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The Control of Misleading and Comparative Advertising (Amendment) Act is promulgated by publication in the Government Gazette of the Republic of Cyprus in accordance with Article 52 of the Constitution.

No 98(I)/2007

**THE CONTROL OF MISLEADING AND COMPARATIVE ADVERTISING
(AMENDMENT) ACT 2007**

<p>Recital</p> <p>Official Journal of the EC: L 149, 11.06.2005, p.22</p> <p>Summary Title 92(I) 2000</p> <p>Amendment of Article 2 of the Basic Act</p>	<p>For the purposes of harmonisation with the act of the European Community entitled Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ("Unfair Commercial Practices Directive"),</p> <p>The House of Representatives hereby enacts the following provisions:</p> <p>1. This Act shall be cited as the Control of Misleading and Comparative Advertising (Amendment) Act 2007 and shall be read together with the Control of Misleading and Comparative Advertising Act 2000 (hereinafter referred to as the Basic Act) and the Basic Act and this Act shall be cited together as the Control of Misleading and Comparative Advertising Acts 2000 and 2007.</p> <p>2. Article 2 of the Basic Act shall be amended by adding thereto, in the appropriate alphabetical location, the following new terms and definitions:</p> <p>"trader" means any natural or legal person who is acting for purposes relating to his trade [<i>text breaks off in mid-sentence -- translator's note</i>]</p> <p>"code owner" means any entity, including a trader or group of</p>
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Amendment of the Basic Act
with addition of a new article

traders, which is responsible for the formulation and revision of a code of conduct and/or for monitoring compliance with the code by those who have undertaken to be bound by it.

3. The Basic Act shall be amended by adding the following new article after Article 2 thereof:

"2A The purpose of this Act is to protect traders against misleading advertising and its unfair consequences and to lay down the conditions under which comparative advertising is permitted."

Replacement of Article 4 of
the Basic Act

4. Article 4 of the Basic Act shall be replaced by the following new article:

"4. Comparative advertising shall, as far as the comparison is concerned, be permitted when the following conditions are met:

(a) it is not misleading within the meaning of Articles 4, 5, 6 and 7 of the Unfair Business-to-Consumer Commercial Practices Act;

(b) it compares goods or services meeting the same needs or intended for the same purpose;

(c) it objectively compares one or more material, relevant, verifiable and representative features of those goods and services, which may include price;

(d) it does not discredit or denigrate the trade marks, trade names, other distinguishing marks, goods, services, activities, or circumstances of a competitor;

(e) for products with designation of origin, it relates in each case to products with the same designation;

(f) it does not take unfair advantage of the reputation of a trade mark, trade name or other distinguishing marks of a competitor or of the designation of origin of competing products;

(g) it does not present goods or services as imitations or replicas of goods or services bearing a protected trade mark or trade name;

(h) it does not create confusion among traders, between the advertiser and a competitor or between the advertiser's trade marks, trade names, other distinguishing marks, goods or services and those of a competitor.

Date of entry into effect	5. This Act shall enter into effect on 12 December 2007
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