



Overview of the legal and regulatory regime for advertising

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An overarching look at advertising strategies employed and the laws and regulations governing them. A growing competitive environment has led to a flooding of numerous products in the Indian markets, both indigenous and foreign. The companies supplying these goods are continually striving to evolve new mechanisms to promote and popularise their products with consumers in order to survive in this competitive environment. There are attempts to influence consumer decisions by puffing up product qualities, comparisons, schemes and more. This growing competition and the race to influence consumer behaviour have together led to a need to balance and review advertisements that overstate, mislead, are false or disparage the goods of third parties. A consumer has the right to information, to choice and to be protected against unfair trade practices. Different laws in India prohibit false or misleading advertisements or advertisements that create false association, amongst others. These laws include the Trademarks Act 1999, the Consumer Protection Act 1986 and the self-regulatory code of good practice drawn up by the Advertising Standards Council of India (ASCI). The aim of all this legislation is to prohibit and regulate any false or misleading advertisements and advertisements that infringe intellectual property rights by way of trademark, design or copyright infringement. *Authored by Swati Sharma. This chapter was published in International Advertising Law 2015.* To continue reading, please contact us at

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