Avoid IP Infringement in Advertising

This playbook provides guidance for advertisers and marketers on how to avoid infringing intellectual property rights during their campaigns. It covers best practices for using images, music, slogans, and other protected materials.

Step 1: **Research IP**

Conduct thorough research to understand intellectual property (IP) rights and the different types of IP like copyrights, trademarks, and patents. Determine whether an asset is protected by IP laws.

Step 2: **Verify Ownership**

Identify and verify the rightful owner of the IP you intend to use. Ensure you have permission directly from them or through the correct channels to use their property in your campaign.

Step 3: **Obtain Licenses**

Secure all necessary licenses for the use of IP-protected assets. Make sure the licences cover your specific use case, geography, and duration of your campaign.

Step 4: **Consult Legal**

Before finalizing any campaign, consult with a legal professional specialized in IP law to review the materials and usage rights to ensure compliance with relevant laws and regulations.

Step 5: **Attribute Properly**

Provide proper attribution for any IP-protected assets you use, if required by the license or the law. Ensure that the attribution is displayed clearly and complacently.

Step 6: **Monitor Usage**

Regularly monitor the use of IP assets in your campaign, and maintain records of contracts and licenses. Be vigilant for any unauthorized use of IP in your advertisements that could constitute infringement.

General Notes

Fair Use

Investigate the doctrine of Fair Use, as it can allow usage of IP without licensing in specific instances, but its application varies by jurisdiction and case.

Copyright Duration

Remember that copyright protection doesn't last indefinitely. Works that have entered the public domain may be used without infringing on copyright.

Trademark Distinctiveness

Be mindful that trademark laws protect distinctive names, logos, and slogans in specific economic sectors to prevent confusion among consumers.