

REPUBLIC OF CAMEROON

PEACE – WORK – FATHERLAND

LAW No. 2006 / 018 OF 29 DEC 2006

TO REGULATE ADVERTISING IN CAMEROON



The National Assembly deliberated and adopted,
the President of the Republic hereby enacts the
law set out below:

PART I
GENERAL PROVISIONS

SECTION 1. (1) This law regulates advertising in Cameroon.

(2) As such, it:

- organizes advertising practice;
- sets out rules on the form and content of advertising messages;
- lays down the general framework for controlling and regulating advertising practice.

SECTION 2. This law shall apply to all advertising activities or those destined for advertisement, conducted on Cameroonian territory by any operator working in the sector, irrespective of its legal status, the location of its head office or main establishment, the nationality of its proprietors, its capital or managers.

SECTION 3. For the purposes of implementation of this law and the regulations deriving therefrom, the following definitions shall apply:

1. **Advertising poster:** Any tract or flyer, any visual communication printed matter, any neon signs or any stickers posted on mediums located at open spaces, on movable or immovable property, and visible to the general public, except those posted on the movable and immovable property of the head office, distribution centres as well as sales agencies, where they do not disseminate an advertising message.
2. **Advertising consultant:** Any legal person acting on behalf of an advertiser, to design an advertising communication strategy and monitor its implementation, irrespective of the nature and objectives.
3. **Advertiser :** Any natural or legal person on whose initiative advertising messages are produced and broadcast and who finances them.



4. **Advertising broker**: Any person acting in the capacity of advertising canvasser for an advertising firm, to sell advertising space to advertisers, and paid on a commission basis.
5. **Non-media**: Any advertising vehicle not applying media concept.
6. **Media**: Communication means through which a given public may be reached collectively and simultaneously, bringing into play a set of mass production and dissemination techniques and technologies, between the message source and its recipients.
7. **Direct marketing**: Set of communication techniques used to reach the general public, with the possibility of acknowledging receipt of messages sent out each time and starting an interactive dialogue in time.
8. **Point of sale promotion (POP)**: Marketing action carried out on the point of sale of goods or services, with the aim of directly advertising them to a given public and leading to on-the-spot purchasing.
9. **Advertising**: Set of procedures and techniques aimed at attracting public attention or curiosity by providing information on a product, service, to persuade people to buy, use, adopt it.
10. **Event-driven advertising**: Any advertising action linked to an event and making it possible to directly reach the public by involving it in the said event.
11. **Advertising firm**: Legal person acting on behalf of an advertising medium, with a view to selling advertising space offered by the latter to advertisers.
12. **Advertising medium**: Any communication space or body which owns communication space linked to media or non-media means, once the latter enables final access of an advertising message to the targeted audience.



PART II

LEGAL REGIME OF ADVERTISING PRACTICE

I- CONDITIONS GOVERNING THE PRACTICE OF ADVERTISING PROFESSIONS

SECTION 4: The advertising profession shall be practised within the framework of the following trades.

- advertising consultant;
- advertising firm;
- advertising broker.

SECTION 5: (1) Access to the advertising profession shall be free.

(2) Practice of the advertising profession shall be subject to prior approval by the Minister in charge of advertising.

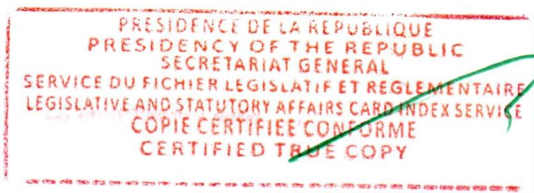
SECTION 6: (1) Any advertising enterprise must have a principal officer.

(2) Principal officer referred to in (1) above shall be the person managing the enterprise and representing the latter in all acts of civil life.

