

Chapter 3

Creativity, Ethics, and Regulation in the Age of Generative AI

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ABSTRACT

In the age of Generative Artificial Intelligence (GenAI), questions arise about whether the International Chamber of Commerce's Advertising and Marketing Code (the ICC Code) is prepared to handle emerging ethical dilemmas. This chapter reviews the provisions of the ICC Code within the context of Artificial Intelligence (AI), assessing its relevance to issues of originality, transparency, and fairness. Using a mixed-methods approach that combined qualitative and quantitative techniques, specialized marketing and advertising journal articles were analyzed to pinpoint contemporary debates. Our findings indicate that while AI positively transforms creativity and customization in marketing, it also proposes significant ethical and regulatory challenges. Conclusions suggest that the ICC Code needs to be updated to reflect societal changes. This analysis contributes to the discussion on the need for robust regulatory frameworks in a rapidly evolving technological landscape.

INTRODUCTION

The adoption of GenAI in creative fields marks a significant shift in how industries, particularly advertising, approach innovation and content production. This technology has not only transformed creative workflows by increasing efficiency and productivity but has also sparked intense debate about the ethical implications and the future of human creativity.

According to a study by Zhou and Lee (2024), GenAI can boost artists' creative productivity by 25% and enhance the valuation of their works by 50%, indicating a substantial shift in digital art production (Zhou & Lee, 2024). Concurrently, research from the Harvard Business Review highlights how GenAI not only automates content creation but also facilitates the generation of divergent ideas and assists in overcoming expertise bias (Eapen et al., 2023). This support in idea refinement is crucial at a time when speed and innovation are more important than ever.

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Despite these improvements, AI's ability to generate content that rivals or even surpasses human creativity in some features has raised concerns about originality and authenticity (Marr, 2023). The democratization of creativity, as discussed in the works of Tewari (Tewari, 2024) and Eapen et al. (2023), suggests a balance between accessibility and the market saturation with ideas that may lack depth without proper human intervention.

The ethics of using GenAI in creative processes are complex. Technology presents an opportunity to democratize participation in creativity and innovation, allowing a broader range of individuals to express themselves beyond traditional barriers. However, as noted by the Harvard Business Review, it is also essential to manage this technology in a way that fosters genuine collaboration between AI and humans, rather than merely replacing human creativity (Eapen et al., 2023).

Ethics play a highly relevant role in the implementation and use of generative AI in creativity, as well as other aspects. For instance, this technology raises significant questions about intellectual property since AI generates content based on existing data, which some believe may infringe copyright and raise questions about originality. Transparency and accountability are essential, as users must be clear about the use of AI in their creative processes and take responsibility for the works produced.

Additionally, there is a legitimate concern about the displacement of creative positions, making it vital that AI complements rather than replaces human workers. Also, it will be crucial to ensure that AI algorithms are inclusive, promoting diversity and avoiding perpetuating existing biases. The democratization of creativity through AI must ensure equitable access, allowing people from diverse backgrounds to benefit from these technologies. Only through ethical integration that considers these characteristics, among others, can we ensure that AI contributes to a creative and sustainable future.

Given the significant transformation that generative AI is causing in creative and advertising processes, it is imperative to consider how these developments impact existing norms and regulations, both binding and ethical. In this chapter, the case of the ICC Code, which sets guidelines on ethics and responsibility in commercial communications, will be evaluated.

THEORETICAL FRAMEWORK

The International Chamber of Commerce and the Technological Revolution

The International Chamber of Commerce (ICC) is a pivotal entity on the global stage, facilitating the functioning of international trade and investment to foster peace, prosperity, and opportunities. Established in 1919 following World War I, the ICC was founded on the belief that trade is a powerful force for peace. Known as the “Merchants of Peace,” its founders aimed to strengthen commercial ties between nations, thereby reducing the propensity for conflict and enhancing shared prosperity.

Over the years, the ICC has advocated for open trade and worked to resolve commercial disputes through its renowned arbitration system. As a permanent observer at the United Nations and a proponent of multilateralism, the ICC plays a crucial role in promoting policies that favor a more inclusive and sustainable global business environment. This role strategically positions it to develop and promote international norms, such as its marketing code, which seeks to regulate and improve business practices worldwide.

Facing the challenges of the 21st century, such as climate change and technological disruption, the ICC has reaffirmed its commitment to adapt and evolve its strategies to remain relevant and effective in a changing global economic landscape (International Chamber of Commerce, 2019). The organization continues to focus on strengthening micro and small enterprises and utilizing digital technologies to reduce barriers in global trade, ensuring that its policies and regulations are fit for purpose in the new digital era.

Advertising and Ethics

Advertising has transcended its original function of driving sales to become a significant element within the economic, cultural, and social fabric. This evolution reflects how advertising has adapted and grown alongside changes in our societies, where now, the distinction of products and services transcends physical attributes to focus on symbolic value and intangible attributes (Mata, 2018). In this context, self-regulation emerges as a highly relevant theoretical and practical field that has been constantly evolving for decades. This evolutionary process seeks to find effective mechanisms to solve moral issues in advertising, underscoring the complexity and importance of this field in the development of ethical advertising practices (González-Esteban & Feenstra, 2018).

With social responsibility positioning as a cornerstone, it becomes imperative for advertisers, agencies, and media to commit to advertising ethics. This commitment involves adopting self-regulation that not only promotes honesty and integrity in commercial communication but also seeks to generate a positive social impact. Self-regulation, understood as a detailed and effective mechanism born from the free will of the involved parties, emphasizes the importance of not renouncing creative freedom and expression while assuming professional responsibility in the performance of advertising activities. Such an approach can serve both as a preventive defense against potential external regulations and as a complement to them, demonstrating its many-sided role in the industry (López-Berna et al., 2015; Vilajoana-Alejandre & Rom-Rodríguez, 2017).

