



PROTOCOL FOR DISPUTE RESOLUTION

PAKISTAN ADVERTISERS SOCIETY

CODE OF ADVERTISING PRACTICE (COAP)

The Code of Advertising Practice has been developed by Pakistan Advertisers Society as part of the self-regulatory process to promote ethical and responsible practices in the field of marketing and advertising communication so it is equitable to the industry, the consumers and to the society at large.

It covers the entire range of marketing and advertising activity and amended whenever there is an issue that requires review or updating. Explicit guidelines and interpretation shall be provided by the Standing Committee of Code of Advertising Practice on a case-by-case basis.

The function of the Code is to complement, not to replace, the law of the land.

CoAP STANDING COMMITTEE (CSC)

CoAP is implemented by a Standing Committee. The committee functions on the following basic constitution:

1. The CSC will comprise of members from the marketing and advertising community with experience and credibility.
2. It will be empowered to rule on any dispute relating to breaches of the CoAP.
3. It will be empowered to ask for amendment or withdrawal of any advertisement which, in the opinion of the CSC is contrary to the Code of Advertising Practice.
4. It will be empowered to ask the media owners or government regulators to support the decision of CSC.

ARBITRATION FEE

Rs. 110,000 + Tax

(Applicable on filing of
a new case & appeals)

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1. Any complaint which advertisers may have against other advertisers in contravention of CoAP, should in the first instance, be raised with the “offending party” in writing with a copy marked to the PAS Secretariat. The spirit of this communication is to give the “offending party” an opportunity to defend its action and encourage direct member to member communication to resolve the issue before seeking arbitration.

All such communications are to be responded within seven (7) working days.

2. Any dispute which is not settled between the interested parties may be submitted to CSC within three (3) working days for a ruling.

All the enquiries and complaints shall be addressed to the Executive Director, PAS and all such submissions must be made in writing & accompanied by correspondence pertaining to the dispute.

Important: It is mandatory on the party making the complaint to provide evidentiary proof substantiating their objections.

3. On receiving the complaint, PAS will inform the other party and will call upon the members of the standing committee within twenty (21) working days for a formal hearing of the case. The parties in dispute may also be called to present their case giving a minimum notice period of five (5) working days. All such hearings shall take place either on a Tuesday or a Thursday and should one or both the parties are unable to attend or do not show up, a decision will still be made by the committee.

Important: Both the parties should ensure to maintain their availability on the above mentioned days within this period of time. Request for extending the hearing date shall not be entertained.

4. The Committee will comprise of a minimum of three (3) members and the decision of the CSC will be notified in writing within five (5) working days to all the parties in dispute advising them of any action that may be required to be taken. However, the Committee may delay its decision if any additional information is required that it feels necessary for making an informed decision.

The Committee may also grant additional time to either of the parties for submitting additional supporting material necessary for the case ruling.

5. The Committee is empowered to reflect on any aspect of the case that they deem fit to reach a fair and equitable decision.

6. PAS will ensure that the members of CSC who have vested interest will abstain themselves from all deliberations.

7. All members of CSC shall honour the confidential nature of all the proceedings.

APPEAL PROCESS

1. The parties in dispute have the right to appeal against the ruling of the CoAP Standing Committee by submitting a formal request to PAS. Informal or verbal communications shall not be considered an official request.
2. All such appeals shall be made within seven (7) working days, after which, no request shall be entertained.
3. On receiving the appeal request, a fresh panel, comprising of three (3) members shall be constituted to review the case. The Committee, on their discretion may also invite, both or either of the parties to present their case.
4. During the time, the parties are bound to comply with the decision of the Standing Committee.
5. The decision on the appeal will be made within seven (7) working days and will be notified to the parties in writing.
6. The appeal decision shall be considered full and final and shall be binding on both the parties.

WITHDRAWAL OF COMMUNICATION

As part of the arbitration process, the Standing Committee is empowered to ask for amendment or withdrawal of communication from any or all medium of communication including but not limited to TV, Print, Radio, OOH, Digital, which in its opinion contravenes the Code of Advertising Practice.

All such decisions should be implemented within seven (7) working days for implementation.

If such a decision is part of the first round of hearing and the concerned party requests an appeal, the party is bound to comply with the decision and amendment or withdrawal shall still be valid on all mediums of communication.

NON-COMPLIANCE

In case of non-compliance, the Standing Committee will be empowered to ask the media owners or government regulators to support the decision of CSC.

