

CODE OF ETHICS FOR ADVERTISING AND MARKETING COMMUNICATION VIA THE INTERNET

Preamble

Recognizing that the Internet is a global medium in which, in addition to national regulations, certain global rules should apply, the Association for Internet Progress (SPIR) draws on the Code of Ethics “Advertising and Marketing Communication Using Electronic Media” issued within the [Code of Advertising and Marketing Practice](#) of the International Chamber of Commerce in Paris.

Scope of the Code

1. This Code applies to all advertising and marketing communications made via the Internet to promote any kind of goods or services.
2. This Code sets out the standards of ethical conduct that should be observed by all players in the Internet advertising and communications market (advertisers, agencies and media) who participate in advertising and marketing communications.
3. The Code regulates requirements beyond legal regulations, which are primarily binding.

Specific terms relating to advertising and marketing communications via the internet

The term “*electronic media*” refers to any person who provides information society services, or services provided by electronic means, in response to an individual request by a user submitted by electronic means, generally for consideration, and disseminates commercial communications in the course of that activity.

Country of origin and jurisdiction

Advertising and other marketing communications through electronic media should be subject to the rules and regulations applicable in the country or jurisdiction of the Member State of the European Union in which the electronic media's principal establishment is located, i.e. where it has its headquarters or registered office and where it performs its principal financial functions and operational management. Electronic media that do not have an establishment in the European Union and offer their services in the European Union shall be subject to the jurisdiction of the Member State in which the electronic media has established its legal representative.

Identification

If an individually addressed electronic communication has a commercial purpose, this should be clear from the context or from an unambiguous attached denomination. The denomination of a commercial communication should not be misleading and the commercial nature of the communication should not be concealed.

Clarity and intelligibility of the offer and conditions

1. Where an electronic communication has a marketing purpose, software, design or any other technical device should not be used to influence a customer's decision by concealing or obscuring an important factor, such as the price or other commercial terms. The mandatory scope and manner of disclosure in commercial communications is governed by applicable laws.
2. Customers should always be informed in advance of any steps leading to the placing of an order, making a purchase, entering into a contract or assuming any other obligation. Where customers are required to provide any data for this purpose, they should also be given an adequate opportunity to check the accuracy of the data so provided before entering into any commitment.
3. If the processing of personal data is part of the communication with the customer, the statutory data protection regulations must be respected.
4. Where possible, the entity concerned should respond to the customer's order by confirming or rejecting it. It should not leave it unanswered.

Respect for public groups

The conditions applicable to specific electronic media, which may include certain rules and standards regarding appropriate and acceptable commercial conduct, e.g. news and newsletters, forums or bulletin boards, and general software for editing the content of web pages - publicly accessible comments on texts - should be respected. Marketing communications posted in such public places are only appropriate if the forum or site has implicitly or explicitly indicated its willingness to accept such marketing communications.

Dissemination of commercial communications by electronic means

Commercial communications disseminated by electronic means may only be sent with the consent of the user, or where they are intended for the purpose of disseminating commercial communications relating to the electronic medium's own similar products or services, and provided that the user has a clear and conspicuous opportunity to refuse the delivery of such communications in a simple manner, free of charge or at the expense of the electronic medium.

Transparency and non-interference with normal use

1. Marketing communications sent on a stand-alone basis (without solicited content or use of a service conditional on subscription to marketing communications) via electronic media should include a clear and transparent mechanism for the customer to indicate that they do not wish to receive any further offers in the future. That mechanism should be used only for that purpose and should be easy to find, understand and use.
2. In addition to respecting the customer's preferences, either expressed directly in a reply to the sender or through participation in a preferred service programme, due care should be taken to ensure that neither the marketing communication itself nor any application that would allow customers to automatically open other marketing or advertising communications interferes with the customer's normal use of electronic media.

Respecting the potential sensitivities of global audiences and children

1. Given the global reach of electronic networks and the diversity and variety of potential recipients of the communications, the actors concerned should ensure that their marketing communications are consistent with the principles of global social responsibility and should take particular care to ensure that their communications do not cause any offence to anyone. Market players should take the necessary measures to distinguish electronic media according to their content in order to fulfil this principle, for which purpose we define electronic media with harmful content.
2. In marketing communications concerning products that are not suitable for children, these products should be appropriately denominated as such. Where advertising and marketing communications are aimed at children, parents should be encouraged to participate in or supervise their children's interactive activities.

Electronic media with harmful content and related measures against the dissemination of harmful content

Electronic media with harmful content may be considered to be media:

- the content of which is contrary to the applicable law of the Czech Republic,
 - which disseminates content that promotes discrimination against an individual or group in a manner that is reasonably suspected of constituting a criminal offence,
 - which contain pornographic material,
 - grossly disrupting the education of young people or encouraging behaviour that is grossly contrary to socially acceptable standards of behaviour in the Czech Republic,
 - depicting persons who appear to be under 18 years of age in a revealing or provocative position,
 - promoting or depicting violence, whether against an individual, a group, an entire nation or a democratic social order,
 - promoting terrorism and terrorist organisations and/or genocide of a nation,
 - promoting or depicting violence against animals,
 - with content that incites the commission of a criminal offence,
 - with content that grossly infringes on the rights of the individual and portrays them in a defamatory manner,
 - content that demonstrably violates the rights of a natural or legal person in a serious manner, in such a way that serious consequences or damage to the reputation of the natural or legal person or to his/her other rights are imminent.
- **The text of the Code is adapted to the conditions of the Czech Republic and was approved by the Executive Board of the SPIR on 03.03.2023 and the General Assembly of the SPIR on 22.06.2023.**