


# 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.

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## 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.

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.

# 1 THEORETICAL FRAMEWORK

## 1.1 The International Chamber of Commerce and the Technological Revolution

The International Chamber of Commerce (ICC) has played a key role in global trade since its founding in 1919, promoting commerce as a force for peace. Known as the “Merchants of Peace”, its founders sought to strengthen economic ties to prevent conflicts. Over the years, the ICC has championed open trade, resolved disputes through its arbitration system, and influenced global policies as a permanent observer at the UN.

To address 21st-century challenges like climate change and digital transformation, the ICC continues to support small enterprises and adapt trade regulations for the digital economy (International Chamber of Commerce, 2019).

## 1.2 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-Alejandro & Rom-Rodríguez, 2017).

### **1.3 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 guided the self-regulation of global advertising and marketing since its first edition in 1937. Initially focused on honesty and decency, it evolved with technological advances, strengthening truthfulness and accountability in advertising. Revisions in 1948 and 1954 adapted to new media, while the 1966 and 1973 editions expanded its scope to address international markets and ethical concerns.

In 1977 and 1978, the ICC introduced specialized codes for sales promotion and direct marketing, emphasizing transparency and fairness. Later revisions in 1987, 1991, and 1992 incorporated environmental advertising and sponsorship, reflecting a growing focus on sustainability and corporate responsibility.

With the rise of the internet, the ICC launched online marketing guidelines in 1998, later consolidating digital advertising standards in its 2006 and 2011 editions. The 10th edition (2018) addressed new challenges, including AI and algorithmic marketing, ensuring responsible and transparent practices.

In March 2024, the ICC issued a statement on AI in advertising, reaffirming its commitment to ethical marketing. The upcoming 11th edition (late 2024) aims to improve clarity, usability,

and adaptability to emerging marketing techniques, particularly in the digital age.

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 is 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.

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.

## 2 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). These publications are widely recognized as authoritative sources in marketing, advertising, and media trends, frequently consulted by industry professionals. They offer specialized coverage on AI, regularly publishing insights on how AI is transforming advertising, content creation, and consumer engagement.

Moreover, they provide timely and up-to-date analyses, keeping pace with emerging technologies and their impact on marketing strategies. Their global perspective and diverse reporting ensure a broad understanding of AI's role in the creative industries.

By selecting these five sources, the study ensures a balanced, informed, and relevant examination of AI-driven transformations in marketing and advertising. 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 sources aligned with the category of “trade magazines” and “specialized online content”. 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.

It is important to clarify that the purpose of this analysis is not to classify the content reviewed as inherently positive or negative, nor to delve deeply into the findings beyond the general overview of the concerns identified. Instead, this study aims to provide a panoramic vision of the themes and issues highlighted by these specialized communication outlets. By

analyzing recurring topics and patterns, the goal is to present a reflection of a portion of the public and professional discourse on AI and creativity in marketing and advertising. These outlets are considered intermediaries that capture and mirror sector-wide concerns, enabling us to extrapolate recurring opinions and attribute them to broader trends within the field.

Using news, articles, reviews, reports, or blog posts to reconstruct a portion of public opinion on a given topic is far from an arbitrary exercise. On the contrary, it reflects the recognition of the essential role that media play in shaping, reflecting, and transmitting public opinion. As Manuel Castells explains, “the media are ‘the essential networks,’ serving as the primary source of the messages and images that reach people’s minds.” This central role allows media outlets to act as intermediaries, capturing public concerns and professional perspectives alike, and mirroring them back to society (Castells & Hernandez, 2009, p. 55).

Furthermore, Castells (2009, p. 25) highlights that “power relations are built in the mind through communication processes”, and that these connections are often mediated by the media, which actively “collect public opinion” and reproduce it. By doing so, media outlets not only transmit information but also shape and amplify the concerns and interests of particular audiences and sectors. This study, therefore, regards the recurring themes and opinions presented in specialized outlets not as isolated views, but as indicative of broader trends within public and professional discourse.

For this analysis, only articles meeting the following inclusion criteria were considered: 1) they had to be freely accessible to the general public without requiring a subscription or payment, ensuring transparency and accessibility in the research and allowing anyone to consult the sources used; 2) they needed to be published in one of the five specialized marketing and advertising sources selected -Adweek, Adage, Fast Company, The Drum, and Digiday- chosen for their relevance, reach within the sector, and editorial focus on AI and creativity; 3) they had to explicitly address concerns, trends, and solutions related to the integration of AI in advertising and marketing, as articles that treated AI tangentially or focused on other sectors or applications were excluded; and 4) they had to be published after January 1, 2023, to capture the most recent and relevant discussions on AI within the sector.

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 (Gómez & 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.

