



Proceedings of the  
National Seminar

on

**IPR Management in Biodiversity Conservation:  
Implications of Access Benefit Sharing, TRIP/CBD  
and Biodiversity Acts**

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**Managing Intellectual Property Rights in the Advertising Industry**

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**Abstract**

The variety of innovative digital advertising techniques in the online environment has created new opportunities for companies to expand advertising beyond its traditional supporting role for a good or service. As a result, advertising revenue represents the main or only source of income in many online business models. At the same time, the Internet and digital technologies have created new potential problems because of the ease and speed with which advertising content can be copied, assembled, reshaped and distributed worldwide. As in any creative and/or innovative industry, advertising companies are also faced with copycats, illegal use of their creative ads, products and contents by unfair competitors. There are a number of IP issues related to creativity and advertising, such as how advertisers can protect their unique and original creations as intellectual property rights (IPRs); how advertisers can use registered trademarks; or the dangers of violating the IP rights of others while creating or using advertising content in a traditional or digital environment. This study will address various IP-related issues that are important for the efficient management of companies active in creating and implementing advertising content and campaigns. The study will also be of interest to businesses that advertise their goods or services, as well as other stakeholders involved in advertising, such as employees who create promotional material, freelance advertising agents, marketing consultants, graphic designers, authors, photographers, etc.

**Keywords:** Intellectual Property, Advertising, Digital environment, Campaign, Trademark

**Introduction**

The Indian advertising industry has evolved from being a small-scaled business to a full-fledged industry. The advertising industry is projected to be the second fastest growing advertising market in Asia after China. India's digital advertisement market is expected to grow at a compound annual growth rate (CAGR) of 33.5 per cent to cross the Rs 25,500 crore (US\$ 3.8 billion) mark by 2020 (According to a report by IBEF.org).<sup>1</sup> Advertising is a key part of the sales process. The **Institute of Practitioners in Advertising (IPA)** defines advertising as, "The means of providing the most persuasive possible selling message to the right prospects at the lowest possible cost". Effective customer communication is an

essential part of any business. Properly used, advertising can contribute to development and growth. Badly used, it can be a very costly mistake.

Advertisement serves a double purpose first being the informational purpose i.e., consumers need adequate information about price of the product and also potential performance of competitive goods and services. Next is the persuasive purpose that is to influence consumers to buy their products through attractive slogans, taglines, captions etc. The advertising industry is undergoing a revolution and hence opening new avenues for creativity and artistic skills for coming generations. Since it involves enormous creative talent, huge investments