

Legal Basis of Organizing Advertising Activity.

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Annotation. This article discusses the legal framework for organizing advertising activities in Uzbekistan. In particular, the Law of the Republic of Uzbekistan "On Advertising" describes in detail the basic requirements for advertising. Also, this article reflects the tasks defined in the Decree of the Cabinet of Ministers of the Republic of Uzbekistan "On the regulation of the outdoor advertising market".

Keywords: Advertising, advertising activity, advertiser, advertising producer, advertising distributor, advertising user, counter advertising, false advertising, hidden advertising, comparative advertising, social advertising, outdoor advertising.

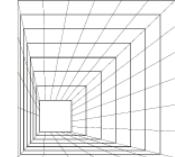
Introduction. The formation of market relations in Uzbekistan, the emergence of economic entities with different forms of ownership, and increased competition in the domestic and foreign markets strengthened the role of advertising in society. As a result, the legal basis of advertising activity was created in the country and the advertising market was formed. Based on the experience of advertising abroad, it can be said that the comprehensive and consistent conduct of advertising events, developed taking into account the marketing strategy, is more effective than events that are separate, interconnected with a common goal, and held at different times. If the market, the characteristics of the advertised product and the consumers are not analyzed, advertising will not be effective. Without a clear plan, an advertising company cannot classify consumers, which, of course, will not achieve the expected result.

The advertising campaign should be carefully planned, coordinated and carried out as a series of advertising and sales support activities over a certain period of time. Advertising can achieve its goals only when all planned consumer groups are covered as fully as possible.

It is extremely important to take into account the activities of consumers in the market: the nature of purchases is largely determined by personal, cultural, social and psychological factors. It is this perspective that determines the three components of advertising: attention, retention and persuasion. The main purpose of advertising is to attract the attention of a typical representative of targeted consumers to the object being advertised. Therefore, advertising specialists try to influence the consumer, to attract his attention, to force him to keep the content of the advertisement in his memory. As for the direct positive part of creating an advertisement, the main attention should be paid to the following issue: the advertisement should be expressive and unique in order to attract the attention of the person who is expected to buy the product or service. Unexpected, aesthetically well-thought-out advertisement attracts the consumer's attention. But uniqueness should not be the only goal. The essence of this problem was very clearly expressed by David Ogilvy, a classic of world advertising theory: "Personally, I don't see advertising as a form of entertainment or art, but as a source of information. When I create an advertising product, the average consumer should not at all be surprised by its creativity, that is, an unusual creative find. The most important thing for me is that the buyer is interested enough to go and buy the advertised product. To create an effective advertisement, it is necessary to know the theoretical basis of planning, creation, placement and legal regulation of the advertising product.

The purpose of the research. The purpose of the research is to develop proposals and recommendations on improving the legal basis of the organization of advertising activities in Uzbekistan.

Analysis of literature on the topic. The history of the emergence and development of advertising in the international community has not been sufficiently researched by advertising



scientists. Based on historical sources, it can be said that the emergence of advertising dates back to the distant past. Yevgeny Viktorovich Romat, who covered the history of advertising, in his book "Advertising: history, theory, practice" [1.B.54] stated that the term advertising comes from the Latin word "advertising" - "to shout or inform". The author relies on social events in ancient times to make this point, including the early Roman and Greek heralds who shouted out announcements about products and shops, which are considered to be the earliest distributors of advertising.

Also, the philosopher Lucius Aeneus Seneca, who commented on the history of advertising, commented on advertising two thousand years ago, "among the first advertisers, there were somsa sellers and sellers of all kinds of pastries. Each one praised his product as best he could" [2.B.93], (wrote the philosopher Lucius Aeneas Seneca's thoughts, and it can be said that he saw the emergence of advertising in the time he lived, its role in the life of society and its form. We can see that he fully explained the etymological content of this term by expressing it in his works.

L. Vinnichuk noted that in order to distinguish themselves from their competitors, ancient artisans and merchants put company labels on the products they produced and sold in ancient times [2.B.196]. Examples of such marks include the cracks 1.2, 1.3, and 1.4 placed on brass sold in the ancient world.

