

Case law**Case Details****National ID:** E03-PTU-K111-40**Member State:** Latvia**Common Name:** link**Decision type:** Administrative decision, first degree**Decision date:** 28/08/2012**Court:** Consumer Rights Protection Centre**Subject:****Plaintiff:** unknown plaintiff**Defendant:** VSIA "Latvijas Televīzija"**Keywords:** advertising, Audiovisual Media Services Directive, sponsorship, trade mark**Directive Articles**Misleading and Comparative Advertising Directive, [Article 2, \(a\)](#)**Headnote**

The inclusion of a company's trademark in television programme's sponsor reference constitutes advertising of the company's products (as defined in Article 2(a) of Directive 2006/114/EC).

Facts

Broadcasts of the Football World Cup on the defendant's television channel contained a sponsor reference – a trademark registered for beer products – "Carlsberg". The court assumed that the sponsor reference constitutes advertising of alcoholic beverages, which must be accompanied by a warning informing about the harmful effects of alcohol consumption. The sponsor reference in question lacked such a warning. The defendant disagreed that the used trademark should be considered advertising since no Carlsberg products were depicted and the trademark did not hold any reference to such products. Instead it merely showed Carlsberg as a company that sponsors the competition.

Legal issue

The court stated that the goals of using a sponsor's name, emblem, trademark, etc., during a televising programme coincide with those of advertising, i.e., to increase the popularity and demand of products, in the particular case, the beer products of Carlsberg. Next, the court inferred that a trademark can also fulfil the functions of advertising within the meaning of Article 1 of the Advertising Law (implementing Article 2(a) of Directive 2006/114/EC). The court concluded that the trademark used in the sponsor reference constitutes advertising of the company's products. Thus, the defendant had to include a warning relating to consumption of alcoholic beverages.

Decision

Does the mere inclusion of a company's trademark in a television programme's sponsor reference constitute advertising of the company's products (as defined in Article 2(a) of Directive 2006/114/EC)?

URL: http://www.ptac.gov.lv/sites/default/files/ltv_111_apk.pdf

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Result

The court adopted a decision requiring the defendant to pay a fine for the failure to comply with the requirements for advertising of alcoholic beverages.