To identify relevant literature on the impact of generative artificial intelligence in various contexts, a systematic search was conducted in two high-impact academic databases: Scopus

and Web of Science (WoS). The search strategy was designed to capture studies addressing the implications, consequences, and applications of this technology in fields such as marketing, advertising, and creativity. A combination of Boolean operators and carefully selected keywords was used to ensure both precision and comprehensiveness in retrieving the most relevant documents.

In Scopus, the search was conducted in the title, abstract, and keywords fields, while in Web of Science, it was applied to the title and topic fields. The search terms included “generative artificial intelligence” in the title, along with a series of keywords related to analysis and impact, such as “implications”, “perspectives”, “consequences”, “expectations”, “outcomes”, “forecasts”, “projections”, “scenarios”, “impact analysis”, “ramifications”, “insights”, “assessments”, “predictions”, “evaluations”, and “repercussions”. Additionally, terms related to the area of application, such as “marketing”, “advertising”, and “creativity”, were included.

Inclusion and exclusion criteria were established to refine the results. Only scientific articles published in indexed journals were considered, while other types of documents, such as conference proceedings, book chapters, and dissertations, were excluded. The search was limited to studies published in English and Spanish between 2023 and 2025, ensuring that the literature analyzed reflected the most recent advancements in the field. Furthermore, both open-access and restricted-access articles were included, with a preference for those publicly available.

This strategy enabled the identification of relevant and up-to-date literature, providing a solid foundation for a comprehensive analysis of the effects and applications of generative artificial intelligence in the selected fields of study.

## **3 RESULTS**

### **3.1 Core AI Topics**

The reviewed articles explore AI’s growing impact on advertising, marketing, and beyond, particularly how generative AI is transforming creative and operational processes. AI-powered tools like Adobe’s design software streamline branding and marketing, while its dominance at Advertising Week in New York highlights its expanding role in the industry.

AI is disrupting agency models, offering opportunities for innovation while posing risks for slower adopters. Studies on AI perceptions among parents and teenagers in the U.S., Germany, and Japan reveal generational differences in understanding. In e-commerce, AI-driven visual search on Klarna enhances the shopping experience by narrowing the gap between digital and physical retail.

AI's integration into Demand Side Platforms (DSPs) improves programmatic advertising and Connected TV (CTV) by refining data processing, decision-making, and campaign efficiency. The anniversary of ChatGPT marks its growing influence in marketing, media, and technology, while the shift from generative AI to conversational AI points to more personalized brand interactions.

The importance of aligning AI with business goals, ensuring data security, and maintaining ethical innovation is emphasized. AI is shaping the future of advertising and marketing, alongside demographic shifts and digital transformation. Its role in social media marketing underscores the value of brand-consumer intimacy and transparency.

The rise of Small Language Models (SLMs) is contrasted with Large Language Models (LLMs), focusing on their efficiency in digital advertising. Speculation around Microsoft's investment in OpenAI fuels discussions on ChatGPT's potential in content creation, SEO, and customer service.

Marketers are encouraged to adopt a strategic mindset, leveraging AI for growth, creativity, and social impact. The Heinz AI-driven campaign by Canadian agency Rethink exemplifies AI's role in creative advertising. Similarly, the Samsung Galaxy S24's AI features signal a shift toward AI-driven smartphones, raising concerns about privacy and ethics.

In education, AI should enhance human creativity and critical thinking, rather than replace traditional methods. The demand for uniquely human soft skills in the workplace remains high. Regulating AI in advertising is a recurring theme, stressing the need for clear ethical boundaries.

Overall, AI's integration into creative tools, e-commerce, advertising, and consumer tech presents both opportunities and challenges. Its role as a key driver of innovation will continue shaping marketing and advertising, provided its adoption aligns with ethical and business objectives.

## **3.2 AI Transformative Technologies**

The reviewed articles explore AI's integration with key technologies, shaping marketing and advertising. Generative AI (GenAI) is central to innovation, with applications like AI-powered content creation, vector graphics, and process optimization streamlining creative workflows.

AI enhances user experiences through visual search, ChatGPT-assisted shopping, and IP detection bots, improving e-commerce personalization and security. In programmatic advertising and Connected TV (CTV), machine learning optimizes ad targeting, while contextual advertising and commerce media increase relevance.

Large Language Models (LLMs) and Small Language Models (SLMs), along with tools like ChatGPT, DALL-E, and Stable Diffusion, transform content creation and brand interactions. AI also integrates with 5G, social media, and augmented reality (AR) to expand engagement,

while digital twins and natural language processing (NLP) enable more immersive and personalized experiences.

