

## PRESS RELEASE

### **ASCI and Khaitan & Co Release Whitepaper: Leveraging Generative AI: Opportunities, Risks and Best Practices**

*~ Paper sheds light on regulatory ambiguity and challenges surrounding use of AI in advertising ~*

**Mumbai, August 1, 2023:** The Advertising Standards Council of India (ASCI) and Khaitan & Co, a full-service law firm, have jointly released a comprehensive whitepaper on generative artificial intelligence (AI), highlighting the opportunities, risks and legal considerations around its use in advertising.

**Manisha Kapoor, CEO and Secretary General, ASCI, said:** "AI is a groundbreaking technology with immense potential, especially in advertising. As advertisers increasingly adopt AI, they must be aware of its impact on consumers and society. From an ASCI and consumer protection perspective, advertisements made with AI are subject to the same principles of regulation and consumer protection that any ad is. As this field evolves, greater regulatory clarity will also have to keep pace with technological development. Privacy, copyrights, and responsibility over content creation are key issues that need to be dealt with in time. We extend our gratitude to Khaitan & Co. for their legal expertise and collaboration in producing this report.

**Tanu Banerjee, Partner, Khaitan & Co, said:** "AI is set to disrupt how any business works today. The adoption of generative AI is particularly high in the advertising sector, given how AI has revolutionised the way creative materials used in ads can be developed. However, though the evolving AI technology offers massive opportunities, it also presents several legal risks and challenges, such as issues around ownership of content, privacy of data, AI bias, authenticity of prompts etc. While the regulatory framework for AI evolves, it's critical for advertisers to be aware of the existing regulations and legal principles, to safeguard against these risks and to ensure ethical use of generative AI. We are very grateful to ASCI for their support and invaluable insights in preparing this report."

Generative AI enables advertisers to automate the creation of original content, including text, images, articles, marketing collaterals and more. It also enhances customer experiences through chatbots, AI assistants and interactive advertising. The whitepaper acknowledges the limitless applications of generative AI in advertising while addressing concerns around its potential misuse and manipulation, particularly related to consumer protection.

## PRESS RELEASE

With a focus on the Indian legal framework, the whitepaper highlights the legal risks and challenges that advertisers may face when utilising generative AI. It addresses issues such as potential copyright infringement, prevention of unlawful content, and data privacy concerns.

Some of the best practices outlined in the whitepaper to mitigate risks associated with generative AI are:

1. Review the AI platform's terms of use and licensing compliance to reduce liability risks.
2. Obtain the necessary authorisations and licenses for uploaded materials, including copyrighted and trademarked content.
3. Avoid prohibited input prompts and carefully check the output for prohibited content before commercial use.
4. Mitigate liability risks by implementing robust content review processes, establish guidelines, and including AI disclaimers in marketing materials.
5. Safeguard confidential information and ensure data privacy by enforcing non-disclosure agreements and implementing robust security measures.
6. Upskill human labour in editorial oversight and compliance to avoid employee displacement.

The whitepaper concludes by addressing the future of generative AI and the unique challenges that must be addressed for its responsible and ethical deployment. It emphasises the importance of principles such as fairness, accountability, transparency, and ethics within the AI community. Advertisers are encouraged to embrace these principles, ensuring fairness in decision-making, accountability for actions, transparency in operations, and ethical considerations in their impact on individuals and society.

**Read the whitepaper:** <https://www.ascionline.in/wp-content/uploads/2023/07/KCO-ASCI-Gen-AI-paper-27-July-2023.pdf>

Join us on August 9, 2023, at 4 pm (IST) for an insightful webinar hosted by ASCI and Khaitan & Co, where we delve into the diverse perspectives of industry professionals on the subject. The webinar aims to provide valuable insights into the world of Generative AI in advertising, exploring its ethical and legal considerations from a consumer protection standpoint. Don't miss this opportunity to gain a deeper understanding of the latest developments in AI-driven advertising.

## PRESS RELEASE

Register now at <https://attendee.gotowebinar.com/register/8065416301258654046?source=ASCI> and secure your spot for this engaging and informative event.