Since the implementation of the ICC Code in 1937, self-regulation has provided a solid framework for fostering creativity and responsible communication. This framework has been continuously updated to adapt to changes in the market and society, reflecting a lasting commitment to promoting advertising practices that are ethical and socially responsible. The effectiveness of self-regulation, highlighted by Megías-Quirós and Cabrera-Cano, demonstrates how voluntary commitment to professional responsibility is effectively integrated into the current advertising landscape, ensuring that advertising practices are not only ethical but also beneficial to society (Mata, 2018; Vilajoana-Alejandre & Rom-Rodríguez, 2017).

The ICC Marketing Code

The ICC Code, last updated in 2018, is a globally recognized self-regulation framework developed by experts from several industrial sectors. This code sets clear guidelines to ensure that marketing practices are legal, honest, decent, and truthful, and it has been pivotal in establishing self-regulation systems in numerous countries. Recent enhancements to the ICC Code include guidelines for distinguishing marketing content from editorial, clearer rules for advertising targeted at children and adolescents, and

expanded coverage for new media and emerging technologies such as AI and social media (International Chamber of Commerce, 2018a).

This code not only protects consumers by setting high standards for various marketing activities, including digital marketing, but it also ensures privacy and social responsibility in marketing communications. The ICC emphasizes the importance of transparency and integrity in advertising, establishing an ethical framework that is respected and implemented globally. Additionally, the ICC has issued specific statements regarding the use of AI in advertising (International Chamber of Commerce, 2018b), calling on all stakeholders in the advertising ecosystem to adhere to these ethical principles.

The ICC Code has been foundational in the self-regulation of advertising and marketing globally since its first edition in 1937. Originally titled “Code of Standards of Advertising Practice,” this regulatory framework has evolved over the decades to adapt to changing market practices and technological advances.

In its early years, the ICC Code focused on establishing basic standards of honesty and decency in advertising. With the advent of television and other expanding media, the code was revised in 1948 and 1954, with its second and third editions respectively, strengthening the principles of truthfulness and accountability in marketing communications.

The fourth edition in 1966 and the fifth in 1973, known as the “International Code of Advertising Practice,” expanded its scope to include more specific and detailed standards, adapting to growing international markets and concerns about advertising influences in these. The integration of more complex ethical considerations started to emerge.

In 1977 and 1978, the code diversified further by introducing the “International Code of Sales Promotion Practice” and the “ICC International Code of Direct Sales Practice,” respectively, reflecting market evolution and the need for specific regulations for sales promotions and direct marketing. These revisions emphasized transparency and fairness, essential elements in building consumer trust.

The 1987 revision introduced a more modern and adaptive approach, which was revised in 1991 and 1992 with the addition of regulations on environmental advertising and sponsorship, respectively. This marked ICC’s recognition of the growing importance of sustainability and corporate social responsibility.

As the internet began to transform marketing in the 1990s, the ICC responded with the “Guidelines to Marketing and Advertising on the Internet” in 1998, and in 2006, a consolidated version of the ICC Code explicitly addressed new media and technologies. The ninth edition of 2011 further consolidated these practices into a comprehensive document.

The latest major amendment, the 10th, released in 2018, updated the ICC Code to include emerging challenges such as AI (albeit in a nascent form) and algorithmic marketing, ensuring that marketing communications remain responsible and transparent, regardless of the media used.

In March 2024, the ICC published a statement on the use of AI in advertising and marketing communications, reaffirming its commitment to responsible marketing practices globally. The ICC Code, set to be updated in its 11th edition by the second half of 2024, seeks to enhance the usability of the code and its adaptability to the ever-evolving marketing landscapes, especially those driven by technology. The revision is expected to provide clearer guidance on the scope and application of the code across different forms of communication, ensuring that it can be more effectively applied in contemporary and emerging marketing techniques.

The ICC statement (International Chamber of Commerce, 2024) emphasizes that the Code comprehends all forms of commercial marketing communications and is neutral regarding the mediums and technologies used, applying to all media and platforms including social media, mobile, virtual reality, and marketing communications using AI, as well as new technologies that may emerge in the future.

The Code serves as a practical resource for professionals developing and delivering marketing communications, including with the help of AI, algorithms, and other automated technologies.

It is stressed that marketing professionals must ensure that the ICC Code is considered, whether the marketing communications are created, modified, or delivered entirely by humans or with the assistance of AI, in whole or in part. When employing such technologies, marketers must remain in command and continue to exercise due care and supervision to ensure that marketing communications are legal, decent, honest, truthful, and adhere to data privacy policies. Special care must be taken to ensure that marketing communications do not incite or condone any form of discrimination, and professionals are encouraged to be mindful of diversity and inclusion in advertising to avoid stereotypes and objectifications.

As we have seen since 2018, the ICC has been developing a deeper understanding of AI, recognizing it as a general-purpose technology offering broad opportunities for sustainable economic development. In its policy statement, the ICC defines AI as the ability of a machine to replicate intelligent behaviors and perform tasks that normally require human intelligence, such as thinking, reasoning, acting, and adapting based on learning from past data.

It's fitting to conclude this section by noting that the ICC Code is meticulously structured to offer comprehensive and ethical guidance to advertising and marketing professionals worldwide. The Code starts with general provisions (27) and definitions (13) that universally apply to all marketing communications, providing a solid and consistent foundation for the interpretation and application of the code across various scenarios. In detail, the Code is structured as follows:

- **General Provisions and Definitions:** These sections lay out the basic principles and key definitions that guide all marketing communications. Within these provisions, we find twenty-six articles covering everything from basic principles, social responsibility, and decency to honesty, truthfulness, and data and privacy protection. These articles also include specific guidelines on identification and transparency, the marketer's identity, the use of technical/scientific data, and regulations concerning environmental claims and the protection of children and adolescents.

Subsequently, the Code is divided into specific chapters that address different areas of marketing:

- **Sales Promotion** - With ten articles detailing everything from the principles governing sales promotions to the specific obligations of promoters and intermediaries.
- **Sponsorship** - Thirteen articles that cover issues such as autonomy, confusion, respect for sponsorship property and audiences, in addition to special considerations for social and environmental sponsorships.
- **Direct Marketing and Digital Marketing Communications** - Twenty-two articles that range from identification and transparency to specific aspects of digital marketing, such as respecting consumer wishes and data management.
- **Environmental Claims in Marketing Communications** - Seven articles that provide guidance on how to present environmental claims honestly and truthfully, relevant scientific research, and waste management, among other topics.