These historical sources indicate that in ancient times, advertisers invented labels to differentiate their products from others. It can be said that this invention later gave the companies the basis to produce products under their own name and brand.

Advertising in foreign literature is mainly interpreted from the point of view of marketing. For example, according to the definition of the International Advertising Association, advertising is any form of impersonal presentation and promotion of ideas, goods or services by a specific customer for a fee [3.B.8].

Professor of the Northwestern University of the USA, famous marketer F. Kotler defines advertising close to the one mentioned above: "Advertising is an impersonal form of communication carried out through paid media, with the source of funding clearly indicated" [4. B.203].

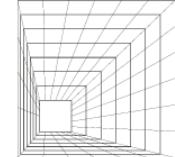
The Law of the Republic of Uzbekistan "On Advertising" defines advertising as follows: "Advertising - in any form and in any way about legal entities or individuals, products, including trademarks, service marks and technologies, for the purpose of obtaining direct or indirect profit (income) special information distributed in accordance with legal documents" [5].

It is worth noting that advertising has come a long way since its birth, and today it has become a multi-faceted and multi-faceted phenomenon, appearing in various forms.

Nowadays, advertising is performing huge tasks in the field of world information.

Research methodology. The methods of induction and deduction, logical and structural analysis, grouping, economic statistical analysis and comparative comparison were used in the research. As a result of the conducted research, it was shown that the Law of the Republic of Uzbekistan "On Advertising" and the Decision of the Cabinet of Ministers of the Republic of Uzbekistan "On Regulation of the External Advertising Market" are the legal bases for organizing advertising activities in Uzbekistan.

Analysis and results. The development of advertising in Uzbekistan is directly related to the years of independence. When the economy was dominated by the administrative-command system, advertising was mostly limited to political slogans or very primitive appeals. The formation and development of the infrastructure of market relations in the country also created great opportunities for advertising activities. In general, the development of market relations



cannot be imagined without advertising. Article 29 of the Constitution of the Republic of Uzbekistan guarantees that "everyone has the right to seek, receive and distribute the information he wants" (6.B.12). Advertising also serves to exercise this right.

The adoption of the Law "On Advertising" of the Republic of Uzbekistan on September 7, 2022 created the legal basis for advertising activities. According to this law, the following basic requirements are set for advertising:

- legality;
- reliability;
- use of forms and tools that do not cause damage to the user of advertising, as well as moral damage.

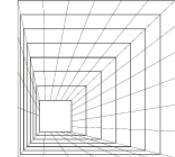
At the same time, the rights and obligations of the advertiser, advertisement preparer and advertisement distributor, the copyright of advertising, the features of advertising on television and radio, in printed publications, in the form of telephone and documentary electronic communication, outdoor, transport and mail are specified.

Due to ambiguity, double meaning, exaggeration, and concealment of the Law "On Advertising", the requirements for the time, place, and method of distribution of the advertisement, as well as the violation of other requirements provided for by the law, shall be imposed on the persons who mislead or may mislead the users of the advertisement, as well as on the state. it is established that false advertising, which is likely to cause material and moral damage, is prohibited. At the same time, it is not allowed to distribute hidden advertising that affects the mind of the consumer without his awareness. On the territory of the Republic of Uzbekistan, advertising is distributed in the state language or in other languages at the request of the advertiser. Registered trademarks (service marks), typed syllabic signs (logos) may be provided in the language of the original.

The Law "On Advertising" prohibits the following advertising:

- disseminating information about products whose production or distribution is prohibited by law;
- discrimination based on gender, race, nationality, language, religion, social origin, belief, personality and social status or other circumstances or defaming the products of other persons;
- encouraging actions that may lead to violations of laws, harm or may harm the health or life of citizens and the environment, as well as cause a feeling of inattention to safety equipment;
- advertising the product that requires mandatory certification or requires a special permit (license) for its production or distribution without having the relevant certificate or license;
- unless otherwise provided for in copyright and related rights legislation, exact reproduction of the general solution, text, image, music or voice tones used in the advertising of other products;
- using the name or image of individuals without their consent;
- distribution of pornography;
- use of foreign words and phrases that may cause the information content to be corrupted;
- show that the product is approved by state bodies or their officials;
- holding an incentive lottery, competition, game or other similar events, where participation is conditional on receiving a certain product, does not indicate the organizer of the event, the rules and terms of its holding, the source of information about such an event, the amount of prizes or winnings, the terms, place and order of receiving them advertising without;
- advertising of a product whose trademark or service mark is prohibited, or advertising of another product whose trademark or service mark is confusingly the same or exactly similar to it to the degree of confusion.