In retail media, AI-driven dynamic creative optimization personalizes campaigns, with tools like Advantage+ helping brands diversify creative assets efficiently. The rise of hybrid AI infrastructures, combining large language models with specialized technologies, enhances decision-making and problem-solving.

The articles also stress the importance of soft skills in the AI-driven workplace and the need for clear AI regulations in advertising. As AI continues to revolutionize content, personalization, and infrastructure, establishing ethical standards is crucial for its responsible use.

### **3.3 AI Stakeholder Groups**

The reviewed articles highlight the diverse audiences engaged in marketing, advertising, and AI-driven technology. Designers, marketers, and branding professionals are a key focus, reflecting AI's growing role in enhancing creative processes. Advertising agencies and marketing professionals also feature prominently, emphasizing the need to adapt to AI's rapid integration.

The discussion extends to parents and teenagers in the U.S., Germany, and Japan, shedding light on demographic perceptions of AI, particularly in consumer and educational contexts. Businesses, general users, lawmakers, and developers are also considered, illustrating the broad legal and technological implications of AI adoption.

Additionally, business leaders, IT professionals, data scientists, and CMOs are targeted, underscoring the strategic role of AI in corporate decision-making and innovation. This breadth of audiences reflects AI's widespread impact, from consumer education to executive strategy in marketing and advertising.

### **3.4 Strategic Uses of AI**

The reviewed articles highlight how AI empowers companies and advertising agencies to enhance productivity, personalization, and brand trust. AI streamlines content creation, ensuring consistency across platforms while allowing marketing professionals to focus on strategic creativity. It also improves operational efficiency, optimizing ad spend and enhancing Connected TV (CTV) targeting.

A key goal is enhancing customer experiences, particularly through AI-driven visual search, which bridges the gap between digital and in-person shopping. AI also enables personalized marketing and customer interactions, balancing customization with privacy to strengthen consumer trust.

Beyond efficiency, AI fosters creativity in advertising, as seen in AI-generated campaigns like Heinz Ketchup, demonstrating its potential to revolutionize branding. Additionally, AI plays a crucial role in SEO, customer service, and strategic marketing investments, helping businesses navigate media spend inflation and accountability challenges.

Finally, the articles stress the importance of ethical AI regulations in advertising to protect creativity and ensure responsible AI use. By driving efficiency, personalization, and innovation, AI is reshaping marketing strategies while improving return on investment (ROAS).

### **3.5 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.

### **3.6 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.

### **3.7 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.

## 4 DISCUSSION

As we have had the opportunity to observe, 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.

From an academic perspective, generative AI has been recognized for enhancing productivity and efficiency while driving creativity in product design and development (Cheng, 2023; Ooi et al., 2025). Tools like ChatGPT and Bard provide real-time responses, operating 24/7 to facilitate continuous customer engagement, which in turn fosters increased sales and customer retention. Additionally, AI-powered virtual assistants allow businesses to offer highly personalized interactions, responding swiftly to consumer inquiries and improving overall service quality (Gupta et al., 2024).

Beyond customer support, AI plays a pivotal role in shaping marketing content. By analyzing consumer behavior and preferences, generative AI enables brands to craft messages that resonate deeply with their target audience, thereby optimizing engagement and conversion rates (Mariani & Dwivedi, 2024). The multimodal capabilities of generative AI further enrich user experiences, creating more dynamic, interactive, and tailored content, which significantly enhances customer satisfaction (Lin & Ng, 2024).

Moreover, AI's role extends beyond direct consumer interactions (Jeon, 2024) to the optimization of internal processes. Through predictive analytics and interconnected sensor data, generative AI can streamline workflows, improve product innovation, and enhance operational efficiency, particularly in emerging digital environments like the industrial metaverse (Kliestik et al., 2024). This confluence of AI-driven personalization, operational refinement, and consumer engagement reflects the profound transformation that AI is bringing to modern

marketing strategies.

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.

The challenges posed by the widespread adoption of generative AI extend beyond operational adaptation, deeply impacting ethical considerations, transparency, and societal implications. In the service sector, AI-driven automation has raised debates about job displacement and the evolving nature of professional roles (Ooi et al., 2025). Additionally, concerns about the ethical, legal, and social implications of AI-generated content in media highlight issues of authorship, misinformation, and the potential erosion of human creativity in content production (Franganillo, 2023).

A critical aspect of these challenges is the growing apprehension regarding misinformation and academic integrity. Studies indicate that students and educators alike express concerns about the reliability of AI-generated content, particularly in research and scholarly discourse. The risk of AI hallucinations—instances where generative AI produces plausible yet false information—poses a direct threat to the credibility of academic work (Huo & Siau, 2024). Furthermore, questions about originality and the reinforcement of existing biases in AI-generated outputs raise issues about the long-term implications of over-reliance on these technologies in creative and analytical processes (Vartiainen & Tedre, 2023).