(3) He must fulfil the following conditions:

- be no less than 21 (twenty –one) years of age at the date of filing the application for approval;
- be of Cameroonian nationality or, failing that, show proof of having fulfilled the conditions for foreigners to engage in commercial activities in Cameroon;
- have a working experience of at least 5 (five) years in the advertising sector or be a higher education graduate;
- be of good character.

SECTION 7. (1) Applications for approval submitted to the Minister in charge of advertising with a view to obtaining approval to practise advertising shall comprise:



- an application stamped at the rate in force and addressed to the Minister in charge of advertising, stating:
 - the chosen advertising profession;
 - the company name and full address;
 - the full name of the principal official (General manager, Manager or other function in lieu thereof).
- a copy of the enterprise's articles of association;
- a copy of the enterprise's certificate of registration in the trade register and credit on personal property;
- a copy of the enterprise's registration in the statistics register;
- a copy of a valid taxpayer number;
- a copy of a valid business licence;
- a tax certificate for the most recent financial year preceding the application for authorization;
- a certificate of registration and for submission to the CNPS;
- a certificate of opening of an account in a bank under Cameroonian law;
- a receipt testifying payment at the Treasury of file costs whose amount shall be laid down by order of the Minister in charge of advertising;
- a certified true copy of the national identity card of the principal officer;
- a certificate of non-conviction (Bulletin No.3) of the principal officer of less than 3 (three) months old;
- four passport-size photographs of the principal officer;
- a residence certificate of the principal officer;
- a public liability insurance attestation or bank guarantee whose amount shall be laid down by order of the Minister in charge of advertising;
- a registered lease contract or a real estate property ownership certificate of the head office of the enterprise;
- a sworn affidavit of the good character of the enterprise's principal officer.



(2) The application for authorization compiled in accordance with the provisions of (1) above shall be filed at the Ministry in charge of advertising against a receipt issued by the Minister.

(3) The authorization shall be granted for a period of 1 (one) year renewable.

(4) Authorizations granted to practise the professions of advertising consultant and advertising firm shall be non-transferable.

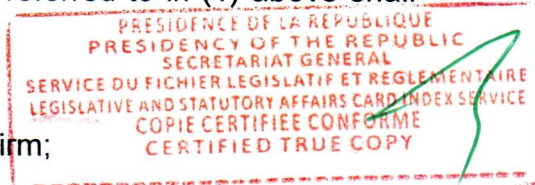
(5) The authorization shall be renewed under the same conditions as the first application.

SECTION 8: The conditions of access to advertising professions referred to in Section 5 (2) as well as in Sections 6 and 7 above shall not apply to the advertising broker.

SECTION 9: (1) Any advertising firm wishing to collaborate with an advertising broker must, prior to such collaboration, make such declaration to the Minister in charge of advertising.

(2) The declaration of the advertising firm referred to in (1) above shall comprise:

- a copy of the authorization of the advertising firm;
- precise identification (full name, date and place of birth, parentage, residence) of the broker;
- a copy of the decision establishing collaboration between the advertising firm and the broker, stating the duration of the said collaboration;
- four passport-size photographs of the broker.



SECTION 10: Practice of the professions of advertising consultant and advertising firm shall be carried out within the framework of commercial companies and in accordance with the community, legislative and regulatory provisions governing commercial activities and laying down rules of competition in Cameroon.

SECTION 11: (1) The professions of advertising consultant and advertising firm shall be incompatible.

(2) As such, no enterprise may be entitled to practise simultaneously one and the other advertising professions referred to in (1) above, or practise an advertising profession other than the one for which it was granted authorization.

SECTION 12: (1) Advertisers and advertising mediums shall be partners in the advertising profession. They may not practise one or the other trade listed in Section 4 above.

(2) However, the mediums wishing to manage their advertising space themselves must set up separate corporate bodies and fulfil the required conditions prior to practising the profession of advertising firm, such as laid down in Section 5 (2), as well as in Sections 6 and 7 above.