### **About the Advertising Standards Council of India (ASCI)**

The Advertising Standards Council of India (ASCI), established in 1985, is committed to the cause of self-regulation in advertising, ensuring the protection of consumer interests. ASCI seeks to ensure that advertisements conform to its Code for Self-Regulation, which requires advertisements to be legal, decent, honest, and truthful and not hazardous or harmful while observing fairness in competition. ASCI looks into complaints across ALL MEDIA such as Print, TV, Radio, hoardings, SMS, Emailers, Internet/website, product packaging, brochures, promotional material and point of sale material etc. In January 2017, the Supreme Court of India in its judgement affirmed and recognised the self-regulatory mechanism as an effective pre-emptive step to statutory provisions in the sphere of advertising content regulation for television and radio in India. ASCI's role has been acclaimed by various Government bodies including The Department of Consumer Affairs (DoCA), the Food Safety and Standards Authority of India (FSSAI), the Ministry of AYUSH as well as the Ministry of Information and Broadcasting (MIB). MIB issued an advisory for a scroller providing ASCI's WhatsApp for Business number 77100 12345, to be carried by all TV broadcasters for consumers to register their grievances against objectionable advertisements. On the international front, in 2023, ASCI CEO and Secretary General, Ms Manisha Kapoor was re-elected as one of the four Vice-Presidents on the Executive Committee of the International Council on Ad Self-Regulation (ICAS). Among several awards bestowed by the European Advertising Standards Alliance (EASA), ASCI bagged a Gold Global Best Practice Award for the Mobile App "ASCI online" (2016), special recognition for its "Guidelines for Celebrities in Advertising"; at the first-ever 'Global Awards for Effective Advertising Self-Regulation' hosted by the ICAS (2019). In 2021, ASCI also won two ICAS awards, one for the ASCI scroll telecast across television in the 'Best Awareness Raising Initiative' and for its extensive digital suo-moto monitoring through the NAMS initiative, in the 'Special Category'. It also got a special mention in the 'Best Sectoral Initiative' category for its efforts and regulatory recognition of its Gaming Guidelines. ASCI received the ICAS Global "Inspiration Award" in April 2023 for successfully promoting ASCI as a thought leader and developing impactful engagement with various stakeholders.

### **About Khaitan & Co**

Khaitan & Co is a top tier and full-service law firm with over 1000 legal professionals, including 240 Partners and Counsel, and presence in India and Singapore. With more than a century of experience in practicing law, we offer end-to-end legal solutions in diverse practice areas to our clients across the world. We have a team of highly motivated and dynamic professionals delivering outstanding client service and expert legal advice across a wide gamut of sectors and industries. To know more about our Firm, visit [www.khaitanco.com](http://www.khaitanco.com)

## PRESS RELEASE

<b>The Advertising Standards Council of India</b>	<b>Pitchfork Partners</b>
<b>Manisha Kapoor – CEO &amp; SG, ASCI</b> <a href="mailto:manisha@ascionline.in">manisha@ascionline.in</a>	<b>Arpit Tiwari</b>   M: +91 993 0655 218 <a href="mailto:arpit.tiwari@pitchforkpartners.com">arpit.tiwari@pitchforkpartners.com</a>
<b>Hilda Macwan</b>   M: +91 966 5050 812 <a href="mailto:hilda@ascionline.in">hilda@ascionline.in</a>	<b>Reza Noorani</b>   M: +91 8291360284 <a href="mailto:Reza.noorani@pitchforkpartners.com">Reza.noorani@pitchforkpartners.com</a>

<b>Khaitan &amp; Co.</b>	<b>Edelman</b>
<b>Avantika Ghildyal</b> Lead – Corporate Communications M: +91-9920805306 <a href="mailto:avantika.ghildyal@khaitanco.com">avantika.ghildyal@khaitanco.com</a>	<b>Kopal Jain</b> Account Manager M: +91 8879591096   +91 8109352502 <a href="mailto:Kopal.Jain@edelman.com">Kopal.Jain@edelman.com</a>
<b>Jasleen Kaur Batra</b> Manager – Corporate Communications M: +91-9930593081 <a href="mailto:jasleen.batra@khaitanco.com">jasleen.batra@khaitanco.com</a>	<b>Zil Shah</b> Account Executive M: +91 97696 70155 <a href="mailto:Zil.Shah@edelman.com">Zil.Shah@edelman.com</a>