

SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON CONTRACTS, TERMINATION OF CONTRACTS, ETC. ON ADVERTISING IN PUBLICATIONS

Enactment No. 3391, Apr. 21, 1997
Partial Amendment No. 3643, Jul. 31, 1999
Partial Amendment No. 3945, Jan. 05, 2002
Amendment of Other Laws No. 4588, Dec. 26, 2007
Amendment of Other Laws No. 4761, Apr. 22, 2009
Amendment of Other Laws No. 6016, Oct. 08, 2015
Amendment of Other Laws No. 7423, Dec. 31, 2019

Article 1 (Purpose)

The purpose of this Ordinance is to prescribe matters concerning advertising contracts, and termination thereof, and other matters necessary for placing advertising in publications for publicity to citizens (hereinafter referred to as "publications") among public publications issued by the Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "Mayor"), under Articles 9 and 22 of the Local Autonomy Act. <Amended on Dec. 26, 2007>

Article 2 (Definitions)

The definitions of the terms used in this Ordinance shall be as follows:

1. The term "publication" means any booklet, pamphlet, leaflet, etc. published by the Mayor, advertising in which is possible;
2. The term "advertising" means publishing advertising in a publication to disseminate commercial propaganda or certain matters to the public and to make the public aware of them, using letters, images, photos, etc.;
3. The term "advertiser" means an individual or a corporation requesting advertising to be placed in a publication;
4. The term "advertising fee" means money an advertiser is required to pay in return for advertising placed in a publication.

Article 3 Deleted. <on Jul., 31, 1999>

Article 4 (Attraction of Advertising)

To attract placement of advertising in a publication, the Mayor shall publicly announce the publication name, the criteria for advertising fees, the time and place for receipt of advertising and other relevant matters in the city gazette or on the bulletin board of the city hall. <Amended on Jul. 31, 1999>

Article 5 (Receipt of Advertising)

- (1) An advertiser shall submit a request for placement of advertising, along with an advertising copy, to the place for receipt of advertising within the time for receipt of advertising referred to in Article 4.
- (2) The Mayor shall determine whether to place the advertising copy received under paragraph (1) after undergoing deliberation by the Seoul Metropolitan Committee for Deliberation on Publicity/Media Materials and Publications, and if the advertising is deemed inappropriate after deliberation, the Mayor may inform the advertiser that the advertising is not publishable or may require him/her to revise the advertising copy within a fixed period. <Amended on Apr. 22, 2009>
- (3) Where the advertiser fails to submit a revised copy within the period for correction referred to in paragraph (2), he/she shall be deemed to have no intention of placing the advertising and the Mayor shall not publish such advertising.

Article 6 (Advertising Contracts)

- (1) Any advertising contract entered into shall be, in principle, a general competition contract for each space, and if a general competition contract is deemed unreasonable due to extenuating circumstances, methods, such as private negotiation, may be used.
- (2) With respect to publications issued regularly, contracts may be concluded for a term of a year or for a fixed period.

Article 7 (Payment of Advertising Fees, Termination, etc.)

- (1) If an advertising contract referred to in Article 6 is concluded, the relevant advertiser shall pay advertising fees within the period and by the method determined by the Mayor.
- (2) Where an advertiser fails to pay advertising fees under paragraph (1) within the period prescribed under paragraph (1), he/she shall be deemed to have no intention of placing the advertising and the relevant advertising shall not be published. In such cases, the relevant advertising contract shall be deemed terminated.
- (3) Necessary matters, such as the method of calculation and criteria for advertising fees, shall be prescribed by Enforcement

Rules.

Article 8 (Reduction of or Exemption from Advertising Fees)

Upon receipt of any of the following advertising, the Mayor may choose not to enter into an advertising contract or not to collect advertising fees, notwithstanding Articles 6 and 7:

1. Where a State agency or local government requests placement of the advertising on public interest grounds;
2. Advertising to promote the City or its affiliated agencies;
3. Where the Seoul Metropolitan Committee for Deliberation on Publicity/Media Materials and Publications has otherwise decided not to collect advertising fees because the relevant advertising is deemed useful for City policies. <Amended on Apr. 22, 2009>

Article 9 (Placement of Advertising)

Where advertising is placed, the content of the advertising copy submitted by an advertiser shall be placed, and the advertising shall not exceed 25 percent of the entire space of a publication.

Article 10 (Termination of Advertising Contracts)

(1) In either of the following cases, the Mayor may terminate an advertising contract:

1. Where placement of advertising has become impossible due to an event of force majeure such as natural disaster;
2. Where placement of advertising has become impossible due to discontinued, suspended issuance, etc. of a publication.

(2) Where placement of advertising in a relevant publication becomes impossible for a reason falling under paragraph (1) 1 or 2, the Mayor may return the advertising fees paid by the relevant advertiser, or place the advertising in such publication, after hearing the advertiser's opinion, when it is reissued.

(3) <Deleted on Jan. 5, 2002>

Article 11 (Enforcement Rule)

Matters necessary for the enforcement of this Ordinance shall be prescribed by Rules of the Seoul Metropolitan Government.