The law also prohibits advertising of tobacco, tobacco products and alcoholic beverages.



At the same time, there are some restrictions on advertising aimed at minors, in particular, advertising that depicts them eating or using it, encouraging minors to buy a product or asking third parties to buy the advertised product, using real or toy weapons is prohibited.

Ensuring the implementation of the requirements of the Law of the Republic of Uzbekistan "On Advertising" is entrusted to state management bodies and local state authorities.

An interdepartmental council on advertising was formed under the Committee for Combating Monopoly of the Republic of Uzbekistan. The main tasks of the inter-departmental council are as follows:

- Analyzing the practice of application of the Law of the Republic of Uzbekistan "On Advertising" and other laws and regulatory documents regulating relations in the field of advertising production, placement and distribution;
- development and implementation of a system of measures aimed at forming civilized norms and rules of behavior that appear in the process of production, placement and distribution of advertising in the goods (works and services) market;
- to support the advertising activity of legal and physical forms, to prevent violations of the legal documents on advertising, to improve the mechanism of regulation of advertising activities;
- protection of fair competition and public interests in the markets of goods (works and services), including banking, insurance and other services related to the use of funds of individuals and legal entities, as well as in the distribution of advertising in securities markets;
- protection of the interests of advertisers, producers of advertisements, distributors of advertisements and users of advertisements;
- Development of relations with creative associations of the Republic of Uzbekistan, public associations, influential foreign and international organizations on the issues of advertising activities;
- to support the organization and conduct of events aimed at highlighting advertising activities, fair competition, and supporting creativity in advertising;
- analysis of foreign experience on state regulation and self-regulation of advertising activities;
- *organization of public opinion research on the effectiveness of control over the implementation of advertising activities;*
- *show initiative in the production, placement and distribution of social advertising, etc.*

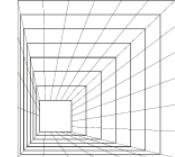
In the event that competent state bodies have determined that the legal documents on advertising have been violated, the violator must issue a counter-advertisement according to the decision of these bodies and within the time limits specified by them.

Counter-advertisement is a disclaimer distributed in order to eliminate the consequences caused or may cause false advertising. Counteradvertising can also be done voluntarily or by court order. All costs associated with the implementation of counter-advertisement shall be borne by the offender.

The Advertising Law also provides guidelines on false advertising, hidden advertising and comparative advertising.

Incorrect advertising - causing material and moral damage to persons who mislead or may mislead users of advertising as a result of violation of the requirements for the time, place and method of distribution of advertising due to ambiguity, double meaning, exaggeration, concealment, and other requirements stipulated by legal documents, as well as the state Advertising that contains extremis is considered false advertising. False advertising is prohibited.

Stealth advertising is advertising that affects the minds of consumers without their awareness, including through the use of special videos and other methods. The use of hidden advertising in radio, television, video, audio and film products, as well as in other products, and its



distribution in other ways is not allowed. Comparative advertising is advertising that is directly or indirectly related to a certain type of product offered by a competitor or by him. If material, important, reliable properties are objectively compared in the advertisement, if the advertisement does not and cannot mislead the user, if the person of the advertiser and the competitor or the trademarks, company name, and products of the advertiser and the competitor are not confused, and if the business reputation of the competitor or comparative advertising is allowed as long as it does not defame its trademark, company name, product or activity.

Currently, the advertising market in Uzbekistan is rapidly developing. In the country's advertising market, it operates in cooperation with national advertising agencies, world leading advertising agencies and specialized advertising publications.

