

Digital Cinema Media Limited's Advertising Policy



1. **Purpose**

- 1.1 The purpose of this advertising policy (this "**Policy**") is to set out the decision-making framework and criteria governing the approval of advertising material (an "**Advertisement**") from an advertiser (the "**Advertiser**") to be exhibited in cinemas by Digital Cinema Media Limited ("**DCM**").
- 1.2 This Policy has been approved by the Board of Directors of DCM (the "**Board**").
- 1.3 The Board may from time to time amend this Policy as it considers appropriate.

2. **Required Standards**

- 2.1 To be approved, an Advertisement must:
 - 2.1.1 have been cleared as compliant with the UK Code of Non-Broadcast Advertising;
 - 2.1.2 have received any necessary classification (for example a film classification for age rating);
 - 2.1.3 not wholly support films. Advertisements may include film footage as part of the promotion of a product or service, provided the footage does not feature films currently exhibiting in cinemas. Advertising for TV series is acceptable, provided the copy clearly and visibly identifies it as a TV series;
 - 2.1.4 not in the reasonable opinion of DCM constitute Political or Religious Advertising; and
 - 2.1.5 otherwise comply with DCM's Terms and Conditions (effective from 1 January 2015), as published on DCM's website (<http://www.dcm.co.uk/>).
- 2.2 For the purposes of clause 2.1.3 above, **Political or Religious Advertising** means:
 - 2.2.1 political advertising for the purposes of section 321 of the Communications Act 2003; or
 - 2.2.2 advertising which wholly or partly advertises any religion, faith or equivalent systems of belief (including any absence of belief) or any part of any religion, faith or such equivalent systems of belief.

3. **Decision to approve**

- 3.1 Where an Advertisement is received by DCM, prior to it being to be exhibited in cinemas, the relevant employee of DCM (the "**Custodian**") must ensure that it complies with the Required Standards.
- 3.2 If the Custodian considers that an Advertisement may constitute Political or Religious Advertising, or otherwise does not comply with DCM's Terms and Conditions, the Custodian may, as it reasonably considers necessary, propose or invite from the Advertiser reasonable variations to the Advertisement (the "**Invitation to Amend**").
- 3.3 Where the Custodian does not make an Invitation to Amend, or where the Custodian makes an Invitation to Amend and the Advertiser does not make alterations to the Advertisement to the reasonable satisfaction of the Custodian, the Custodian will refer the Advertisement to the Advertising Approval Committee (the "**Referral**").
- 3.4 Where the Custodian makes a Referral, the Custodian will notify the Advertiser of the fact of the Referral and invite the Advertiser to submit within 14 days a statement which it wishes the Advertising Approval Committee to consider in respect of the assessment of whether the Advertisement constitutes Political or Religious Advertising or otherwise does not comply with DCM's Terms and Conditions.
- 3.5 When notifying the Advertiser of the fact of the Referral, the Custodian must include any statement from the Custodian in relation to the Advertisement the Custodian proposes to be provided to the Advertising Approval Committee pursuant to clause 4.4.3 below.
- 3.6 For the purposes of this Policy, the "Custodian" includes the relevant employee who initially seeks to ensure compliance of the Advertisement with the Required Standards or any subsequent relevant employee as DCM considers appropriate.

4. **Advertising Approval Committee**

- 4.1 The members of the Advertising Approval Committee are Zoe Aresti (Head of Marketing & Communications), Edward Poulter (Finance Director), Grant Gulczynski (Production Manager) and Michael Tull (Head of Research & Insights).
- 4.2 The Board may add or remove members of the Advertising Approval Committee as it considers appropriate.
- 4.3 In the event of a Referral, the Advertising Approval Committee shall be responsible for assessing whether an Advertisement constitutes Political or Religious Advertising or otherwise does not comply with DCM's Terms and Conditions.
- 4.4 The Advertising Approval Committee shall assess whether an Advertisement constitutes Political or Religious Advertising or otherwise does not comply with DCM's Terms and Conditions having regard to:

- 4.4.1 the Advertisement;
 - 4.4.2 any statement provided by the Advertiser in relation to the Advertisement;
 - 4.4.3 any statement from the Custodian in relation to the Advertisement; and
 - 4.4.4 any other matter which the Advertising Approval Committee in its absolute discretion considers to be relevant.
- 4.5 Where the Advertising Approval Committee has regard to any other matter which it considers to be relevant pursuant to clause 4.4.4 it shall consider whether it is appropriate for that matter to be provided to the Advertiser so that the Advertiser can comment on that matter prior to the assessment by the Advertising Approval Committee being determined.
- 4.6 The Advertising Approval Committee shall notify the Custodian of its assessment as to whether or not the Advertisement constitutes Political or Religious Advertising or otherwise does not comply with DCM's Terms and Conditions. It may include in this notification any reasons regarding its assessment.
- 4.7 The Custodian, in turn, will notify the Advertiser of the decision to accept or reject the proposed Advertisement. Where the decision is to reject the Advertisement, the Custodian will include in the notification any reasons provided by the Advertising Approval Committee, and inform the Advertiser of its right to appeal the assessment to the Board pursuant to clause 5.1 below.

5. **Appeal**

- 5.1 On receiving the notification of rejection pursuant to clause 4.7, the Advertiser may within 14 days appeal the decision to the Board on the basis that the Advertising Approval Committee has:
- 5.1.1 made a manifest error in respect of its assessment of whether the Advertisement constitutes Political or Religious Advertising or otherwise does not comply with DCM's Terms and Conditions; and/or
 - 5.1.2 acted unlawfully in relation to its assessment.
- 5.2 On an appeal made pursuant to clause 5.1, the Board may delegate the appeal to a sub-committee comprising two or more directors.
- 5.3 On determining the appeal, the Board (or the sub-committee) shall have regard to:
- 5.3.1 the matters referred to in clause 4.4;
 - 5.3.2 any reasons for the assessment given by the Advertising Approval Committee as referred to in clause 4.6;

- 5.3.3 any further submissions provided by the Advertiser for the purposes of the Appeal; and
 - 5.3.4 any other matter which the Board (or the sub-committee) in its absolute discretion considers to be relevant.
- 5.4 Where the Board (or the sub-committee) has regard to any other matter which it considers to be relevant pursuant to clause 5.3.4, it shall consider whether it is appropriate for that matter to be provided to the Advertiser so that the Advertiser can comment on that matter prior to the appeal being determined.
- 5.5 When the Board (or the sub-committee) has determined the appeal, it shall notify the Custodian of its determination. The Custodian will in turn notify the Advertiser. The decision of the Board shall be final.

6. **Publication**

- 6.1 This Policy shall be published on DCM's website (<http://www.dcm.co.uk/>).
- 6.2 Where this Policy is amended pursuant to clause 1.3 or where the members of Advertising Approval Committee are added or removed pursuant to clause 4.2, this Policy as updated shall be published on DCM's website within a reasonable period of time.