Furthermore, the ICC Code should be interpreted in conjunction with other current ICC codes, principles, and interpretation frameworks in the field of marketing and advertising. This includes the ICC International Code of Direct Selling, the ICC/ESOMAR International Code on Market, Opinion, and

Social Research and Data Analytics, the ICC Principles on the Responsible Deployment of Electronic Product Codes, the ICC Framework for Responsible Food and Beverage Communications, the Framework for Responsible Environmental Marketing, and the Framework for Responsible Alcohol Marketing Communications. These additional guidelines offer an extra layer of specificity and guidance, ensuring that marketing practices not only meet ethical standards but also respect the nuances of each sector and type of communication.

METHODS

With the rapid evolution of Generative AI and its integration into creative sectors, particularly in marketing and advertising, a pressing question arises, which this chapter aims to explore: Is the ICC Code sufficiently equipped to handle the emerging ethical dilemmas associated with the use of AI? As we delve into a detailed analysis of the current provisions of the ICC Code, we will assess whether these regulations effectively encompass the ethical concerns, issues of originality, transparency, and fairness that AI introduces. This analysis will not only shed light on potential gaps in the existing regulatory framework but will also consider whether an update or modification of the Code is imminent to proactively respond to the shifting dynamics of the market and advanced technologies. Thus, we embark on a scrutiny that will determine whether the current regulatory framework is adequate or if we are on the verge of a significant regulatory evolution in response to the unique challenges that AI poses in the creative industry.

The findings discussed in this chapter stem from reviewing articles in specialized marketing and advertising journals (*Adweek*, *Adage*, *Fast Company*, *The Drum*, and *Digiday*) using a methodology based on an integrated approach that combines qualitative and quantitative techniques, inspired by the contributions of Guimarães, Moraes, and Guarido (2007) and Giménez Sarmiento and Cerdán Martínez (2022). The initial phase of our study involves searching five of the most relevant journals in the field of marketing and advertising. We will use a specific search algorithm on Google, incorporating terms such as “AI,” “challenge,” and “creativity” along with the site operator (*site:url*) and date (*after:date*) to filter content published after January 1, 2023. This search strategy will allow us to isolate contemporary discussions focusing on how AI is reshaping creativity in these disciplines.

The collection and organization of selected articles will be carried out using Zotero, a reference management software, complemented with a customized database on Notion.so. This approach will enable us to efficiently manage the information and analysis variables. For qualitative content analysis, we will rely on QDA Miner Lite, allowing us to decompose and encode text to identify significant themes and trends (Guimarães et al., 2007). This process aims to reflect a deep understanding of current dynamics in the field of marketing and advertising, considering the complexities and nuances these topics entail.

On the other hand, for quantitative data analysis, we will use Google Colab, which will facilitate the application of statistical techniques to evaluate the frequency of specific themes in the reviewed articles. This methodology (Giménez & Cerdán, 2022), ensures a solid empirical basis that underpins our conclusions. This mixed approach not only promotes a rigorous and systematic analysis of the selected texts but also highlights the importance of merging qualitative and quantitative perspectives to achieve a comprehensive understanding of current discussions and concerns of industry stakeholders about how AI is affecting creativity in marketing and advertising.

Through this approach, we hope to identify not only the current challenges but also emerging opportunities in the field, hopefully offering valuable insights for both academics and professionals.

The selection of the five consulted journals and approximately fifty articles for our qualitative analysis in the field of marketing and advertising is based on the arguments presented by Boddy (2016) in his discussion on sample size in qualitative research. Boddy argues that determining the sample size in qualitative research is a contextual process that varies according to the scientific paradigm under which research is conducted. This approach resonates with our goal to capture a representative range of current perspectives in marketing and advertising, where AI and creativity are topics of increasing relevance.

Specifically, Boddy notes that qualitative research oriented towards positivism may require larger samples to obtain a representative picture of the entire population under study (Boddy, 2016). Although our research does not strictly adhere to a positivist approach, the choice of five leading journals and the review of ten articles from each, totaling fifty, allows us to address diversity and representativeness within this specialized field. This selection aligns with Boddy's recommendation that samples as small as a single case can be justified and significant, emphasizing the quality and depth of analysis over quantity.

Moreover, the mentioned author discusses the concept of data saturation, which suggests that the amount of data collected should be sufficient to ensure that no new themes or information emerge. Although this concept applies more directly to the number of participants in interview-based studies, we adapt it to the context of our literature review to argue that reviewing fifty articles should allow us to achieve a thematic saturation level within the specific field of marketing and advertising and its intersections with AI and creativity, in line with the study's objectives.

Thus, the use of five journals and approximately fifty articles within the selected time parameter reflects a balance between practicality and the need to delve into current and emerging trends within marketing and advertising. This approach is grounded in the existing literature on sample size in qualitative research (Boddy, 2016) and is expected to provide valuable and generalizable insights within the framework of our study.

RESULTS

In this section, we present the findings from the analysis conducted on the reviewed journalistic articles, starting with elements such as “Article Title,” access type (open or subscription-based), main themes, mentioned or implicated technologies, target population, marketing objectives discussed, identified challenges, proposed solutions, and future trends. This comprehensive approach enables a detailed and structured understanding of the analyzed content.

Analysis of Titles

The titles of the reviewed articles display a variety of styles and themes that reflect the extensive influence of AI in the field of marketing and advertising. Generally, the titles are informative and direct, such as “AI Briefing: Klarna hopes visual search in its e-commerce platform will help shoppers bridge in-person, digital gap” and “Danone’s 2024 Media game plan: AI, alliances, and accountability.” Many highlight current and future trends in AI usage, as evidenced by titles like “How AI is expected to dominate this year’s conference” and “Conversational AI will be the powerful successor to generative AI.” Furthermore, some titles project into the future, such as “Embracing the marketing revolution: A

roadmap for 2024” and “The Future of AI Regulation in Advertising.” Others are reflective or provide advice, such as “Philosophy is the secret to thriving in the age of AI” and “Teaching creativity and critical-thinking skills is imperative as AI transforms education.”

