

## **INTERNET ADVERTISING BUREAU (“IAB”)**

### **AFFILIATE MARKETING COUNCIL CODE OF CONDUCT – VOUCHERS (the “Code”)**

#### **PART 1 - INTRODUCTION**

The Code applies to affiliates and online publishers (“Affiliates”) which use vouchers to direct website traffic to online merchants (“Advertisers”) as part of an affiliate marketing program operated by any the affiliate marketing networks which enforce the Code. Any reference in the Code to “vouchers” includes voucher codes.

The Code seeks to achieve the following overriding objectives:

- (a) To maintain consumer confidence in vouchers as a purchasing method; and
- (b) To ensure fair dealings amongst businesses which make use of vouchers as an affiliate marketing model

(known as the “Objectives”)

The Code includes practical guidance on how to comply. Affiliates must follow this guidance in order to comply with the Code, but following the guidance does not guarantee compliance with the Code. Affiliates must decide for themselves which measures to take in order to comply with the Code. Therefore, complying with the Code may require Affiliates to take measures in addition to the measures described in any guidance.

Compliance with the Code is a condition of participation in the affiliate marketing networks operated by:

Affiliate Window  
Affilinet  
Commission Junction  
OMG  
Omnicom Affiliates  
Rakuten LinkShare  
TradeDoubler  
TradeTracker  
Webgains

(together the “Networks”).

The Networks will enforce the Code independently, under their own terms of business. The IAB will act as a coordinator to ensure that the independent enforcement of the Code by the Networks is consistent. However, when enforcing the Code the Networks and IAB will not act as a collective nor to take action collectively. The IAB will coordinate the enforcement of the Code in accordance with the Coordination Procedure.

The Code does not restrict the ability of Advertisers to enforce any other rights they may have in respect of any vouchers.

## **Part 2 – RULES AND GUIDANCE**

- 1. Affiliates must act lawfully and comply with the spirit of the Code, as well as the letter of the Code.**

### Guidance:

- 1.1 The Code must be interpreted in the context of the Objectives, having regard to technical developments, new commercial practices and changing consumer attitudes.*
- 1.2 Compliance measures must be periodically reviewed in order to ensure ongoing compliance with the Code.*
- 1.3 Affiliates must comply with the Code in respect of any vouchers it publishes, whether sourced from Advertisers, affiliate marketing networks, agencies or the public.*
- 1.4 Affiliates must comply with the Code regardless of whether vouchers are published by the Affiliate or whether the Affiliate permits the vouchers to be published on its behalf.*
- 1.5 All vouchers must comply with any codes of advertising practice administered by the Advertising Standards Authority from time to time, and any applicable laws or regulations for the protection of consumers (including the Consumer Protection from Unfair Trading Regulations 2008).*

- 2. Consumers must be provided with information which is true, accurate and not misleading.**

### Guidance:

- 2.1 A description of the key terms and conditions of a voucher (including any expiration date) must be immediately visible to consumers when viewing a voucher. All other terms and conditions of a voucher must be readily accessible by consumers when viewing a voucher.*
- 2.2 Vouchers must be kept up to date. Vouchers which have expired may only continue to be published if it is immediately apparent to consumers that the voucher has expired. For this purpose, it is not sufficient to state the expiration date only.*
- 2.3 All terms and conditions of a voucher must be prominent, fair and intelligible.*

- 3. If a consumer is required or induced to act, the consequences of that action must meet the reasonable expectations of a consumer.**

### Guidance:

- 3.1 Consumers must not be required, invited or induced to act without having been properly informed of the consequences of that action.*
- 3.2 If a consumer is required, invited or induced by an Affiliate to act in order to access a voucher, the consumer must be provided with access to a valid voucher as a primary consequence of that action.*
- 3.3 A consumer must be made aware if an action taken in respect of a voucher will cause that consumer to be redirected to a website, or cause a website to appear.*

- 4. Vouchers must be differentiated from other promotions or discounts**

### Guidance:

*It must be clear to the consumer whether a sales promotion or discount is:*

- 4.1 obtained by use of a voucher;*
- 4.2 obtained by participating in a 'group-coupon' type arrangement;*
- 4.3 a 'daily-deal' type promotion; or*
- 4.4 a sales promotion or discount offered by the Advertisers generally.*

**5. Vouchers must only be monetised with the permission of the relevant Advertiser or any of that Advertiser's respective licensors or licensees**

Guidance:

- 5.1 It is for the Affiliate to demonstrate that permission is held to monetise a voucher.*
- 5.2 Vouchers must not be published if such publication is likely to:*
  - 5.2.1 constitute the infringement of any intellectual property rights of any third party;*
  - 5.2.2 cause an Advertiser to breach any agreements it may have with any third parties; or*
  - 5.2.3 infringe any rights granted to a third party by any Advertiser..*
- 5.3 Affiliates must not monetise vouchers which are known to be exclusively licensed by an Advertiser to another Affiliate.*
- 5.4 Affiliates must immediately cease monetisation of any vouchers on the request of the respective Advertiser or any of Advertiser respective licensors or licensees.*

**6. Vouchers must only be published in accordance with the instructions of the relevant Advertiser**

Guidance:

- 6.1 Affiliates may publish non-monetised vouchers in the absence of any instructions to the contrary issued by the relevant Advertiser.*
- 6.2 Affiliates should respond to any instructions of an Advertisers regarding that Advertiser's vouchers as soon as reasonably practicable. Such response may include ceasing to publish the voucher.*
- 6.3 Affiliates should adopt policies which take into account the respective instructions of each Advertiser.*

**7. Affiliates must not publish, or permit the publication, of any content which is likely to bring into disrepute the voucher model of affiliate marketing, any Advertiser or any of that Advertiser's respective licensors or licensees.**

Guidance:

- 7.1 Affiliates must ensure effective moderation of any user generated content it permits to be published.*
- 7.2 Affiliates must immediately respond to any communication issued by any Advertiser, or any of that Advertiser's respective licensors or licensees, which concerns content likely to be considered defamatory.*