



Legal issues in advertising: major implications for IP rights

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When assessing advertisements for their content and value, it is important not only to look at the guidelines that may be prescribed by national regulatory bodies. Heraclitus said that "a hidden connection is stronger than an obvious one." In the world of advertising many hidden connections exist, which can be considered from two key angles:

- the legality of an advertisement or its claims – an issue that affects the advertiser and the agency, as well as consumers and society in general; and
- the benefits of advertising from the perspective of enhanced brand value – this can be measured not only in monetary terms, but also in terms of the licensing opportunities to which it may lead.

This chapter highlights some key issues that should be considered when advertising in India (whether an advertising campaign is conceptualised in India or first used elsewhere and then extended to India), taking into account the pitfalls and benefits of an advertising or pre-advertising audit to enhance brand equity. *Authored by Safir Anand. This chapter was published in IP Value 2010. [Read more](#)*



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