The transformation of these industries by AI is mirrored in titles like “How AI could power advertising’s next creative revolution” and “Powering people and growth with AI: how marketers can embrace the opportunity now.” There is also a notable focus on adopting AI and adapting to this technology, with examples like “Agencies still aren’t ready for AI disruption in 2024” and “Enterprise-facing AI has taken off—how can you make it work for your business?” Generative and conversational AI also receive considerable attention, as indicated by titles like “ChatGPT turns a year old, marking a major milestone for generative AI” and “Conversational AI will be the powerful successor to generative AI.” In addition, some articles address the integration of AI into specific products and marketing strategies, exemplified by “Samsung aims to make AI more mainstream by baking in more of the technology in its new Galaxy phones” and “Rethink shares secret sauce behind Heinz AI campaign that won at The Drum Awards Festival.”

Regarding the tone of the titles, most present a positive or neutral perspective on AI, emphasizing the opportunities and advancements that this technology can offer. This is observed in titles like “Powering people and growth with AI: how marketers can embrace the opportunity now” and “Marketers energized by using AI to write their copy amid Microsoft’s rumored OpenAI investment.” The potential benefits and new capabilities of AI are highlighted in titles like “How AI could power advertising’s next creative revolution” and “How generative AI is remixing digital commerce expectations.” However, some titles adopt a more cautious tone, highlighting the challenges and preparation necessary for adopting AI. This is evident in “Agencies still aren’t ready for AI disruption in 2024” and “Why losing skills to AI is a winning strategy.” Concerns about future AI regulation are also raised in titles like “The Future of AI Regulation in Advertising.”

The selected articles provide a comprehensive view of AI in the context of marketing and advertising, encompassing both the opportunities and challenges associated with its adoption and use. The titles reflect a diversity of approaches, from practical implementation of AI to more philosophical and educational considerations, suggesting that AI is influencing all aspects of these industries. Additionally, there is a strong emphasis on innovation and how AI is redefining current expectations and practices, indicating a general perception that AI is a key driver for change and improvement in marketing and advertising.

Availability of Articles

As previously mentioned in the methodology section, the analysis focuses solely on articles that were publicly accessible. Out of the 56 articles included in the study, only 30 were openly available to the public, free of charge. Contrarywise, 26 of them required a subscription, membership, or payment to access.

Likewise, the author included, at discretion, articles number 11 and 12 (referring to the search in each information source), if their titles showed a marked correspondence and relevance to the study.

Core AI Topics

The articles reviewed cover a broad spectrum of topics concerning the integration and impact of AI in the fields of advertising, marketing, and beyond. Many articles emphasize how AI, particularly generative AI, is reshaping creative and operational processes within these industries. For instance, the

incorporation of AI into Adobe's design tools to streamline and enhance the creative process, especially in branding and marketing, is highlighted. Additionally, AI's predominance at Advertising Week in New York underscores its impact and potential in the advertising industry.

The analysis also unveils AI's disruptive influence on advertising agency models, highlighting both opportunities for innovative agencies and risks for those slow to adapt. The perceptions and uses of generative AI among parents and teenagers in the U.S., Germany, and Japan were explored, revealing concerns and the surprising admission by teenagers that their parents have a better understanding of AI. Another example is the integration of AI-driven visual search on Klarna's e-commerce platform, designed to enhance the online shopping experience by allowing users to search for products using images, potentially narrowing the gap between in-person and digital shopping.

The importance of integrating AI into Demand Side Platforms (DSPs) to optimize programmatic advertising on television is discussed, focusing on the challenges of data processing, decision speed, and the efficiency of Connected TV (CTV) campaigns. Another article highlights the anniversary of ChatGPT, underlining its significant impact on sectors like marketing, technology, media, and society, as well as the challenges and opportunities it presents. The evolution of AI from generative models to conversational AI is noted for its potential to deliver more personalized and dynamic experiences by understanding and adapting to individual user preferences over time.

Concerning the enterprise's extent, the importance of aligning AI applications with business goals, securing sensitive data, and maintaining a focus on innovation and ethics is emphasized. Moreover, the future of marketing and advertising shaped by technological innovation, especially AI, and the demographic shift toward a majority-minority population are discussed. AI has the potential to revolutionize the creative process in advertising, moving beyond initial wonder to fundamentally transform how agencies operate and innovate. The integration of AI with social media strategies to enhance brand-consumer relationships is also highlighted, stressing the importance of social intimacy and transparency.

The emergence and potential of Small Language Models (SLM) to enhance the efficiency and effectiveness of digital advertising are contrasted with the broader applications and limitations of Large Language Models (LLM). Additionally, the current and potential use of generative AI, specifically ChatGPT, in the marketing industry amid speculations about Microsoft's investment in OpenAI is analyzed. Various perspectives on how ChatGPT could revolutionize content creation, search engine optimization, and customer service are explored.

Adopting a philosophical mindset in the workplace is emphasized as a means to foster creativity, innovation, and adaptability in the AI era. Marketers are guided on leveraging AI to drive growth, enhance creativity, and address social challenges. An innovative example is an AI-driven advertising campaign by the Canadian agency Rethink for Heinz, highlighting the creative process and the impact of AI on advertising. The introduction of Samsung's new Galaxy S24 phone line with enhanced AI features marks a significant step toward the popularization of AI in smartphones, potentially transforming user experiences and raising questions about privacy and the future of AI in personal devices.

In the educational sphere, the transformative potential of generative AI is highlighted, which should focus on enhancing human creativity and critical thinking rather than replacing traditional educational methods. The growing importance of certain soft skills that are uniquely human and cannot be replicated by AI technologies is underscored in the workplace context. The need to regulate AI in the advertising industry is highlighted, emphasizing the importance of establishing clear boundaries and ethical standards. The evolution of advertising and marketing in response to technological advancements and changing audience expectations is also addressed. Lastly, the crucial role of creativity in advertising to

establish meaningful connections between brands and their audiences, especially on digital and social media platforms, is emphasized.

