



## **CODE OF PROFESSIONAL MARKETING PRACTICE 2020**

**Commencement Date: 1 September 2020**

# **NATIONAL INSTITUTE OF MARKETING OF NIGERIA (NIMN) CODE OF PROFESSIONAL MARKETING PRACTICE 2020**

## **1. BACKGROUND**

The National Institute of Marketing of Nigeria (NIMN) was established by Act 25 of 2003. The Act recognizes the Institute as the sole body for the regulation and control of the marketing profession in Nigeria. In addition to determining the standard of knowledge and skills required to be recognized as a marketing professional, the Act empowers the Council to make rules and regulations for guidance of professional practice and conduct by marketing professionals.

The Institute is committed to promoting the highest standards of professional conduct, ethical norms and values for all its members (practitioners, academics and students). Norms are established standards of conduct that are expected and maintained by society and/or professional organizations. Values represent the collective conception of what communities find desirable, important and morally proper. Values also serve as the criteria for evaluating our own personal actions and the actions of others. As marketers, we recognize that we not only serve our organizations but also act as stewards of society in creating, facilitating and executing the transactions that are part of the greater economy. In this role, marketers are expected to embrace the highest professional ethical norms and the ethical values implied by our responsibility toward multiple stakeholders (e.g., customers, employees, investors, peers, channel members, regulators and the host communities).

In furtherance of the provisions of the Act, the Council therefore makes the following rules and regulations to guide the professional conduct of all marketing professionals in Nigeria and to maintain discipline within the profession. These rules and regulations will take effect from 1<sup>st</sup> September 2020 and shall be cited as NIMN Code of Professional Marketing Practice 2020.

It is the duty of all marketing professionals to appraise themselves of this code and to conduct themselves professionally in line with its provisions.

Generally, a member of the Institute owes certain duties to the public at large, including those who retain or employ him/her; to the profession itself and to all other members of the profession, even though such duties may at times be at variance with his own personal interests.

This Code of Professional Marketing Practice serves as a guide to members of the Institute, and requires strict observance as a condition for sustaining membership.

The Institute's enabling Act (National Institute of Marketing of Nigeria Act No. 25 of 2003) and the Code of Professional Marketing Practice have been drawn in such a way that they will assist members in their approach to problems, bearing on professional conduct, which they may have to deal with in the performance of their day to day duties. The non-observance of these shall result in disciplinary action if the member is found guilty of misconduct.

For this purpose, misconduct is defined to be any act or default likely to bring discredit to a member, the Institute or the marketing profession at large. The Council is of the opinion that a high standard of professional conduct is best maintained by complying with these general provisions, which are not exhaustive. It is difficult to lay down a written code which would cover all situations and circumstances in which a member may be held liable to have committed professional misconduct as defined above.

The Institute through its Council therefore reserves the right to vary from time to time, these Rules of Professional Conduct which set out its ethical requirements in relation to those professional situations which most commonly arise. The Investigating Panel and the Disciplinary Tribunal, will demand compliance from members and strictly enforce the maintenance of high standards of professional conduct required of a Marketing Professional.

An erring member shall be required to answer questions from the Investigating Panel over any complaint and if found referable, would appear before the Disciplinary Tribunal. In keeping with acceptable international practice, the Investigating Panel and the Disciplinary Tribunal act in complete independence of Council; have the authority to enforce ethical standards, exercise disciplinary powers, and are entirely free to decide every case coming before them on its merit.

The Investigating Panel and Disciplinary Tribunal act impartially, without fear or favour, affection or ill-will, basing their decisions purely on whether or not matters before them have been proved beyond any reasonable doubt as to or not to constitute a misconduct. The freedom of the Investigating Panel and the Disciplinary Tribunal to act impartially is what all members of the Institute must seek to guard jealously.

The Code of Professional Marketing Practice is issued by the Institute as a directive and to assist members to conduct themselves in a manner, which the Council considers appropriate to the profession in general and to the members of the Institute in particular. The Code must, of course, be read in conjunction with the Institute's Act, other Laws or Act in force and binding on the Marketing Profession. Members who are in doubt as to their correct course of action in particular circumstances should obtain further advice through the Registrar of the Institute.

## **2. GENERAL PRINCIPLES**

Members shall, at all times, conduct themselves as persons of integrity, objectivity and observe the principles of this Code of Professional Marketing Practice. This will help to enhance the reputation of the members of the Institute and of the marketing profession.

## **3. DEFINITION OF WHO IS A MARKETING PRACTITIONER**

A person shall be deemed to practice as a marketing professional if in consideration of remuneration received or to be received and whether by himself or in partnership with any other person he/she:

1. engages in the practice of marketing or holds himself/herself out to the public as a marketer; or
2. renders professional service or assistance in, or about matters of principles or detail, relating to the practice of marketing; or
3. renders any other service which may, by regulations made by the Council in consultation with the Minister, be designated as service constituting practice as a marketer.

## **4. COMPLIANCE WITH NIGERIAN LAWS**

We expect at all times for marketing professionals to respect the laws of Nigeria, regulatory organizations, licensing agencies, or professional association governing their professional activities.

