

FAQs on ICSI (Guidelines for Advertisement by Company Secretaries), 2020

1. Are the Advertisement Guidelines complementary to the Website Guidelines issued by the Council earlier?

No, the ICSI (Guidelines for Advertisement by Company Secretaries), 2020 are a separate set of guidelines. Clause 4.3 of these guidelines specifically includes websites within the definition of advertisement or advertising.

2. In case of contradiction between the Advertisement Guidelines and the Website Guidelines which one would prevail?

Since the Guidelines for Display of Particulars on Website by Company Secretaries in Practice stand repealed w.e.f. 1st January, 2008 there arises no question of their applicability. The ICSI (Guidelines for Advertisement by Company Secretaries), 2020 shall have an overriding effect on the issues related to websites.

3. Do I need to get my advertisements approved from ICSI before issue?

No. Clause 10.1 of these Guidelines provides that the responsibility for the observance of these guidelines lies with members who commission, create, place or publish any advertisement or assist in the creation or publishing of any advertisement or assist in the creation or publishing of any advertisement covered under these guidelines. Members are expected not to commission, create, place or publish any advertisement which is in contravention of these Guidelines. This is a self-imposed discipline required to be observed by all those involved in the commissioning, creation, placement or publishing of advertisements.

Hence, there is no need to get any advertisements approved from ICSI before issue.

4. I am in the process of designing a website. Is there any mechanism whereby ICSI will check the website before it is hosted in the server to ensure compliance with the Guidelines for Advertisement?

Under the Guidelines there is no mechanism to check the website before it is hosted on the server by a PCS. It is the duty of PCS to design the website in compliance with the guidelines.

5. What is the status on the use of logo and whether it could be used in the website?

In terms of Clause 5(ii) of the guidelines a Company Secretary in Practice or a firm of Company Secretaries may use logo in compliance with the Guidelines for use of Individual Logo.

6. Do I need to get the domain name for my website approved from ICSI before registering the same?

No. The Guidelines do not provide for prior approval of domain name for website by the ICSI.

7. Are there any specific guidelines for domain names?

No. There are no specific guidelines for domain names. PCS may choose any domain name as long as it is not undesirable or unethical or immoral or opposed to public policy.

8. Is there any list of undesirable domain names?

There is no list of undesirable domain names.

9. In which media can I issue advertisements?

Advertisements may be issued in the print as well as the electronic media.

10. If my PCS firm publishes some newsletter does it constitute surrogate advertising under these guidelines?

Printing and publication of newsletter by a firm of PCS does not amount to issue of an advertisement under these Guidelines.

11. Who is the relevant authority for reporting cases of violation of these guidelines?

Matters relating to violation of these guidelines may be construed as acts of misconduct and shall be dealt by the disciplinary committee of ICSI.

12. How will the cases of violation of these guidelines be dealt with?

In terms of Clause 1 of Part II of Schedule II of the Company Secretaries Act, 1980 a member shall be deemed to be guilty of professional misconduct, if he/she contravenes any of the provisions of the Act or the regulations made thereunder or any guidelines issued by the Council and any such act or omission shall be dealt in accordance with the provisions of Chapter V of the Company Secretaries Act, 1980 which deals with Misconduct.

13. Is there any limit on the number of advertisements that can be issued by a PCS in a specified period?

There is no limit on the number of advertisements that can be issued by a PCS in any relevant period.

14. What is the maximum frequency at which advertisements can be issued?

The Guidelines do not provide for any frequency at which advertisements can be issued.

15. Do I need to intimate the ICSI of any updation or changes in my website?

The Guidelines do not provide for any intimation to the ICSI in regard to any updation or changes in your website.

16. Do I need to intimate the ICSI in case of any corrigendum in any advertisement issued by me?

The Guidelines do not provide for any intimation to the ICSI in regard to any corrigendum in any advertisement issued by you.

17. Can I revoke an advertisement issued by me? If yes, what is the process in this regard?

Yes, you may revoke any advertisement issued by you. There is no specific procedure to be followed in this regard but you may issue another advertisement in the same media in which the previous advertisement was published intimating revocation of the earlier advertisement in part or in full.

18. Is there any specific guidance note issued by the ICSI in regard to these guidelines?

No. The ICSI has not issued any specific guidance note in regard to these guidelines.

19. In case of persons having multiple professional qualifications can a single advertisement be issued in regard to services offered under each qualification?

A PCS can only practice the profession of Company Secretaries and not as a member of any other professional body. There is no question of advertising services which cannot be rendered by a PCS.

20. Can I advertise about services which are not specifically rendered by PCS?

No. The outer boundary in respect of advertisement is limited to advertising through a write up setting out the services provided by him or his firm and particulars of his firm subject to such guidelines as may be issued by the Council. Hence, services which can be provided as a PCS can only be advertised under these Guidelines.

21. Can I issue advertisements to overseas clients also?

Yes. You may issue advertisements to your clients anywhere in the world.