SECTION 13: Foreign operators wishing to practise any of the advertising activities on Cameroonian territory shall conclude a representation agreement to that effect with a company governed by Cameroonian law, duly approved in the relevant advertising profession.

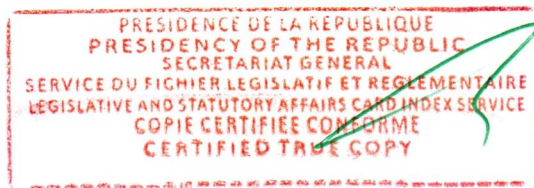
SECTION 14: (1) Subsequent to the provisions of Section 3 (11) as well as those of Sections 11 and 12 above, only advertising firms shall be authorized to market advertising space on behalf of advertising mediums.

(2) Similarly, only advertising consultancies shall be authorized to conceive on behalf of advertisers, creative advertising strategies and design advertising messages and media plans within the framework of advertising campaigns carried out by the said advertisers.

SECTION 15: Advertising shall use media and non-media vehicles to convey its messages to the public.

SECTION 16: Media vehicles shall comprise:

- the print media;
- radio broadcasting;
- television;
- cinema;
- posters;
- the Internet and online newspapers;



- neon signs;
- advertising vehicles or other similar medium;
- any other similar process resulting from communication technology development.

SECTION 17: Non-media vehicles shall comprise:

- event-driven advertising;
- point of sale promotion (POP);
- cell phone networks;
- electronic mails;
- any other direct marketing tool or medium;
- any other similar process resulting from communication technology development.



SECTION 18: The special conditions for broadcasting advertisement through media and non- media vehicles shall be laid down by law.

II – SPECIAL CONDITIONS GOVERNING POSTER ADVERTISING

SECTION 19: (1) Poster advertising shall be governed by the rules governing land tenure in Cameroon.

(2) As such, rules governing jurisdiction over the management and use of public and private property of the State or their easements, where advertising posters are displayed, shall be those laid down by the rules and regulations applicable to land tenure in Cameroon.

SECTION 20: (1) Any advertising poster, as defined in this law and with the exception of the posters referred to in Sections 33 and 34 of Law No. 90/52 of 19 December 1990 relating to freedom of mass communication, shall entail payment of taxes and royalties on the purchase of advertising space.

(2) The provisions of 20 (1) above shall apply to any visual printed matter or neon signs posted on the easement of public property, as defined in the laws and regulations governing land tenure in Cameroon, on the movable and

immovable property facing the said easements, except those posted on the immovable property of the head office and regional branches belonging to private enterprises or private bodies, where they do not disseminate advertising messages.

(3) The special conditions for the organization of poster advertising shall be laid down by law.

SECTION 21: Poster advertising may be carried out only on spots reserved or designated for that purpose by the competent authorities, as provided for under Section 19 (2) above.

SECTION 22: (1) Notwithstanding the provisions of Section 21 above, poster advertising shall be forbidden on movable property belonging to government services, associations of a political nature and organizations of a religious nature.

(2) The same prohibition shall apply to buildings housing government services, places of worship and public associations.

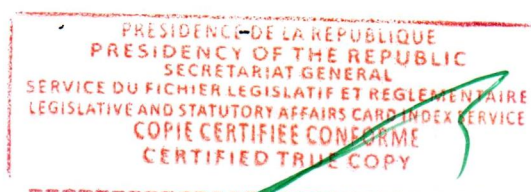
(3) However, poster advertising may be authorized on buildings belonging to associations of a political nature or organizations of a religious nature as well as on building housing the said associations or organizations, where such advertising concerns their products or activities

(4) Specific conditions for poster advertising as referred to in (3) above shall be laid down by law.

III-RULES GOVERNING THE FORM AND CONTENT OF ADVERTISING MESSAGES

SECTION 23: (1) The content of advertising messages shall conform to the rules of decency, morality and truth.

(2) It shall not be prejudicial to the reputation of the State, or to values and traditions of our national culture.



