

# THE HUNGARIAN ADVERTISING ASSOCIATION'S GUIDE ON THE APPLICATION OF THE LANGUAGE ACT IN ADVERTISING

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## 01 BACKGROUND, INTRODUCTION

The Hungarian Advertising Association considers it of utmost importance that advertisements and advertising materials are comprehensible, and one of the critical pillars of this is the correct use of the Hungarian language in advertisements.

In January 2023, Judit Varga, the Hungarian Minister of Justice, announced that in 2023, the Consumer Protection Authority will focus on monitoring advertising to protect the Hungarian language.

The Hungarian Advertising Association has prepared this Guide to support its members and all players in the advertising industry in producing clear and understandable advertising in Hungarian.

The publication of this guidance is justified by the fact that the Consumer Protection Authority has included in its 2023 inspection program the increased control of television, radio and print media advertising in order to protect the mother tongue.

We have collected the most important information about the regulatory background, with a Q&A and examples and recommendations to help our members and the overall advertising industry to comply with the laws and the Language Act.

## 02 REGULATORY BACKGROUND

The Hungarian Language Act was adopted by the Parliament in December 2001 in order to protect the Hungarian language and to ensure the linguistic background of the constitutional right to freedom of information.

**Act XCVI of 2001 on Business Advertisements and Business Signs, and the Publication of Certain Notices of Public Interest in Hungarian (hereinafter referred to as the "Language Act")**

<https://net.jogtar.hu/jogszabaly?docid=a0100096.tv>

The key sections of the Language Act:

*Language requirements for business advertising and business signs*

Section 1(1): In business advertisements as defined in Act XLVIII of 2008 on the Basic Conditions and Certain Limitations of Economic Advertising Activity (hereinafter referred to as the “Advertising Act”) published in a press product, or a radio or television program published in Hungarian, or an outdoor advertising medium, the text of the advertisement, including the slogan - with the exception of the name, designation or trademark of the business entity - shall be in Hungarian, regardless of the method of publication.

Section 1(2): The requirement specified in section 1(1) may be fulfilled by displaying - in the same advertisement - in addition to the foreign language text (part of the text) its Hungarian equivalent, at least as clearly and at least as large as the foreign language text (part of the text).

Section 1(3): The requirement of section 1(1) shall not apply to advertising published in the foreign-language sections, supplements or special editions of press products published in Hungarian, or advertising published in foreign-language radio or television programs, and immediately before or after such programs.

Section 2(1): On the shop signs, the name of the shop - with the exception of the name of the business, the keyword and the distinctive sign of the goods sold in the shop - as well as the notices placed in the shop or in the shop window serving to inform the consumers shall be displayed in Hungarian.

Section 2(2): The requirement of section 2(1) may be fulfilled by displaying in the same sign, in addition to the foreign language text (part of the text) its Hungarian equivalent, at least as clearly and at least as large as the foreign language text (part of the text).

*Interpretative provisions*

Section 5(1): For the purposes of this Act, foreign language loanwords adopted into Hungarian shall not be considered foreign language texts. If there is any doubt as to a given foreign language term being adopted into Hungarian or as to the linguistic accuracy of the Hungarian translation, the competent authority shall obtain the opinion of the advisory body appointed by the President of the Hungarian Academy of Sciences, to which it is bound.

Section 5(2): For the purposes of this Act, “distinctive sign” means a trademark or a geographical indication regulated by a separate Act, and any other distinctive name or sign by which the goods or services of a business entity are usually recognised, whether or not the name or sign is protected by industrial property rights.

**The relevant sections of the Hungarian Advertising Code of Ethics:**

[https://mrsz.hu/cmsfiles/08/c1/Magyar\\_Reklametikai\\_Kodex\\_2015.pdf](https://mrsz.hu/cmsfiles/08/c1/Magyar_Reklametikai_Kodex_2015.pdf)

## Article 6

### *Protection of the Hungarian language*

(1) The text of an advertisement cannot be presented or communicated in a way, as to contravene the fundamental rules of the Hungarian language either insofar as the general impressions are concerned or by using foreign language elements.

(2) In case of those foreign language advertisements that can be published according to legal regulation, the foreign language utilized in the given advertisement shall enjoy the same kind of protection as the Hungarian language in case of Hungarian language advertisements.

## 03 GUIDE - FREQUENTLY ASKED QUESTIONS, EXAMPLES AND RECOMMENDATIONS

### 3.1 WHAT IS THE SCOPE OF THE ACT?

- The Act applies to business advertisements published in printed and online press products, radio and television programs in Hungarian and outdoor (public) advertising media published in Hungarian.
- The name of the shop in the shop signs and the notices placed in the shop or in the shop window to inform consumers must be displayed in Hungarian.

