

DECISION

FIRST INSTANCE JURY

Our Reference	A-94
Complaint by	Bazaraki
Advertiser	Indx Ltd
Decision issued	Thursday 8 May 2025

Issue / Complaint

"Mr ..., representing the company INDX LTD, presents and promotes the services provided by the said company through commercial and advertising promotion. He uses the trademark of the company BZRK LTD (Bazaraki) in order to take unfair advantage of the good reputation of the company BZRK LTD (a breach of Article 15 of the Advertising Code). The good reputation and goodwill of the company and trade name bazaraki and the fact that they are widely known to the consumer public, are evidenced and confirmed by the results of a Pollfish survey conducted in May 2024. While Mr. ... uses the name of the company BZRK LTD (Bazaraki) by presenting his own company as the “#1 Bazaraki Alternative”, he uses at a later stage an isolated unfortunate incident in order to damage the good name and reputation of the company (breach of Article 12 of the Advertising Code). With his posts on social media, he defames and makes unfair comparisons, selecting biased data in bad faith against the company BZRK LTD."

Advertiser's Response:

- Indx Ltd is a young company registered in Cyprus which aims to bring a fresh approach towards real estate search and transactions in Cyprus.
- The company employs an advertising strategy and approach, which differs depending on the target audience, the desired results etc. To that end, for some time we did have advertisements online with the phrase “#1 Bazaraki Alternative”. However, it should be noted that we did not use the Bazaraki Logo in those ads.
- We believe that the word bazaraki itself is a general word, same as index.



CYPRUS ADVERTISING
REGULATION ORGANIZATION

- We understand that some of our advertisements with the phrase “#1 Bazaraki Alternative” were also shown, inter alia, on Bazaraki itself; it is important to note however that it was not our intention to be shown on Bazaraki, nor have we any control over where Google will be showing our ads. In any case, Bazaraki has since blocked our ads.
- Last year at an Expo attended by both Indx and Bazaraki, I had an unofficial discussion with a Bazaraki representative about the use by Indx of the phrase “Bazaraki Alternative”. However, that was not official communication between the two companies.
- In good faith and to resolve this issue, we have removed all advertisements that use the word “bazaraki” and we are committed to refraining from using the word “bazaraki” in our advertisements.
- As far as usage of the word “bazaraki” in social media posts and articles, we believe that we can refer to bazaraki without infringing any IP rights when comparing functionalities and other features of the two sites/services. In any case, we are committed to not infringing any IP.
- Whether Indx is the No. 1 Bazaraki alternative, is not the issue in dispute here.

Jury Assessment:

1. The Jury carefully considered all the information presented to them and discussed during the meeting.
2. The Jury notes and welcomes the commitment by the representative of Indx Ltd, to refrain from using the word Bazaraki in the advertisements for Indx in the future. It therefore notes that the main issue of the complaint, i.e. the use of the word “Bazaraki” in Indx advertising, is thus resolved.
3. As far as usage of the word "bazaraki" in social media posts and articles by both Indx and (Indx representative), the Jury notes the following:
4. Both the Consumer Protection Law in Cyprus and the Cyprus Advertising Code allow for comparative advertising but insist on certain conditions to be met for the comparisons to be considered permissible. Some of those conditions are:
 - a) Objective comparison of one or more material, relevant, verifiable and representative features of goods and services.
 - b) That there is no discredit or denigration of trademarks, trade names, other distinguishing marks of a competitor.
 - c) That advertising does not take unfair advantage of the reputation of a trademark, trade name or other distinguishing marks of a competitor.
 - d) That advertising does not present goods or services as imitations or replicas of goods or services bearing a protected trademark or trade name.
 - e) That advertising does not create confusion among traders, between the advertiser and a competitor.

5. Given the above, if there is in the future any complaint about content that is considered by the one side an unfair comparison, the Jury would need to delve into the specifics of the post and review it thoroughly, having in mind the conditions specified in the relevant articles of our code.

Appeal to the Review Jury is provided for in the Regulations of the latter (Article 1). A review request is made in writing with reference to the initial complaint and the decision of the First Instance Jury, within 15 working days from the dispatch of the decision of the First Instance Jury to the parties involved.

Please note that filing an appeal does not suspend the decision of the First Instance Jury; the Review Jury will not discuss cases if there has been no compliance with the decision of the First Instance Jury by the party filing the appeal.