choice or creating an effect that suggests choice, e.g. *"your choice for ..."*, *"chosen by thousands of Poles"*;

g) comparison elements (e.g. graphics).

4. The indication cannot include advertising sound or visual elements with which the Sponsor is associated and which could hinder distinguishing the indication of the Sponsor from the advertising message. In particular, this includes not using fragments of storylines, scenography, shots and text reader messages (used) in the Sponsor's advertisements (Section 2a.1 of the Regulation of the National Broadcasting Council [KRRiT] of 6 July 2000 on sponsoring programmes and other broadcasts).

5. In the Programme Sponsorship Agreement, the Sponsor shall include a relevant declaration that no visual or audio elements of an advertising message as referred to in Section 4 of this Toolkit shall be used in the sponsor's indication.

6. The indication cannot include any commercial or sales information or any advertising-type references such as: *"The best in the industry"*, *"Available in stores tomorrow"*, *"CD already in stores"*, *"(in cinemas) from 15 February"*, *"available in ....."* etc.

7. The programme shall be sponsored by the Sponsor, i.e. a defined entity (company), not products or services offered by this company, therefore the message: **"The programme is sponsored by ..."** should include the Sponsor's name (company name).

8. If the Sponsor wants to be identified through a product name only, omitting the company

name, then the message on the billboard should read as follows: ***"This programme is sponsored by the producer/distributor of X"***. It is permitted to describe product (service) characteristics that do not have an advertising nature. *EXAMPLE: "This programme is sponsored by X, a producer of PVC windows", "This programme is sponsored by X, a producer of body lotion", "This programme is sponsored by X, a producer of moisturizer for sensitive skin", "This programme is sponsored by X, a distributor of Y orange juice"*.

9. The indication may refer only to sponsoring entities and their goods or services. It cannot promote, in any manner, names, brands, trademarks, products or services of third parties not directly related to the Sponsor's operations. This restriction shall not apply to distribution networks or sales representatives.

*EXAMPLE: "This programme is sponsored by the owner of X stores, a distributor of Y brand products"*.

10. The indication may include a visualization of any number of products or services offered by the Sponsor. The visualization of products or services cannot have the characteristics of an advertisement.

11. The indication may include the Sponsor's trademark, as long as it does not meet the criteria of an advertisement (does not aim at promoting sales or other forms of using the Sponsor's products or services); the provisions of item 3 shall apply accordingly.

12. The Sponsor shall be required to present a relevant document confirming the right to use the defined trademark.

13. The indication may include a designation individualizing the entrepreneur or his operations, such as:

a) the address of the Sponsor's website;

b) information about prestigious awards received.

14. Every indication must include information about the sponsorship, including the word "sponsor" in the appropriate inflection, and a clear indication of the sponsored programme. If the text reader does not give information about the sponsorship, then a clear horizontal inscription must be placed, which stands out from the background of the surface and takes up no less than one fourth of the screen area.

*EXAMPLE of inscription: "The programme is/was sponsored by X, the producer of Y"*.

If the text reader says: *"This programme is/was brought to you by..."* or another wording omitting the word "Sponsor" in the relevant inflection and grammatical number, then placement of the aforementioned inscription shall be obligatory. All fonts used in the sponsorship information, which is presented in a graphical manner, must be the same size.

15. The sponsorship indication in the case of one sponsor shall last up to 8 seconds; in the case of two sponsors – up to 16 seconds; in the case of three or more sponsors – up to 24 seconds, whereas the indication of each of the sponsors cannot exceed 8 seconds.

16. To distinguish the sponsorship indication from other messages, it is recommended that the visual sponsorship indication be presented throughout the duration of presenting the sponsorship indication.

17. The indication cannot raise any doubts as to which programme (preceding or following) it refers to. This means that if the text or graphical content does not include the specific programme name, the indication must have two versions for broadcasting purposes: before and after the programme – ***"This programme is/was sponsored by ..."***.

18. The sponsorship indication may in particular require:

a) a copyright disclaimer;

b) a document confirming the right to use the sponsor's trademark;

c) the Sponsor's declaration of compliance of the sponsorship indication with the Nutrition Criteria (applies to sponsoring programmes addressed to children).