### 3.2 WHAT IS NOT UNDER THE SCOPE OF THE ACT?

- The Act does not apply to job advertisements - for example, the name of the advertised position can be published in the advertisement in a foreign language only (i.e. without a Hungarian translation) e.g. account manager / brand director. However, the Hungarian Advertising Association recommends that the Hungarian name of the position should be used wherever possible.
- The Act does not apply to the name of the advertiser, the name of the advertised product/service, and the product designation.
- The Act does not apply to slogans and texts applied for or registered as trademarks.
- The Act does not apply to the text on the product packaging.

### 3.3 DOES THE LANGUAGE ACT ALSO APPLY TO DIGITAL MEDIA ADVERTISING?

- Yes, if the business advertisement is published in an online press product, radio or television program published in Hungarian.

### 3.4 DOES THE LANGUAGE ACT ALSO APPLY TO ADS ON SOCIAL MEDIA?

- No, except if the business advertisement is published primarily in a Hungarian language online media (including the websites of radio and TV stations and television programs) and the advertisement published on these platforms is shared on the social media platforms.

### **3.5 DOES THE LANGUAGE ACT ALSO APPLY TO BRAND RELATED CONTENT POSTED ON THE ADVERTISER'S OWN SOCIAL MEDIA PLATFORMS?**

- No.

### **3.6 DOES THE LANGUAGE ACT ALSO APPLY TO ADVERTISING ON THE COMPANY'S OWN BRAND/COMPANY WEBSITES?**

- No.

### **3.7 HOW DOES THE EXCEPTION APPLY TO PRODUCT PACKAGING IF IT IS SHOWN IN THE ADVERT?**

- In this case, the text on the packaging does not need to be published in Hungarian as well. However, in the text of the advertising the Hungarian equivalent of the terms must be displayed.

### **3.8 CAN TEXTS ONLY BE PUBLISHED IN HUNGARIAN?**

- No, the Hungarian text must be placed next to the original foreign language text, in the same size and in the same prominent position.

### **3.9 ALL OF THE ADVERTISING TEXT MUST BE IN HUNGARIAN?**

- Yes, the slogan, the headline, and all advertising text must be in Hungarian. (Copyrighted texts are of course an exception.)

### **3.10 FOR COMMERCIALS IS IT SUFFICIENT TO USE HUNGARIAN SUBTITLES?**

- Yes, if it is clear and easy to follow.

### **3.11 DOES THE TEXT OF THE ADVERTISEMENT HAVE TO APPEAR IN HUNGARIAN ALSO IN FOREIGN-LANGUAGE PRESS PRODUCTS, RADIO AND TV PROGRAMS IN HUNGARY?**

- No. In the case of advertisements published in foreign-language press products, radio and television programs in Hungary (in the advertising blocks preceding, running during or following the programs), the text of the advertisement and the foreign-language slogan need not be shown in Hungarian.

### **3.12 HOW TO PROVE TRADEMARK PROTECTION?**

- By presenting the trademark certificate issued by the authority that registers the trademark or the data sheet that can be retrieved from the register.

<http://epub.hpo.hu/e-kutatas/?lang=EN>

<https://www.tmdn.org/tmview/welcome#/tmview>

### 3.13 HOW TO DISTINGUISH BETWEEN A SLOGAN WITHOUT TRADEMARK PROTECTION AND A SLOGAN PROTECTED BY A TRADEMARK?

- Whether or not the sign is registered as a protected trademark or a trademark protection application has been filed.

### 3.14 WHERE CAN THIS BE CHECKED (THE REGISTRATION)?

<http://epub.hpo.hu/e-kutatas/?lang=EN>

<https://www.tmdn.org/tmview/welcome#/tmview>

### 3.15 IS THERE ANY NON-TRADEMARK PROTECTED DISTINCTIVE SIGN THAT COULD BE AN EXCEPTION?

*Please note that pursuant to Section 5(2) of the Language Act, a distinctive sign that is not protected by a trademark may also be exempted from the mandatory Language Act requirements cited above. However, the existence of trademark protection makes it considerably easier for the advertising mediums to accept the advertisement for publication, since in this case, according to the market practice, it is not necessary to further prove to the advertising medium that the distinctive sign in question is a typical name or sign by which the advertiser's goods or services are usually recognised.*

### 3.16 CAN THE MEDIA CHECK THE EXISTENCE OF TRADEMARK PROTECTION BEFORE GIVING THE APPROVAL FOR PUBLICATION? IF YES, HOW?