SECTION 24: Advertising messages shall be free of any racial, ethnic or sexual discrimination, scenes of violence and any instigation to behaviours that are detrimental to health, the security of goods and persons or environmental protection.

SECTION 25: Advertising messages shall not contain any element likely to affect the political or religious convictions of consumers.

SECTION 26: (1) Advertising may not, save on legitimate grounds, expose minors in dangerous circumstances.

(2) Under no circumstances may it exploit the inexperience or naivety of children, adolescents, the fragility of disabled persons and any other vulnerable persons by virtue of their physical or mental state.

SECTION 27: (1) Where advertising is targeted at children, it must not be to jeopardize their upbringing, nor carry any visual, written or oral statement that may cause them physical, material, mental or moral injury.

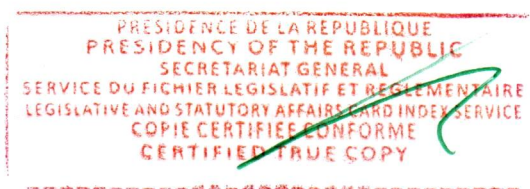
(2) It must not exploit, spoil or undermine the special trust or respect that minors have for their parents, their educators or other persons on whom they depend for their moral or intellectual upbringing.

SECTION 28: (1) Advertising messages must be easily identifiable.

(2) Accordingly, they must comprise features enabling their express identification as such.

(3) the inscription and visibility conditions of such features shall be laid down by law.

SECTION 29: Advertising shall not make use in any written, oral or visual manner of natural persons signing newspaper articles or presenting radio or television programmes in their capacity as journalist, within the meaning of Law No. 90/52 of 19 December 1990 relating to freedom of mass communication, subsequent



amendments thereto as well as regulations to lay down conditions for issuing press cards.

SECTION 30: Advertising on illegal products and in particular fake or contraband products shall be prohibited.

SECTION 31: Imitative advertising shall be forbidden where it is contrary to trademarks and copyright, as well as intellectual property rights in general, as provided for under the laws in force, and that there is actual advertising until the advertising message is disseminated to the public.

SECTION 32: Where it relates to trademarks, imitative advertising shall constitute a copyright infringement only inasmuch as the imitation of the mark is likely to lead to confusion between the reference mark and imitative mark.

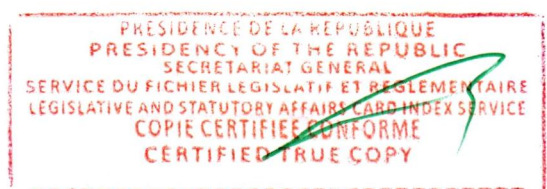
SECTION 33: Without prejudice to the protection of marks referred to in Section 31 and 32 above, copyright and neighbouring rights, as well as intellectual property rights in general shall apply to advertising.

SECTION 34: Any advertising that is likely to bring discredit on a particular enterprise or product, or contains false allegations, indications or presentations in any form, or is likely to mislead the consumer, shall be forbidden.

SECTION 35: (1) The advertising of goods and services by comparison shall be forbidden where it uses a quotation or symbol of another trade name, trademark or service mark or another quotation or symbol of another company name, brand name or sign.

(2) Comparison shall be authorized for goods and services that have a guarantee of origin provided that it relates to goods or services of the same name.

(3) Where comparison relates to prices, it must concern identical products sold under the same conditions and indicate the period during which the prices indicated by the promoter shall be maintained.



SECTION 36: In any case, split-run advertising on packages, invoices, transport documents, means of payment or access tickets to entertainment or public places shall be forbidden.

SECTION 37: Advertising must not contain references or other statements by a given person, firm or institution, without the consent of the concerned or a given individual without the consent of the authorized person.

SECTION 38: (1) The advertising of any firearm and explosive or other instrument or product likely to cause death or adversely affect the physical integrity of individuals shall be prohibited, irrespective of their use or purpose.