Specifically, members should be aware of, and shall comply with, other relevant Codes of Practice. The Council of NIMN will always accept other relevant Codes of Practice as a minimum level to be expected of members of the Institute, unless it has determined to the contrary, and informed members of its decision. The most important of the other relevant Codes are:

- Advertising - APCON Code of Advertising and Promotion guidelines (Advertising Practitioners Council of Nigeria (APCON)).
- Nigeria Broadcasting Code – Nigeria Broadcasting Commission

## **5. SPECIFIC PROVISIONS**

1. Foster trust in the marketing system. This means striving for good faith and fair dealing so as to contribute toward the efficacy of the exchange process as well as avoiding deception in product design, pricing, communication, and delivery of distribution.
2. A member shall not by any unfair or unprofessional practice injure the business, reputation or interest of any other member of the Institute.
3. Members shall, at all times, act honestly in their professional dealings with customers and clients (actual and potential), employers and employees.
4. A member shall respect the truth and shall not, knowingly or recklessly, disseminate any false or misleading information, either on his own behalf or on behalf of anyone else. It is the responsibility of a member to take proper care and check all information before disseminating same.
5. A member shall keep abreast of current marketing practice and act competently and diligently and be encouraged to register for the Institute’s Mandatory Training and Professional Development Programmes.
6. A member shall, at all times, seek to avoid conflicts of interest and shall make prior voluntary and full disclosure to all parties concerned of all matters that may arise to any such conflict. Where a conflict arises, a member must withdraw prior to the work commencing.
7. A member shall keep business information confidential except from those persons entitled to receive it, where it breaches this code and where it is illegal to do so.
8. A member shall promote and seek business in a professional and ethical manner.
9. Members shall not hold themselves out as having the Institute’s endorsement in connection with an activity unless the Institute’s prior written approval has been obtained first.
10. A member who knowingly causes or permits any other person or organisation to be in substantial breach of this code or who is a party to such a breach shall himself be guilty of such breach.

11. A member shall observe this Code of Professional Marketing Practice as it may be expanded and annotated and published from time to time by the Council of the Institute.
12. Members shall not intentionally disseminate false and misleading information, whether written, spoken or implied nor conceal any relevant fact. They have a duty to maintain truth, accuracy and good taste in advertising, sales promotion and all other aspects of marketing.
13. Members shall refrain from knowingly associating with any enterprise which uses improper or illegal methods in obtaining business.
14. Members shall not intentionally injure the professional reputation or practice of another member or corporate/member organisation.
15. If members have evidence that another member has been guilty of unethical practices it shall be their duty to inform the Institute.
16. A member shall not engage in any practice nor be seen to conduct him or herself in any manner detrimental to the reputation of the Institute or the reputation and interest of the marketing profession.
17. The use of the Institute's distinguishing logo must be confined to Institute activities, or the statement of name and business address on a card, letterhead and published articles.
18. All disputes within the Institute must be resolved through the internal machinery of the institute – namely the State Chapter Executive, any specific Committee of the Council, the Investigating Panel and the Tribunal. Any decision of the Tribunal can only be appealed in line with the provisions of the NIMN Act.
19. A member shall not issue unauthorized statement about the Institute to the media except the statement is authorized by the President.
20. A member shall not circulate or disclose the content of any Council's Minutes of Meeting without the approval of the Council, or the President.
21. A member shall not bring the Institute, its officers or members to public ridicule.
22. A member shall not damage the professional reputation of the Institute, the officers of the Institute or its members.
23. A member shall not injure the professional reputation or practice of another member.
24. A member shall neither take, offer nor give, or cause an employer or client to give any Inducement to holders of Public office or members of any statutory body or organization who are not directors, executives or retained consultants, with intent to further the interests of the employer or client if such action is inconsistent with the public interest

25. A member shall not use any funds belonging to the Institute for any purpose which does not fall within the powers and obligations contained in the Act, and any other regulations set by NIMN, and/ or which does not fully comply with this code.

## **7. INTERPRETATION**

In the interpretation of this Code, the decisions of the Investigating Panel and Disciplinary Tribunal set up by the Institute shall be final. A breach of the Code of Professional Marketing Practice should be reported in writing to the Chairman of the Investigating Panel of the Institute. The Panel and Tribunal will carry out their functions as provided by NIMN Act 25 of 2003 and any specific directives of procedure as given by the Minister of Justice and Attorney General of the Federation of Nigeria.

A breach of the Code will earn reprimand, suspension or expulsion from the Institute .

## **8. ACKNOWLEDGEMENTS**

This NIMN Code of Professional Marketing Practice draws extensively from the guidelines of the following organisations, to whom we are very grateful.

1. America Marketing Association (AMA)
2. Institute of Chartered Accountants of Nigeria (ICAN)
3. Nigeria Institute of Public Relations (NIPR)
4. Marketing Institute of Ireland (MII)

We certify this NIMN CODE OF PROFESSIONAL MARKETING PRACTICE to be the true and correct decision of the Council of the National Institute of Marketing of Nigeria (NIMN) and approved by Annual General Meeting (AGM) of 16 July 2020 and is in accordance with the provisions of NIMN Act 25 of 2003.



Sidney Ogodo, *fnimn*  
*Registrar to National Institute of Marketing of Nigeria*  
*17<sup>th</sup> Day of July 2020*



Anthony Agenmonmen, *fnimn*  
*President/Chairman of Council, National Institute of Marketing of Nigeria*  
*22<sup>nd</sup> Day of July 2020*