Guidelines on artificial intelligence & communication.

10 principles to consider for a proper use of AI in commercial communications.

UB∆   acc accelerating agencies

In Collaboration with AdaStone

AdaStone LAW

Introduction

Artificial Intelligence (AI) is revolutionising the way Brands & Agencies operate, unlocking new realms of creativity and enhancing the quality of commercial communications. Yet, this innovation brings its own set of challenges and risks, from navigating complex intellectual property and personality rights, to ensuring the protection of sensitive personal data and maintaining transparency.

This is where ACC (Association of Communication Companies) and UBA (United Brands Association) come into play.

Together, we provide practical guidelines to navigate this evolving landscape responsibly. These guidelines serve as a roadmap, helping Brands & Agencies to understand and manage the ethical and legal intricacies introduced by AI in commercial communications.

We recognise that both AI technology and its legal frameworks are continuously evolving. Hence, our guidelines are designed to be dynamic, with regular updates to reflect the latest technological and legal developments.

Our goal is to empower Brands & Agencies to leverage AI's potential responsibly and effectively.

The 10 principles

01. AI literacy

Brands & Agencies commit to ensuring a sufficient level of AI literacy and to educating their teams on a regular basis in the proper use of AI in their activities, with particular attention to ethical aspects, diversity, and the societal impact of AI.

02. Vulnerability

Brands & Agencies shall remain vigilant regarding how AI systems may impact vulnerable individuals or specific groups. They commit to avoid AI-generated output that may affect such individuals or groups, especially children.

03. Public trust

Brands & Agencies undertake to ensure that any use of AI in their activities is lawful, i.e., that these comply with all applicable laws and regulations. Those generating or manipulating texts, audio, or visual content that would falsely appear to be authentic or truthful and featuring depictions of people, without their consent, who appear to say or do things that they did not, for example, by deepfakes, shall disclose in an appropriate, timely, clear, and visible manner in their communication that the content has been artificially generated or manipulated.

04. Transparency between Brands & Agencies

Brands & Agencies commit to a clear and transparent dialogue regarding the employment of AI technologies in their communications, ensuring mutual understanding and ethical application.

05. Environmental sustainability

Environmental sustainability and the proper running of AI systems should be encouraged. Brands & Agencies shall take the necessary measures, if any, to reduce the environmental impact.

06. Diversity, equality and inclusion

Brands & Agencies are aware that AI systems can cause risks of discrimination and that bias must be avoided to ensure a balanced, diverse, and inclusive output. In that respect, AI systems shall be used in a socially responsible and critical manner.

07. Personal data

Brands & Agencies are aware that AI systems based on the use of personal data must always be developed, trained, used, and deployed in compliance with the GDPR and Belgian Privacy legislation, including respect for privacy, quality, and integrity of data, and data access.

08. Confidential information

Brands & Agencies shall be careful to avoid sharing confidential information when creating prompts, since AI systems can incorporate the prompts to generate outputs for other users.

09. Intellectual property & personality rights

Content created by AI systems should be carefully reviewed to ensure that it does not infringe third-party intellectual property rights to music, images, texts, etc., or personality rights, including the right to image, right to voice, right to name, etc., or cause damage to the reputation of brands and/or the agency.

10. Regular monitoring

Brands & Agencies shall support a culture of continuous reflection and assessment in their AI applications, ensuring their technology is deployed safely and ethically, contributing to a trusted and secure digital environment.

Lexicon

Artificial Intelligence[1] : a system that is either software-based or embedded in hardware devices, and that displays intelligent behaviour by, inter alia, collecting, processing, analysing and interpreting its environment, and by taking action, with some degree of autonomy, to achieve specific goals.

AI literacy[2] : skills, knowledge and understanding that allows providers, users and affected persons, taking into account their respective rights and obligations in the context of this Regulation, to make an informed deployment of AI systems, as well as to gain awareness.

Bias[3] : Any prejudiced personal or social perception of a person or group of persons based on their personal traits.

Communication[4] : any form of message (images, text, sounds, ...) that serves to promote, directly or indirectly, the goods, services or image of a natural or legal person engaged in an economic activity.

Discrimination[5] : any differential treatment of a person or group of persons based on a ground which has no objective or reasonable justification and is therefore prohibited by Union law.

Prompt : a set of instructions, questions or statements provided to an AI system, particularly in natural language processing or machine learning models. The prompt is used to initiate or guide the AI's response, output or behaviour.

Vulnerable persons or group of persons[6] : what constitutes a vulnerable person or group is often context specific. Temporary life events (such as childhood or illness), market factors (such as information asymmetry or market power), economic factors (such as poverty), factors linked to one's identity (such as gender, religion or culture) or other factors can play a role. The EU Charter of Fundamental Rights encompasses under Article 21 on non-discrimination the following grounds, which can be a reference point amongst others: namely sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age and sexual orientation.

[1] [2] [3] [5] Definition as provided in the AI Act

[4] Definition as provided in the Flemish Media Decree and the Media Decree of the French Community

[6] Definition as provided in the Ethics Guidelines for Trustworthy AI

Sources

- *Proposal for a Regulation of the European Parliament and the Council laying down harmonised rules on Artificial Intelligence (Artificial Intelligence Act) and amending certain Union legislative acts* - 2021/0106 (Annex 1)
- *Ethics guidelines for trustworthy AI | Shaping Europe's digital future* (europa.eu) (Annex 2)

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About ACC

The purpose of the 'Association of Communication Companies' is to unite all communication Agencies in their individual interests and their collective ambitions. Our mission is to upgrade, promote and defend the added value of our 200+ members towards (future) employees, clients, authorities, press and public.
www.acc.be

About UBA

UBA stands for 'United Brands Association' and is the Belgian advertisers association made by and for brands. Representing the interests of brand builders, UBA's mission is to create a creative, innovative and dynamic eco-system, providing space for ambitious brands to grow sustainably. The UBA community counts 384 companies, representing 1050 brands and 8000 brand builders.
www.ubabelgium.be

About AdaStone

AdaStone is a dynamic and entrepreneurial law firm that provides agile, seamless, and comprehensive legal support across regulated sectors, notably Media, Data, and IP.
With extensive experience collaborating closely with the UBA and the ACC, AdaStone supports these associations in navigating the increasingly intricate landscape of sector-specific regulations and assists their members in addressing day-to-day legal concerns effectively.
www.adastone.law