(2) The advertising of funeral homes and undertaker shall also be prohibited.

SECTION 39: (1) The advertising of cigarettes and other tobacco products by print media, radio, television, posters and cinema or any other similar structure shall be prohibited.

(2) The prohibition referred to in Section 39 (1) above shall also apply to any form of sponsorship or patronage for the benefit of cigarettes and other tobacco products, as well as transborder advertising launched from Cameroonian territory.

(3) The advertising of cigarettes and other tobacco products under conditions other than those specified in Sections 39 (1) and (2) shall be restricted in accordance with conditions laid down by law.

SECTION 40: (1) The advertising of alcohol and alcoholic beverages shall be restricted in accordance with conditions laid down by law.

(2) The restrictions referred to in Section 40 (1) above shall relate in particular to the form, volume, unique selling proposition, characters in the advertisement seen by the public in the said advertisement when broadcast, broadcast schedules, media and type of places where advertising messages are broadcast.



(3) The advertising of schools and universities shall be restricted in accordance with conditions laid down by law.

SECTION 41: The advertising of legal professions shall be prohibited.

SECTION 42: (1) The advertising of drugs and drug companies shall be authorized only in accordance with conditions fixed by the Minister in charge of public health, on the recommendation of the Order of Pharmacists and the National Order of Medical Doctors.

(2) The advertising conditions specified in Section 42 (1) above shall be fixed by order of the Minister in charge of public health, on the recommendation of the Order of Pharmacists, the National Order of Medical Doctors and the National Advertising Board.

SECTION 43: The advertising of health care facilities and medical practices by print media, radio, television, posters and cinema or by any other means of communication enabling public access shall be prohibited.

PART III

Regulation and Control of Advertising Practice

CHAPTER IV

Regulation and Control Bodies

SECTION 44: The State shall regulate the advertising sector and control advertising practice through the Ministry in charge of advertising with the support of the National Advertising Board.

SECTION 45: The National Advertising Board shall be a consultative body placed under the Minister in charge of advertising to provide assistance for the development, implementation and evaluation of national advertising policy.

In this capacity it shall:



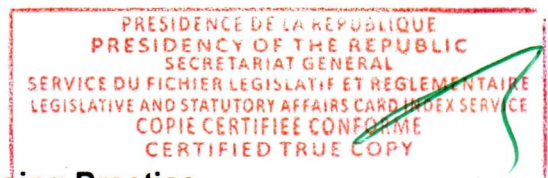
- make recommendations on application files for registration in various advertising professions and all draft laws and regulations relating to the advertising sector;
- ensure compliance with rules of professional conduct and regulations governing advertising ;
- Propose measures to ensure the harmonious development of the advertising sector to the Minister in charge of advertising.

(2) The organization and functioning of the National Advertising Board shall be fixed by regulations.

SECTION 46: An independent body responsible for the study and verification of media audience and advertising vehicles is hereby set up, whose organization and functioning shall be laid down by law.

CHAPTER V

Administrative Control of Advertising Practice



SECTION 47: (1) In case of infringement of Sections 5,7(4),9,11,12,13,14,21 and 22 of this law are violated, the Minister in charge of advertising may, following an unheeded warning and without prejudice to legal proceedings, impose a fine of from one million (1 000 000) to ten million (10 000 000) francs on the offender.

(2) Where an offence is committed within the scope of an advertising campaign, the Minister in charge of advertising shall prohibit the aforesaid campaign.

SECTION 48: (1) The offender shall pay the fines referred to in Section 47 above into the Treasury against a receipt.

(2) They shall, where applicable, entail expediting action to forcibly recover State financial claims, through the Treasury services, three (3) months following notification of the decision to impose the aforesaid fine.

