

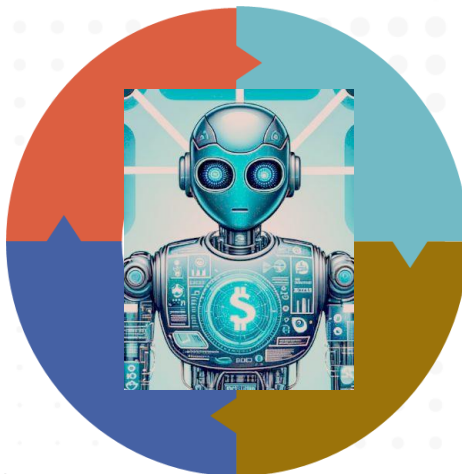
AI in Marketing: 4 Unfair Competition Law Pitfalls.

Pitfall 1: AI-generated Statements

- Lack of control over AI-generated statements
- Topicality of data set
- False or misleading statements
- 💡 Keep data set (accessed by chatbot) up-to-date
- 💡 Use disclaimers to clarify the limitations of AI-generated statements
- 💡 Clarify purpose of chatbot in terms of use

Pitfall 3: Borrowing from Competitors and Exploiting the Work of Others

- AI-generated ads resembling competitors' styles (→ unfair confusion/comparisons; exploitation of others' work)
- Unintentional imitation (for which advertiser due to AI's learning process still has to take credit)
- 💡 Avoid fully AI-generated advertising



Pitfall 2: Advertising Nature and Transparency Obligation

- Evidentness of advertising nature
- Transparency with respect to use of AI
- 💡 Make advertising nature evident and inform about use of AI where not already resulting from circumstances

Pitfall 4: AI-supported Targeting

- Subliminally influencing customer decision
- Aggressive targeting methods (↯ customer freedom of choice)
- 💡 Design chatbot in a way the risk of an impairment of user's freedom is minimised