

Rules on Practical Design and Layout of Sponsor References

in accordance with the relevant Section 12 of the Guidelines on Advertising of ARD and ZDF

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I. Legal Bases

Based on Art. 10, Para. 1 of MStV (*German Treaty on Media*), reference must be clearly made at the beginning and/or end of a transmission within a reasonable timeframe and in an appropriate manner with regard to the financing by the sponsor; this reference is also possible by means of moving pictures. In addition to or alongside the name of sponsor, it is also possible to show its company logo, trademark or reference to its products or services.

Sponsoring is to be regarded as an exception to the principle of separating advertising and programs, with the result that sponsor references should only draw attention to the support provided by the sponsor. Regardless of the purpose of the transparency of the support provided by the sponsor included in the transmission, the sponsor reference mentioned in Section 12.3 of the Guidelines on Advertising of ARD and ZDF may also serve the purpose of an image-enhancing self-presentation of the sponsor's name or trademark. According to the legal wording, the sponsored broadcast may not include any specific consumption-related incentives, in particular by way of special references to the sponsor's products or services (Section 12.6 of the Guidelines on Advertising of ARD and ZDF and Art. 10, Para. 3 of MStV). This principle must also be applied to the sponsor reference. The regulations relating to the ban on surreptitious product placement also apply in accordance with Section 12.3, (3) of the Guidelines on Advertising of ARD and ZDF.

II. Presentation of sponsor reference

1. Purpose of sponsor reference

- a) The aim is to inform and explain to viewers or auditors that the broadcast has been financed by a third party.
- b) As part of this objective, it is also possible to show a company logo, trademark or reference to products or services in addition to or alongside the name of sponsor. The displaying is equivalent to a corresponding mention of the brand on radio.

2. Duration and transmission

The sponsor reference is displayed at the beginning and/or end of the transmission. The sponsor reference may not exceed seven (7) seconds for each sponsor. Several sponsors are permitted. The number of sponsors may not exceed three (3) and as a result the total reference duration may not exceed fifteen (15) seconds.

3. Contents of structural elements

It is necessary to ensure that the sponsor reference can be adequately differentiated from an advertising spot.

a) References to products or services

References to products or services on television or mentioning on radio are permitted to the following extent:

- Besides a sponsor's trademark (product name), the corresponding product itself or the corresponding service offered by the sponsor may also be shown (or mentioned on radio) in a sponsor reference. The graphic presentation of product ranges or product lines is not permitted. This applies accordingly to services.
- A separately displayed product name must be registered or at least have been submitted for registration as a trademark to the Patent and Trademark Office.
- Advertising promotions, promotional product descriptions, specific consumption incentives and the presentation of consumption or use-related scenes are generally not permitted as part of a sponsor reference. A product or a service may not be presented in such a manner that particular emphasis is placed on certain qualities, properties or features.

b) Slogans / claims / designations

- Image-enhancing slogans, claims and designations as a typical stylistic device of classic advertising spots may only appear on the screen (or mentioned on radio) if they are demonstrably integrated graphic components of the displayed company logo or part of the displayed trademark are registered or have at least been submitted for registration. The animation of the above named graphic components is possible, as long as the nature of a consistent presentation is saved.
- The acoustic conveyance of image-enhancing slogans, claims and/or designations is not possible on TV.

c) Internet address

- As a general rule, it is possible to show subtly in terms of size and design (or mention on radio) an internet address that is operated by the sponsor and where it is possible to find additional general information relating to the sponsor and its products and services.
- The displayed or mentioned internet addresses must not contain any image-enhancing slogans, claims and/or designations (exception Sect. 3 b)). An acoustic conveyance of the internet address on TV is expressly excluded.

d) Background music of the sponsor reference

The use of melodies or sounds in order to identify the sponsor is basically possible provided that the sound mark is registered or has been submitted for registration.

e) Material from current advertising spots

- No direct use of traditional advertising spot material is permitted.
- The use of so-called stock material is permissible provided that the main elements of an advertising spot are not used. A fundamental similarity does exist in particular if the history of the advertising spot is also included briefly in the sponsor reference.
- The use of music and jingles from current advertising spots is to be avoided if these are predominant in the advertising spot.
- The use of protagonists from an advertisement is possible if it is ensured that there is a clear differentiation from the advertising spot based on the rest of the design and structure of the sponsor reference in general terms

f) Text from the OFF

- A sponsor reference has to clearly indicate the co-financing provided by the sponsor with reasonable brevity. In doing so, reference always has to be made to the sponsored broadcast and/or the broadcaster and it is necessary to ensure that the sponsor is not placed as a result on the same level as the broadcaster.
- The text should clearly indicate that the sponsor supports the broadcast and not the event that is subject of the broadcast.
- Instead of the name of the sponsor, the name of one of its products or services can also be mentioned in the Off-Text, provided that this name is registered as a trademark or at least have been submitted for registration as a trademark to the Patent and Trademark Office.
- A short, objective description of the sponsor, the product or service mentioned is possible to a limited extent if the respective sponsor reference would not reveal, due to its design or the product or service names mentioned, which products or services the sponsor is usually offering in business transactions.

g) Summary

Differentiation with regard to advertising spots also requires a final and conclusive look at all the structural elements used and the overall appearance of the sponsor reference (location, protagonists, music, scenarios). Based on an overall assessment, a sponsor reference may not be broadcasted if there is too much similarity and differentiation from traditional advertising is not possible.