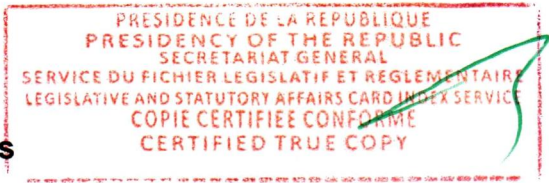
SECTION 49: In the event of further commission of the offences referred to in Section 47 above, the Minister in charge of advertising may, without prejudice to the

finest and prohibition referred to above, order the suspension or withdrawal of authorization of the offender.

SECTION 50: (1) Sworn agents of the Ministry in charge of advertising shall control advertising practice under the authority of the Minister in charge of advertising.

(2) The conditions for controlling advertising activities referred to in Section 50 (1) above shall be laid down by law.

PART IV
Penal Provisions



SECTION 51: (1) Criminal investigation officers with general jurisdiction, sworn agents of the Ministry in charge of advertising and other commissioned and sworn agents shall record infringements of this law and its implementing instruments. To that end, they shall be competent to carry out investigations and seize exhibits, where necessary.

(2) Reports on violations and objects seized shall be forwarded to the State Counsel with territorial jurisdiction.

SECTION 52: Whoever engages in advertising that undermines the reputation of the State shall be liable to the punishment provided under Section 222 of the Penal Code.

SECTION 53: Whoever engages in advertising that offends public decency and morality shall be liable to the punishment provided under Section 265 of the Penal Code.

SECTION 54: (1) Whoever engages in advertising that is likely to cause physical, material, mental or moral injury on children or jeopardize their education, alter or damage the special trust or respect minors have for their parents, teachers or other people on whom their moral or intellectual upbringing depends shall be liable to the punishment provided under Section 344 of the Penal Code.

(2) The same penalties shall apply to any person who engages in advertising, and without a genuine reason, that presents minors in dangerous circumstances or exploits the innocence or naivety of children and teenagers, as well as the frailty of disabled persons and any other vulnerable persons due to their physical or moral condition.

SECTION 55: Whoever engages in advertising presenting scenes of violence or promotes firearms or explosives or any other instrument or product likely to cause death or damage the physical integrity of persons or security of assets shall be liable to the punishment provided under Section 228 (2) of the Penal Code.

SECTION 56: Whoever engages in advertising containing false pretences or likely to mislead the consumer shall be liable to the punishment provide under Section 240 of the Penal Code.

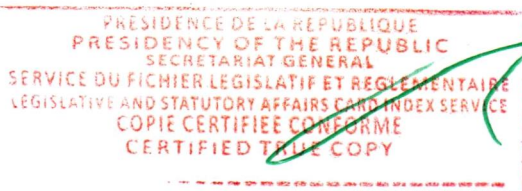
SECTION 57: Whoever engages in advertising containing elements likely to constitute an insult to a race, ethnic group or religion shall be liable to the penalties provided under Section 241 of the Penal Code.

SECTION 58: (1) Whoever engages in advertising illegal products, notably fake or contraband goods, shall be punished with imprisonment of from five to ten-years or a fine of from 500. 000 to 10. 000 .000 francs or both such imprisonment and fine.

(2) Whoever engages in advertising a product that undermines trademarks, copyright and neighbouring rights shall be liable to the penalties provided under Section 58 (1) above.

(3) Whoever engages in imitative advertising under the conditions provided for in Sections 31 and 32 of this law shall be liable to the same penalties.

(4) For purposes of implementing this Section, counterfeit shall be defined as the activities specified under Section 81 of Law No.2000/11 of 19 December 2000 relating to copyright and neighbouring rights.



SECTION 59: Whoever engages in imitative advertising in violation of the provisions of Sections 35 and 36 shall be liable to the penalties provided for unfair competition.

SECTION 60: Whoever engages in advertising containing references or other statements by a given person, firm or institution, without the authorization of those concerned or their rightful claimants, or bearing the image, nickname or pseudonym of an individual, without due authorization shall be liable to the punishment provided under Section 300 of the Penal Code.

