

ELEMENTS OF THE STATUTE

LAW 2251/1994

Official Gazette: A 191 19941116

TITLE: CONSUMER PROTECTION

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ARTICLE 8: LIABILITY OF THE SERVICE PROVIDER

1. The service provider shall be liable for any damage caused by his own fault while providing the service.

2. Under the meaning of this article, any provision that has as direct and exclusive purpose the manufacturing of products or transferring of rights or interests of copyright, is not considered to be a service. As a service provider is considered to be anyone who provides an independent service under the framework of exercising a profession.

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ARTICLE 9: ADVERTISEMENT

3. In determining whether advertising is misleading, account shall be taken of all its features, and in particular of any information it contains concerning: a) the characteristics of goods or services, such as their availability, nature, execution, composition, method and date of manufacture or provision, fitness for purpose, uses, quantity, specification, geographical or commercial origin or the results to be expected from their use, or the results and material features of tests or checks carried out on the goods or services; b) the price or the manner in which the price is calculated, and the conditions on which the goods are supplied or the services provided, such as terms of payment or credit, delivery, exchange, return, repair, maintenance and warranty; c) the nature, attributes and rights of the advertiser, such as his identity and assets, his qualifications and ownership of industrial, commercial or intellectual property rights or his awards and distinctions.

8. The advertisement that defines directly or indirectly or "implies" the identity of a certain competitor or the goods and services provided by him (comparative advertisement), shall be permitted, provided that it objectively compares the essential, relevant, verifiable and impartially chosen features of competitive goods or services, and: a) it is not misleading; b) 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; c) it does not discredit or denigrate the trade marks, trade names, other distinguishing marks, goods, services, activities or circumstances of a competitor; d) it does not take 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; e) for products with name of origin concerns in any case products with name of origin and f) it does not present goods or services as imitations or replicas of goods or services bearing a protected trade mark or trade name.

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