The integration of AI into creative tools, e-commerce strategies, advertising platforms, and consumer products highlights its potential to revolutionize these fields. Additionally, both the opportunities and challenges associated with adopting AI are underlined, as well as the importance of maintaining an ethical focus aligned with business objectives. The diversity of themes and approaches in the reviewed articles suggests that AI will continue to be a key driver of innovation and change in the marketing and advertising industries.

AI Transformative Technologies

The reviewed articles discuss various technologies closely related to AI, reflecting how it is transforming and integrating with other key technologies in the fields of marketing and advertising. These technologies can be categorized based on their functionality and association with AI.

AI and generative AI (GenAI) are frequently mentioned, stressing their central role in technological innovation. AI-powered tools for content creation and process optimization stand out as one of the most prominent applications, including the use of AI-generated vector graphics, which simplify and optimize creative design.

AI-driven visual search and the use of ChatGPT for shopping assistance are specific applications of AI aimed at enhancing user experiences on e-commerce platforms. Technologies such as IP detection bots are also mentioned, highlighting their role in online content security and personalization.

Regarding programmatic advertising and Connected TV (CTV), AI and machine learning are optimizing programmatic advertising technology for television. References to contextual advertising and commerce media illustrate how AI is enhancing the relevance and effectiveness of advertisements.

Large Language Models (LLMs) and Small Language Models (SLMs) are pivotal in the evolution of generative and conversational AI. Tools like ChatGPT, DALL-E, and Stable Diffusion are noted for their text-to-image generation and creative assistance capabilities. These technologies are transforming content creation and offering new ways for brands and consumers to interact.

The integration of AI with 5G networks, digital media, and social networks shows how AI is expanding its influence on technological infrastructures and social interaction platforms. Additionally, emerging technologies such as augmented reality (AR) and digital twins, along with natural language processing (NLP), are being enhanced by generative AI to provide more immersive and personalized experiences.

In the retail sector, AI and retail media are using dynamic creative optimization to personalize offerings and enhance the effectiveness of advertising campaigns. This is evidenced by mentions of tools like Advantage+ for shopping campaigns and AI tools to rapidly diversify creative assets.

The articles also underscore the importance of hybrid AI infrastructure, which combines large language models with specific technologies to enhance the efficiency and effectiveness of AI-based solutions. This combination allows businesses to fully leverage AI capabilities to solve complex problems and improve decision-making.

The transformation of workplace skills in the context of AI is mentioned in relation to the importance of soft skills that cannot be replicated by AI technologies. The regulation of AI in advertising and the establishment of ethical standards are recurring themes, highlighting the need for a clear regulatory framework to guide the responsible use of AI.

From content creation and process optimization to user experience personalization and technological infrastructure enhancement, AI is playing a critical role in the evolution of these industries.

AI Stakeholder Groups

The reviewed articles cover a wide range of target audiences, indicating diverse interests and concerns within the topics of marketing, advertising, and AI-related technology. An analysis of these audiences reveals valuable insights into the current debates and trends shaping these industries.

Firstly, design professionals, marketers, and companies engaged in content creation and branding frequently emerge as a core audience. This highlights the significance of AI in enhancing and streamlining creative processes—a trend evidently aimed at these sectors.

Advertising agencies and marketers represent another key audience, emphasizing how AI is impacting agencies needing to adapt quickly and marketing professionals eager to harness these new technologies. Additionally, parents and teenagers in the U.S., Germany, and Japan are discussed, indicating an interest in how different demographic groups perceive and utilize AI, particularly in consumer and educational contexts.

Other mentioned audiences include businesses, everyday users, lawmakers, and developers, reflecting widespread concern over AI's legal and developmental implications. The inclusion of the general public, businesses, and AI developers suggests that these articles also aim to educate and raise awareness about AI among a broader audience.

Business leaders, IT professionals, and data scientists are key audiences, particularly in articles discussing AI implementation in business and tech environments. Marketing executives, Chief Marketing Officers (CMOs), and industry leaders are frequently cited, indicating a focus on strategic decision-making and leadership in AI adoption.

Strategic Uses of AI

The articles reviewed illustrate how AI is being leveraged by companies and advertising agencies to achieve a variety of marketing goals. These goals range from enhancing productivity and operational efficiency to personalizing customer experiences and building brand trust and loyalty.

A primary objective is boosting productivity in content creation. AI optimizes and democratizes creativity, enhancing brand consistency and content quality. This is especially relevant in an environment where companies strive to maintain a consistent and cohesive presence across multiple communication channels. AI also aids in streamlining internal processes and fostering innovation in content production, allowing advertising agencies and marketing professionals to focus their efforts on strategic creativity.

Another significant goal is enhancing the online shopping experience. The integration of AI-driven visual search tools, for example, aims to bridge the gap between digital and physical shopping, promoting more sustainable and personalized product choices. Additionally, AI optimizes advertising spend, improves efficiency in acquiring premium Connected TV (CTV) inventory, and effectively targets specific audiences.

Customizing customer interactions is another key objective. AI enables more personalized and effective interactions, enhancing both marketing strategies and service offerings. This includes tailoring advertising and optimizing marketing campaigns to increase their relevance and efficiency.

In terms of strategy, AI is used to boost brand investment, manage the impacts of media spend inflation, personalize consumer engagement, and enhance corporate accountability. The technology also balances personalization with privacy, which is essential for earning and maintaining consumer trust through ethical marketing strategies.

AI also encourages creativity in content marketing and enhances customer service and search engine optimization (SEO). Marketers are encouraged to use AI for creative and strategic growth, ensuring responsible and informed application for business development.

The development of AI-generated advertising campaigns, like those for Heinz Ketchup, demonstrates AI's potential in creative advertising. These campaigns not only amplify the brand's presence but also show how AI can transform creativity in advertising.