SECTION 61: (1) Whoever engages in advertising drugs or drug companies, in violation of Section 42 of the law, shall be subject to the punishment provided under Section 228 (2) of the Penal Code.

(2) Whoever engages in advertising healthcare facilities and medical practices by print media, radio, television, posters and cinema or any other means of communication enabling public access shall be liable to the penalties provided under Section 61 (1) above.

SECTION 62: (1) Whoever engages in advertising cigarettes and other tobacco products or alcohol and alcoholic beverages, in violation of Sections 39 and 40 (1) and (2) of this law, shall be punishable with a fine of from 20.000.000 to 50.000.000 francs.

(2) The fine referred to in Section 62 (1) above may, where necessary, be increased to an amount equivalent to half the budget of the illegal advertising campaign.

(3) The same penalties shall apply to whoever engages in advertising comprising elements likely to jeopardize health, nature or environmental protection.

(4) The punishment shall include suspension from all advertising practice for no more than one year.

SECTION 63: (1) Whoever advertises legal professions shall be punished with a fine of from 1 000 000 to 5 000 000 francs.



(2) Whoever advertises schools and universities in violation of Section 40 (3) of this law, shall be subject to the punishment provided under Section 63 (1) above.

(3) Whoever advertises funeral homes and undertakers shall be subject to the same penalties.

SECTION 64: The following persons shall be liable to punishment for the infringements provided under this law, without prejudice to Sections 96 and 97 of the Penal Code:

- the advertiser and the advertising consultant;
- by default, the advertising agency and medium.

SECTION 65: (1) Where the legal person and its principal officer, a natural person, are prosecuted for the same infringement, sentences against them shall be passed separately.

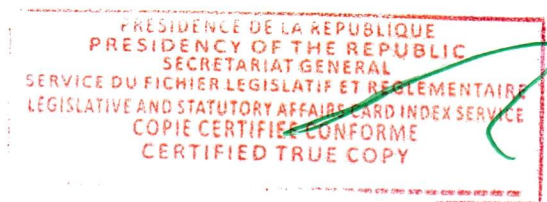
(2) In the event of prosecution and conviction as provided under Section 65 (1) above, the legal person and principal officer of the enterprise shall, where necessary, be jointly and severally liable for damages.

SECTION 66: (1) Prosecution for the offences provided under this law shall be instituted by the Legal Department or at the behest of the Ministry in charge of advertising.

(2) However, as regards offences against individuals, proceedings shall be instituted:

- on the complaint of the victim or any competent person, where the victim is a natural person;
- on the complaint of the principal officer of the institution, where the victim is a legal person.

SECTION 67: Rules relating to the cancellation of criminal action, prescription of civil action and public action and inseparability of the two actions shall be those provided for by the Penal Code.



PART V TRANSITIONAL AND FINAL PROVISIONS


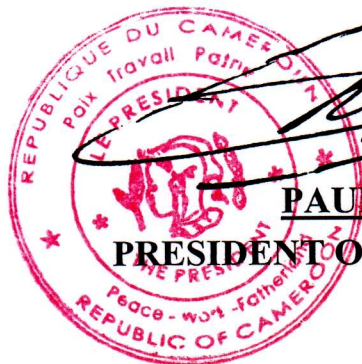
Section 68: Advertising enterprises, all other professions as well as legal and natural persons concerned by the implementation of this law and operating at the date of its enactment, shall comply with its provisions within 6 (six) months..

Section 69: Regulatory and supervisory bodies set up prior to the date of enactment of this law shall continue to operate until the end of their term.

Section 70: All previous provisions repugnant hereto, notably Law No. 88/16 of 16 September 1988 governing advertising in Cameroon, are hereby repealed.

Section 71: This law shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French.

YAOUNDE, 29 DEC 2008



PAUL BIYA
PRESIDENT OF THE REPUBLIC