

ALN Nigeria | Aluko & Oyebode - Telecommunications, Media and Technology (TMT) Newsletter – "Keeping Up with the Regulators".

The Advertising Regulatory Council of Nigeria (ARCON) to Publish Register of Advertising Practitioners and Advertising Agencies Licensed by the ARCON

The Advertising Regulatory Council of Nigeria ("ARCON" or "the Council") recently issued a notice informing advertising practitioners and corporate organisations engaged in advertising, advertisement and marketing communications business in Nigeria that the Council is in the process of issuing a *Register of Advertising Practitioners and Advertisement Agencies*. This requirement is in accordance with *section 22(1)(5) and section 23 respectively of the Advertising Regulatory Council of Nigeria (ARCON) Act (the "ARCON Act")* which gives the Council the power to prepare and maintain a register of persons entitled to undertake the business of advertising, advertisement, and marketing communications in Nigeria and to publish such register from time to time.

Who is an Advertising Practitioner?

The ARCON Act defines an advertising practitioner as *"a person registered by Advertising Practitioners Council of Nigeria (APCON)¹ to practice advertisement, advertising and marketing communications in Nigeria"*. It further provides for various categories for registration which includes:

- *Honorary fellows;*
- *Fellows;*
- *Full members;*
- *Associate members; and*
- *Student members;*

Registration Process

Registration is to be made through an application to the Director General of the Council in the prescribed form and manner as specified under the ARCON Act. Consequently, only persons and organisations who are entitled to register and have registered under any of the specified categories above, will be listed in the publication. The Regulator indicated that it would publish this Register in March 2024, however, this has not occurred. In a recent follow-up with the regulator, we understand that the register is not quite ready for publication as it is still in the works. Interested persons may take this opportunity to apply for registration.

Corporate Licence Regime for Advertising Agencies

The notice also details a full implementation of the Corporate License regime for all advertisement agencies which includes, *Full Service, Creative, Media Buyer, Media Broker, Digital Agencies, Experiential, Below-the-Line and Out of Home (OOH)*. These agencies would be required to obtain an operating licence before they can practice in Nigeria. The Council has noted that it would start the implementation of corporate license regime in April 2024. We will continue to monitor this space closely and provide any update.

¹ Now ARCON.

Conclusion

Persons and organisations who practice advertising and marketing communications, or operate as an advertising or marketing outfit or carry on advertising or marketing communications as a business should endeavour to register with the Council under any of the categories listed in the preceding category above. This is to ensure compliance with regulatory obligations and that their details are adequately captured by the Council in its register before the publication, as required by the law.

You may contact us at tmtpractice@aluko-oyebode.com for more information.

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