In conclusion, the articles emphasize the need for regulatory frameworks for the use of AI in advertising, ensuring ethical standards and protecting creativity. Efficiency, accuracy, personalization, and creativity in marketing campaigns are other goals pursued through the use of AI, improving the advertising return on investment (ROAS).

Challenges in AI Implementation

The challenges identified in the reviewed articles on AI usage in marketing and advertising highlight several hurdles that companies and agencies must overcome to fully leverage the potential of this technology. These challenges range from issues in content supply chains to concerns about data privacy and security.

A common challenge is the complexity of design tasks and the need for rapid content creation. Content supply chains often face difficulties due to the complexity of design tasks and the pressure to produce content quickly and efficiently. Additionally, navigating data privacy regulations and measuring marketing spend effectiveness present significant challenges. Businesses must also adapt to technological advancements and confront economic and technological uncertainties.

Another major challenge is organizational adaptation to AI. Maintaining the status quo can be risky, and there is a significant gap between AI's potential and its current use in strategic and creative processes. Concerns about data privacy, potential job losses, misinformation, and new forms of harassment or cyberbullying due to AI are prominent issues.

The changing consumer behavior towards using visual search and protecting intellectual property in AI-generated content are also key challenges. Quick decision-making required to secure impressions, data fragmentation, outdated DSP architectures, and inefficiencies in integrating the technology stack are additional obstacles to overcome.

Legal and ethical challenges, such as intellectual property disputes, misinformation, discrimination, and data privacy concerns, along with regulatory challenges, are central. Algorithmic fairness and public skepticism towards AI also pose significant problems.

Media price inflation, optimizing agency relationships, internal alignment in budget allocation, and implementing responsible media practices are challenges to consider. Moreover, businesses must navigate economic and technological uncertainties, adapt to the end of cookies and privacy regulations, and capture and retain consumer attention.

Security risks, compliance issues, AI “hallucinations” or inaccuracies in outputs, and reliance on public AI tools are other challenges mentioned. Moreover, risks associated with balancing innovation and privacy concerns, AI's precise functionality, and differentiation in a competitive market dominated by major players like Apple need to be addressed.

The swift evolution of AI, outpacing regulation, potential copyright issues, the risk of bias, and the blurring of lines between content and advertising, represent additional challenges. Adapting traditional advertising content for social media platforms, maintaining brand identity while ceding creative control to content creators, and keeping up with the fast pace of cultural and technological changes are other obstacles to consider.

Finally, the need for human oversight to ensure brand safety and maintain brand voice is vital. Generative AI can produce inaccurate or biased results without proper guidance. The misuse of AI in advertising, focusing on short-term metrics, the loss of brand uniqueness and storytelling quality, as well as the potential threat to human existence due to misinformation and bias in AI, are critical challenges. The overvaluation of AI, neglecting marketing fundamentals, and the potential dehumanization of consumer interactions are also significant concerns.

Solutions and Initiatives

The proposed solutions in the reviewed articles present a multifaceted approach to addressing the challenges of integrating AI in marketing and advertising. These solutions range from automating design tasks to adopting ethical practices and promoting AI education.

To tackle issues in content supply chains and the complexity of design tasks, automation through AI tools like Project Stardust, which generate brand content variations and simplify complex editing, is proposed. Additionally, leveraging AI to optimize creativity and processes, advancing measurement tools, and navigating data privacy regulations with AI's help are suggested.

Adopting AI-driven operational and creative processes, along with agile methodologies and data-driven decision-making, is recommended to foster a culture of innovation and change. To enhance data transparency and ethical AI development, public consultation, consumer education, and AI literacy are advocated.

In e-commerce, the introduction of AI-driven tools for product search and comparison, as well as for content creation and sustainability efforts, is suggested. Integrating scalable, real-time AI-driven analytics, continuous data movement, and predictive analysis using historical data, along with fraud detection tools, are essential for more efficient data processing.

To address legal and ethical challenges, legislative and regulatory discussions, the development of new security and privacy features, and the establishment of ethical AI development forums are proposed. Additionally, AI education, transparency from AI companies, customer consent for data usage, and advocating for data privacy measures in AI development are decisive steps.

Strategic partnerships with agencies, global centers of excellence, internal education on the potential of retail media across the marketing funnel, and data-driven testing for diversity and inclusion initiatives, as well as integrating AI for content automation and marketing personalization, are recommended strategies to enhance efficiency and effectiveness.

As for the topic of Connected TV (CTV) and commerce media, strategic alignment with business goals, internal training of AI models with proprietary data, and adopting a hybrid AI infrastructure for sensitive data, while always maintaining human oversight, are recommended. Strategic investment in

digital and AI technologies, with a focus on diversity, equity, and inclusion in marketing strategies, ethical and responsible use of consumer data, and adopting flexible work models are key to success.

For enhancing creative processes, collaboration between creative, legal, and data teams to ensure ethical AI use, training AI on proprietary data for unique creative outcomes is proposed. Transparency in AI applications and adopting a socially-focused brand strategy are also important aspects.

To address the rapid evolution of AI and the need for regulation, the development of specialized AI regulatory agencies or bodies, establishing industry standards, and including human oversight in AI-generated content are proposed. Creating social media-specific content, leveraging cultural connectivity of creators, and using AI to produce at the speed of culture while maintaining the human element in creative decisions is another key solution.

Finally, integrating creative data in advertising strategies, using platforms like StoryData for data-driven brand building, and adhering to marketing fundamentals are recommended. Carefully applying AI to enhance customer experience without sacrificing the human touch is fundamental for long-term success.

AI Outlook in the Creative Industry

Analysis of future trends in discussions about AI in the creative sectors of marketing and advertising reveals several anticipated developments and shifts central to the evolution of these industries. The reviewed articles suggest an increasing adoption and deeper integration of AI across various aspects of marketing and advertising, with a focus on efficiency, personalization, and creative innovation.

A prominent trend is the shift towards AI-assisted design, highlighting the importance of adapting to new technologies to maintain relevance and efficiency in content creation. AI will continue to dominate and integrate into advertising, evolving data privacy approaches and increasing the significance of influencer marketing. AI is seen as a transformative force in the advertising industry, emphasizing the need for agility and adaptability in agency models and its potential to redefine creative and strategic paradigms.