The Law "On Advertising" stipulates the procedure for placement of outdoor advertising by local state bodies within their powers. That is why special services for regulation of outdoor advertising have been established in regions and Tashkent city administration. On February 20, 2020, the decision of the Cabinet of Ministers of the Republic of Uzbekistan "On regulation of the outdoor advertising market" was adopted[3]. The procedure for granting the right to build on land plots, state-owned buildings and structures through electronic auction, the regulations on the procedure for determining the amount of payments for installed outdoor advertising objects, and the general technical regulation of the safety of outdoor advertising objects were approved.

The introduction of high technologies in the field of advertising will not only have a positive effect on the infrastructure of the city, but will also ensure that the area will be clean and orderly.

Starting from March 1, 2020, digitization of advertising activity was included as one of the tasks of a special procedure introduced in the field of outdoor advertising in Tashkent.

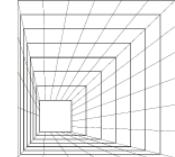
According to this decision, passports will be issued to outdoor advertising objects from now on. Issuance of a passport to the object increases the responsibility of its use, and also ensures compliance with the procedure.

Taking this into account, it has been introduced to issue a passport to advertising places through State Service Centers for a period of 10 years for outdoor advertising objects on land plots, and for 5 years for outdoor advertising objects in state-owned buildings and structures. The documentation process is carried out by paying a one-time fee.

In some cases, there are cases of falsification of documents in order to use the advertising object. What to do in such situations? According to the decision, passports, certificates, permits and other documents defining the right to outdoor advertising objects obtained using forged documents are not allowed to be extended for outdoor advertising objects installed without the decision of the relevant authority, and they are considered invalid. According to the decision, the plots of land to be given for the construction of outdoor advertising facilities will be determined and their list will be formed. One of the problems that plagued people living in apartment buildings was the unauthorized placement of advertisements and notices under their doors.

According to the decision, district (city) governments will take control of this process. That is, he studies the areas in order to determine the plots of land for the construction of outdoor advertising facilities and state-owned buildings and structures. Prepares documents defining the right to use land, as well as the right to place advertising objects in state-owned buildings and structures, as well as systematic monitoring of outdoor advertising objects and detection of illegal placement.

At the same time, taking into account the advertisements placed on outdoor advertising objects, including social advertisements, residents on the road's traffic section will take measures to



prevent the placement of any type of personal announcements on the exterior of residential buildings (balcony, loggia, window, door, etc.). In conclusion, it can be said that the Law of the Republic of Uzbekistan "On Advertising" and the decision of the Cabinet of Ministers of the Republic of Uzbekistan "On Regulation of the External Advertising Market" occupy an incomparably important place as the legal basis for organizing advertising activities in Uzbekistan.

Conclusion. Analyzing the above definitions of advertising, it is possible to draw the following conclusions about its nature and characteristics. Advertising: Analyzing the above definitions of advertising, it is possible to list its essence and characteristics. That is, advertising:

- means of communication;
- it will be directed not to a specific person, but to a part of the population allocated to a certain sign, that is, to target consumers;
- delivery of information is carried out on the basis of payment;
- information is distributed through various means;
- plans to influence the target consumers;
- allows to identify the advertiser.

Advertising is always intended and directed at the consumer. The function of advertising cannot be limited to the promotion of goods and services, which serves to increase the reputation of the trademark. It also performs the following other functions:

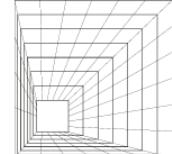
- distributes information about the enterprise, its history, achievements;
- forms a positive attitude towards the company by society;
- removes misconceptions about the advertiser's goods or services;

after-sales service, that is, the company provides additional information about how the customer will take care of the product after purchase;

- contributes to the ecological education of consumers by advertising ecologically clean products, enterprises that do not harm the environment. The Law of the Republic of Uzbekistan "On Advertising" as the legal basis for organizing advertising activities in Uzbekistan and the Decision of the Cabinet of Ministers of the Republic of Uzbekistan "On Regulation of the Outdoor Advertising Market" occupies an extremely important place.

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