- See section 3.11 above.
- If in doubt, in the case of a foreign language distinctive sign **not** protected by a trademark, where the advertiser claims that it is not necessary to display it in Hungarian in the advertisement, according to Section 5(2) of the Language Act, we recommend that the advertising and media agencies and the media publishing the advertisement request a declaration of assumption of liability from the advertiser to prove this.
- See also the reply under section 3.14 above.

### 3.17 HOW TO APPLY FOR TRADEMARK PROTECTION?

- Depending on whether the applicant wishes to obtain a national or EU-wide trademark protection for the sign in the class(es) of goods he/she wishes to use it, the applicant must apply to the National Intellectual Property Office (NIPO) or the European Union Intellectual Property Office (EUIPO), respectively, for an appropriate fee. If the sign is eligible for trademark protection

and gets registered, the term of the trademark protection is 10 years from the date of the filing of the application, which may be extended for additional periods of 10 years.

More information:

- <https://www.sztneh.gov.hu/en/trademark-protection>
- <https://euipo.europa.eu/ohimportal/en/web/guest/trade-marks>

### **3.18 WHO CAN BE CONTACTED IN CASE OF DISPUTED WORDS?**

- On the question of language - i.e. whether the foreign language term in question has been adopted into Hungarian as a loanword or the linguistic accuracy of the Hungarian translation - the final decision is made by a body appointed by the President of the Hungarian Academy of Sciences, to be contacted by the Consumer Protection Authority in case of dispute. In all cases, we recommend that advertisers use only foreign language terms that are adopted as loanwords into Hungarian, as the context requires, and correctly in their advertising.

### **3.19 WHO MONITORS COMPLIANCE WITH THE LANGUAGE ACT?**

- The Consumer Protection Authority and the relevant Government Offices.

### **3.20 ARE LOANWORDS ADOPTED INTO HUNGARIAN ACCEPTABLE FOR USE IN ADVERTISING?**

- Yes. However, we recommend that advertisers strive to use loanwords in a form that reflects the Hungarian pronunciation, e.g. manager used as menedzser. Or, if in doubt, we suggest replacing the given word with a Hungarian synonym where possible.

### **3.21 HOW CAN WE BE SURE THAT THE FOREIGN WORD OR PHRASE IS ADOPTED INTO HUNGARIAN AS A LOANWORD?**

- The dictionary of foreign words and phrases can give you some guidance: <https://idegen-szavak-szotara.hu/kereso/mta>
- If you have any questions, please contact the Centre for Linguistic Research (<http://www.nytud.hu/eng/index.html>) for an official position or opinion: <http://www.nytud.hu/dok/nyelvitan.html>

## **04 DEFINITIONS**

### **4.1 DISTINCTIVE SIGN**

- For the purposes of the Language Act:  
*“Section 5(2): For the purposes of this Act, “distinctive sign” means a trademark or a geographical indication regulated by a separate Act, and any other distinctive name or sign*

*by which the goods or services of a business entity are usually recognised, whether or not the name or sign is protected by industrial property rights.”*

#### 4.2 TRADEMARK

- A trademark is a clear and precise indication registered in the trademark register, which serves to identify certain goods or services and to distinguish them from those of others. As a distinctive sign the trademark helps consumers to be properly informed about the commercial origin of goods and services.
- In particular, a sign may be: a word, letter, number, word combination (including personal names and slogans); a figure (logo), planar or three-dimensional shape; a positional sign; a pattern; a colour, colour combination; sound; a sign representing movement; a multimedia sign (including movement and sound); a hologram; or a combination of these. (Source: <https://www.sztnh.gov.hu/hu/mit-jelent/mi-a-vedjegy> )
- (In spoken language, the words brand, brand name, logo are also used instead of trademark.)

#### 4.3 INDUSTRIAL PROPERTY RIGHTS PROTECTION

- Industrial property rights protection is the legal protection of intellectual works of a technical nature and of signs (distinctive signs) used to distinguish goods and services.
- Industrial property rights protection is a specific area of civil law covering the following types of works: inventions, utility models, designs, plant varieties and various distinctive signs such as trademarks and geographical indications. (Source: <https://www.sztnh.gov.hu/hu/mit-jelent/mire-terjed-ki-az-iparjogvedelem>)

#### 4.4 TRADEMARK PROTECTION

- Trademark protection grants the owner of the trademark the exclusive right to use the trademark for 10 years in a specific geographical area. The trademark protection can be renewed an unlimited number of times for periods of 10-10 years.
- The trademark owner has the exclusive right to use the trademark or to authorise others to use it. (Source: <https://www.sztnh.gov.hu/hu/mit-jelent/mi-a-vedjegy> )

**All laws and other legislation on advertising can be found on the website of the Hungarian Advertising Association:**

<https://mrsz.hu/reklamjog/jogszabalyok>

**More information:**

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