On a broader scale, the opaque nature of AI algorithms, commonly referred to as the “black box” problem, exacerbates concerns about fairness, bias, and accountability in AI-driven decision-making. Data bias and security vulnerabilities further complicate the ethical landscape, making the need for robust regulatory frameworks more urgent (Lin & Ng, 2024). Additionally, scholars warn that AI may inadvertently reinforce existing social and cultural biases by generating content based on pre-existing datasets, leading to a form of biased innovation (Mariani & Dwivedi, 2024).

To address these challenges, researchers advocate for proactive strategies, including enhanced AI literacy programs, ethical guidelines, and mechanisms to improve transparency in AI-generated outputs. Establishing clearer policies on responsible AI use, particularly in education and media, is essential to mitigating risks while ensuring that AI remains a tool that augments rather than replaces human intellectual and creative capacities (Gasaymeh et al., 2024; Petrenko, 2024). This multifaceted approach underscores the need for continuous dialogue between technology developers, policymakers, and academia to foster a responsible and ethical integration of AI into society.

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.

AI’s growing role in marketing is set to enhance efficiency, innovation, and customer engagement while transforming content creation—by 2025, a third of corporate advertising is expected to be AI-generated (Gupta et al., 2024; Mariani & Dwivedi, 2024; Ooi et al., 2025). This shift highlights the need for ethical oversight through AI ethics boards to ensure responsible use and consumer trust (Lin & Ng, 2024). Additionally, AI-driven virtual assistants and predictive analytics will reshape sales and financial decision-making (Kliestik et al., 2024; Peres et al., 2023). However, balancing these advancements with ethical concerns, such as data privacy and transparency, remains crucial for sustainable AI adoption (Gupta et al., 2024).

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.

Building on this perspective, academic discussions emphasize that rather than requiring extensive technological modifications, ethical frameworks like the ICC Code should focus on clarifications that ensure AI-integrated marketing aligns with core ethical principles. Scholars highlight the necessity of transparency, responsibility, and accountability in AI applications, stressing that industries must adopt guidelines to maintain trust and prevent societal harm (Lin & Ng, 2024; Ooi et al., 2025). As AI redefines knowledge application and content creation, ethical frameworks must address concerns around intellectual property, decision-making transparency, and data privacy (Benbya et al., 2024; Franganillo, 2023; Petrenko, 2024).

Moreover, as AI evolves into more autonomous forms, its implications for business, education, and innovation governance must be anticipated through clear ethical directives rather than reactive regulations (Huo & Siau, 2024; Mariani & Dwivedi, 2024). The need for ethical marketing practices is also underscored in discussions on AI-generated content and its potential to mislead consumers, making transparency and informed communication essential (Gupta et al., 2024). These insights support the argument that reinforcing ethical guidance within existing frameworks, rather than overhauling them, can provide stability while adapting to AI-driven transformations in marketing and advertising.

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 (Ooi et al., 2025). 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 (Eglynas et al., 2025) 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 (Kim, 2024).

These trends not only underline the importance of a balanced and responsible adoption of AI, which complements and enhances human capabilities without replacing them (Joosten et al., 2024), 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.

## 5 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 (Bhuyan et al., 2025) 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.

## 6 FUTURE LINES OF RESEARCH

This chapter has identified several emerging areas at the intersection of AI and creativity, offering new opportunities for academic and professional research.

One key area of study is the ethical use of AI in creative processes. As concerns over privacy, algorithmic bias, and transparency in AI-generated content grow, it is essential to develop ethical and regulatory frameworks that guide its implementation in advertising and marketing. How can businesses balance automation with ethical responsibility without undermining consumer trust?

Another important focus is the relationship between human creativity and AI automation. While AI accelerates content production and optimization, maintaining authenticity and brand storytelling remains a challenge. What strategies can effectively combine human intuition with AI tools to enhance originality without compromising brand identity?

Changes in consumer behavior also raise critical questions. As AI-driven personalization expands and platforms like Connected TV (CTV) reshape content consumption habits, advertisers must adapt to shifting expectations. How can AI-powered advertising create more relevant consumer experiences without compromising privacy or contributing to media oversaturation?

Finally, the regulation of AI in marketing and advertising is a pressing research topic. With technology advancing faster than legal frameworks, understanding the role of regulators and industry associations in establishing responsible AI standards is crucial. What regulatory approaches can balance technological innovation with consumer protection and fairness in the industry?

Exploring these areas will provide deeper insights into the challenges and opportunities AI presents for the creative industry, fostering sustainable and inclusive growth in this rapidly evolving landscape.

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## 8 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.