AI-driven content production and operational efficiency will continue to rise, alongside the need for responsible data use and the incorporation of ethics in AI development to foster consumer trust. The integration of AI into e-commerce platforms will intensify, enhancing personalized and efficient shopping experiences and using influencers for product promotion and consumer education.

In programmatic advertising, especially in Connected TV (CTV), AI will be central to quick, data-driven decision-making, meeting the demands of consumers shifting towards streaming TV. Moreover, AI is expected to continue exploring its capabilities to create more personalized and engaging marketing strategies, with potential regulatory changes affecting its use in marketing and content creation.

The personalization and efficiency of marketing strategies through conversational AI, and its influence on consumer behavior and preferences through adaptive learning and personalized interactions, will become increasingly significant. Comprehensive corporate policies on AI use, along with the continuous evolution of agency roles in leveraging AI technologies, will be essential.

A greater integration of AI into business operations is anticipated, focusing on customized solutions, data security, and regulatory compliance. This will influence marketing strategies by enabling more personalized and efficient consumer interactions, while ensuring data privacy. AI will continue to dominate creative and strategic efforts in marketing, with an increasing focus on retail media and adapting to a predominantly minority consumer market, and evolving work models in response to the lasting impacts of the COVID-19 pandemic.

AI will also democratize creativity, enabling innovations in both content creation and operations, regardless of budget. In social media, AI will play a key role in creating more personalized and efficient engagements, underscoring the importance of transparency and ethics in its use. The convergence of technology and commerce, focusing on creating more intuitive, personalized, and immersive shopping experiences through innovative use of AI and augmented reality (AR), will continue to grow.

The adoption of small language models (SLMs) for specific applications, the ongoing exploration of AI's potential to transform advertising practices, and the emphasis on data security and responsible AI use will be key trends. The integration of generative AI in various aspects of marketing and advertising will continue to grow, with ongoing exploration of its applications and potential to disrupt traditional search engines and content creation processes.

The role of human creativity in combination with AI capabilities to drive innovation and sustainable growth across various industries will become increasingly important. The growing reliance on AI for dynamic marketing strategies will underscore the synergistic relationship between human creativity and AI capabilities.

The integration of photography and AI-generated images in advertising campaigns, using AI as a tool to accelerate and optimize creative processes without supplanting human creativity and intuition, will be a prominent trend. The growing integration of AI in smartphones will signal a shift towards smarter devices acting as personal assistants, potentially transforming user interactions, creativity, and productivity, while carefully considering privacy, security, and ethical implications.

Finally, a movement towards more structured regulation of AI in advertising is anticipated, with potential implications on how brands, agencies, and creatives interact with AI technologies. This movement will highlight the need to balance technological innovation with the preservation of brand-client relationship integrity.

DISCUSSION

The integration of AI in marketing and advertising practices has proven to be profoundly transformative, altering not only operational efficiency and productivity, but also significantly personalizing the customer experience. This impact underscores the central role of AI as a driver of innovation in these sectors, marking a paradigm shift in how companies and agencies engage with their audiences.

Simultaneously, the growing adoption of AI presents a dual challenge: on one hand, there is palpable enthusiasm for leveraging its benefits; on the other, there emerges a critical need to adapt to its rapid technological evolution. This scenario has impacted both creative processes and organizational structures, creating a dynamic of constant change that demands agile and holistic responses.

Additionally, ethical dilemmas and regulatory challenges are inevitable aspects that accompany the introduction of AI in the advertising territory. Data privacy and security become central concerns, alongside the urgency to establish clear regulatory frameworks that guide responsible use of these technologies.

Moreover, the solutions and strategies proposed to address these challenges reflect a proactive approach, where task automation and process improvement are complemented by initiatives for education and the promotion of ethical regulation. This approach emphasizes the importance of transparency and education in shaping a future where AI is adopted ethically and effectively.

Looking forward, projections anticipate even deeper integration of AI in marketing and advertising, with a renewed focus on personalization and efficiency. This progress not only reaffirms AI's role as an essential tool for future marketing strategies but also highlights the importance of maintaining a balance between technological innovation and ethical integrity to forge a sustainable and responsible path in the digital era.

A possible interpretation of these findings is that while the solutions discussed in the relevant section attempt to address the challenges comprehensively, not all corresponding challenges strictly fall within the ethical realm. There are also legal, human rights, and business concerns. For example, challenges related to discrimination and data privacy have both ethical and legal implications, while organizational adaptation and the management of technological change reflect business challenges.

The identified ethical challenges closely align with universal concerns about data privacy, security, and integrity. Despite their specificity, the current ICC Code offers a sufficient framework to address these through its technology-neutral approach. This principle ensures that, regardless of new technologies applied, general ethical principles must be adhered to by all operators.

Specifically, the ICC Code, updated in 2018, while not establishing specific obligations regarding the use of AI, binds operators of these technologies to the code's general principles. Since the Code does not specify unique obligations for emerging technologies like AI but does require adherence to general ethical principles, it provides a robust guide that can be universally applied without the need for constant specific revisions. This approach ensures that marketing and advertising principles remain relevant and effective, even in a rapidly evolving technological landscape.

However, while the code is effective in providing ethical guidelines, the unique challenges presented by AI, such as advanced data management and specific concerns about automatic content generation, may require more detailed analysis. This does not necessarily imply the need for fundamental revisions of the code, but possibly clarifications or expansions to enhance understanding of how these general principles apply in concrete practices and consumer relationships determined by AI.

The ICC Code remains a valuable and adaptable ethical framework. The challenges introduced by AI, although significant, are fundamentally aligned with the ethical principles the code already promotes. Therefore, more than specific technological updates, the code could benefit from clarifications that guide its application in contexts influenced by AI, ensuring that ethics and integrity continue at the heart of marketing and advertising practices.

In other words, as society evolves and ethical standards and expected behaviors change, it is crucial that the ICC Code be reviewed and updated not in response to technology per se, but in response to changes in social perception and ethical expectations towards producers and providers of goods and services.