19. It shall be inadmissible to apply references of an advertising nature:

**EXAMPLE:** *100%, effective, best, leader, market leader, expert in ..., recommended by ..., maximum, double, highest, novelty, recommended, exceptional, remarkable, unique, fashionable, bestseller, top, super, valued, popular, sought, highest-selling, liked, splendid, renowned, famous, respected, great, loved, see/check on, details on ..., Facebook, Twitter, try, discover, see, find out for yourself, offer, promotion, rebates, discount, sale, price, special, made just for you, yours.*

20. The sponsorship indication cannot include any content referring to the effectiveness of the product or service; this shall also apply to animations (e.g.: a tablet, which hits the inscription "headache" and disappears).

**EXAMPLE:** *"fights ...", "helpful for ..."*

21. A close-up shall be permitted in regard to marketed product packaging or service visualization, not individual elements.

22. Elements being a part of the packaging cannot be artificially animated or "jump out" of the packaging.

## II. ADDITIONAL RULES FOR BEER MANUFACTURERS

23. The sponsorship indication of a beer manufacturer or distributor may only include:

- **Name of the Sponsor**
- **Visualization of the Sponsor's trademark**

24. Information about the sponsorship cannot be presented by a natural person or use an image of a human figure.

25. The sponsorship indication cannot include:

a) visualization of the product in any form (beer in a bottle, can or other packaging, or beer poured into a mug, glass, or other container);

b) the product label presented in full (it is only permitted to display the element that constitutes a graphically presented trademark);

c) displaying bottletops, beer mats or other accessories relating to beer and the consumption of an alcoholic beverage.

26. It shall be prohibited to use the word "beer" in sponsorship indications issued before 20h00 (instead: the programme is sponsored by the beer manufacturer; "**brand owner** ..." may be named).

## III. ADDITIONAL RULES FOR MANUFACTURERS OF OTC DRUGS

27. Programmes cannot be sponsored by pharmaceutical companies that concentrate on manufacturing or distributing prescription drugs, which the sponsoring entity shall confirm in the sponsorship agreement in the form of a relevant declaration.

28. The indication must be limited to providing information about the sponsoring entity and potentially the product.

**EXAMPLE: "The programme is sponsored by X, the producer of Y".**

29. Product visualization may refer only to an over-the-counter drug and additional information about the product provided by the text reader must be limited to the essential minimum and concern only the drug's application:

**EXAMPLE: "eye drops", "cough syrup", "for cold symptoms", "for headache", "anti-dandruff", "for sexual performance" etc.**

The number of references to the product (possible applications) must be limited in such manner that the entire message does not have the characteristics of an advertisement, limiting the possibility of distinguishing the indication from an advertising message.

30. The sponsorship indication (as opposed to an advertising spot) cannot include information referred to in Article 6 of the Regulation of the Minister of Health on advertising medicinal products of 28 November 2008.

#### **IV. ADDITIONAL RULES FOR PRODUCERS (DISTRIBUTORS) OF DIET SUPPLEMENTS, MEDICINAL PRODUCTS AND FOODSTUFFS FOR SPECIAL MEDICAL PURPOSES**

31. Sponsorship indications concerning producers (distributors) of diet supplements, medicinal products, and foodstuffs for special medical purposes shall be subject to the provisions of Chapter III.

#### **V. ADDITIONAL RULES FOR PRODUCERS (DISTRIBUTORS) OF CINEMA MOVIES**

32. The sponsorship indication of a producer (distributor) of a cinema movie, audio or visual fragments must be consistent with Article 2a.1 of the Regulation of KRRiT of 6 July 2000 on sponsoring programmes or other broadcasts.

33. Information included in the indication must be limited to the essential minimum so that it does not include the characteristics of an advertisement, limiting the possibility of distinguishing the indication from an advertising message, and may refer to the selection of:

- a) title and type;
- b) name of producer or distributor;
- c) name of director and selected actors playing main characters;
- d) prestigious awards or nominations, without stating the category.

34. It is permitted to reveal that the movie is distributed in cinemas by way of stating "**In cinemas**", but without any promotional elements, such as "*Already in cinemas*", or: "*In cinemas from ...*", "*You must see this*", etc. The expression "in cinemas" may be displayed only visually, without an audio layer and without additional information, e.g. "*in 2D and 3D*".

35. The sponsorship indication cannot include a summary or review, descriptions of the

storyline, information about points of ticket distribution, or refer to titles of other movies, directors, producers, not related with the Sponsor.

36. No value judgements shall be permitted, which directly or indirectly encourage watching the movie.