For instance, extreme personalization through AI is redefining interactions between brands and consumers, emphasizing the need to adapt to new technologies to maintain relevance and efficiency in content creation. This shift suggests that the ICC Code might need to adapt to incorporate clearer guidelines on how to handle data privacy and user consent in an increasingly personalized environment.

Additionally, the growing influence of AI in creativity and content production raises questions about how to balance innovation with the authenticity and integrity of creative expressions. Companies and creatives must navigate a landscape where technology can potentially dominate or even supplant human intuition, requiring reflection on how the Code can better guide the collaboration between human creativity and AI to produce outcomes that respect both innovation and ethical values.

Education and skill development also emerge as key areas needing more attention in the ICC Code. As AI becomes an integral part of professional training and education, the Code should promote not only technical training but also the development of complementary skills that technology cannot replicate, such as critical thinking and creativity.

These trends not only underline the importance of a balanced and responsible adoption of AI, which complements and enhances human capabilities without replacing them, but also indicate a shift towards more structured regulation of AI in advertising. This movement highlights the need to balance technological innovation with the preservation of the integrity of brand-customer relationships, which might require adjustments in the Code to reflect a renewed ethical stance in society.

In closing, as AI technology continues to redefine expectations and possibilities within marketing and advertising, the ICC Code must evolve in parallel not only to address technical and operational challenges but also to reflect changes in ethical standards and social behaviors, ensuring that marketing practices remain fair, transparent, and ethically responsible.

CONCLUSIONS

The adoption of AI, particularly Generative AI, in marketing and advertising, is catalyzing significant transformation within these industries. AI tools are enhancing productivity and operational efficiency through the automation of creative processes and the optimization of advertising campaigns. Examples include the use of Generative AI for content creation and technologies like visual search and programmatic advertising that enrich the online shopping experience.

However, incorporating AI also presents significant challenges, especially in terms of organizational adaptation and ethics. While some agencies and businesses quickly adapt and innovate, others may fall behind if they fail to embrace these new technologies. Ethical regulation of AI is crucial to ensure that innovation does not compromise consumer rights and expectations. It is vital to align AI use with responsible and transparent business practices.

The evolution towards more sophisticated AI models, such as large language models, is expanding capabilities for interaction and creation in marketing and advertising. This requires a robust regulatory framework that ensures responsible and safe use of AI, respecting privacy and fostering consumer trust.

AI is not only transforming how companies interact with consumers but also redefining the personalization of campaigns. This translates into greater relevance and effectiveness of targeted marketing, allowing brands not only to enhance the customer experience but also to foster deeper brand loyalty. Consumers benefit by feeling that their preferences are understood and valued by the brands they choose.

Additionally, AI influences consumer perception and behavior globally, opening new perspectives on how different generations and demographics use and understand technology. This cultural and educational influence of AI is crucial for policymakers and market strategists, accentuating the need to consider both the technical and human impacts of technology.

In summary, the integration of AI in marketing and advertising is not only redefining traditional methods and strategies but also strengthening companies' capabilities to operate more efficiently and creatively. As this technology continues to evolve, maintaining an ethical and regulated approach will be essential to maximize its benefits while protecting consumer integrity and privacy.

The enthusiasm for leveraging AI's advantages goes hand in hand with the challenge of adapting to its rapid evolution, affecting both creative processes and organizational structures. This constant change dynamic requires companies to adapt agilely and plan strategically to remain competitive.

The ethical dilemmas and regulatory challenges associated with integrating AI into advertising emphasize the need for robust and clear regulatory frameworks. This ensures that the adoption of technology is not only effective but also responsible, highlighting the importance of data privacy and security in this new technological context.

Updating the ICC Code is necessary in the face of the challenges and opportunities presented by AI in marketing and advertising. Although the code has a technology-neutral approach that covers general ethical principles applicable to new technologies, the specificities and complexities introduced by AI—such as advanced data management, automatic content generation, and issues of privacy and user consent—suggest the need for clarifications or expansions that better guide its application in AI-influenced practices.

Furthermore, it is posited that these updates should align not only with technological advances but primarily with social changes in ethical and deontological perceptions. Thus, it will ensure that ethics and integrity continue to be at the center of marketing and advertising practices in an era dominated by digital technology.

FUTURE LINES OF RESEARCH

From an academic research perspective, the “AI Outlook in the Creative Industry” section of this chapter presents a broad collection of study fields and emerging topics that could be subjects for new and future research. This compilation provides a valuable source of information and opportunities for the development of advanced knowledge and practices in the creative industry.

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KEY TERMS AND DEFINITIONS

Self-Regulation: In a business context, it refers to the establishment and adherence to voluntary standards that organizations choose to comply with. These standards are generally managed through non-binding systems, meaning they are not imposed by law but are adopted on the initiative of the companies themselves.

Deontology: Concerns ethics specifically applied to the practice of a profession or occupation. It encompasses a set of ethical rules that govern the conduct of professionals in their field of work.

Democratization: Commonly used to describe the widespread distribution of a product or service, ensuring its accessibility to broad segments of the population.

Ethical Dilemma: Refers to a conflict between two ethical principles that are considered of equal value in a particular case. This type of dilemma arises when the choice to adhere to one principle necessarily involves the violation of the other.

GenAI (Generative Artificial Intelligence): Refers to a branch of artificial intelligence specialized in generating creative products, such as audiovisual content, from specific instructions known as prompts. This capability is based on training machine learning models that learn to replicate creative patterns.

Technological Neutrality: Refers to the principle that specific functions or decisions should be independent of the technology used to develop them. This concept suggests that the outcome of a function should be the same, regardless of the specific technology employed in its execution.

Consumer Relationship: A concept that describes the interaction between producers and providers of goods or services and their consumers. This conceptual framework serves as an analytical tool that transcends the legal context, enabling the exploration of various commercial and social dynamics. It acts as a “label” or semantic field that facilitates the analysis of how these interactions influence the fulfillment of duties and the guarantee of rights, among other ethical and operational considerations.