AI Marketing Regulatory Guide

1. AI-Specific Regulations

EU AI Act (Effective 2025)

- Risk-based classification system for AI systems
- Marketing AI systems likely fall under "limited risk" category
- Requirements:
  - Transparency obligations (disclosing AI use)
  - Human oversight requirements
  - Documentation of system capabilities and limitations
  - Risk management systems
  - Data quality governance

State-Level AI Regulations (US)

- Colorado AI Act
  - Requires notice when AI makes decisions affecting individuals
- California AB 331
  - Mandates disclosure of AI-generated content
- New York City AI Hiring Law
  - Applies to AI-driven recruitment marketing

2. Data Privacy Regulations

GDPR (EU)

- Explicit consent requirements for data processing
- Right to explanation for automated decisions
- Data minimization principle
- Purpose limitation
- Privacy by design and default
- Data Protection Impact Assessments (DPIAs) required for high-risk processing

CCPA/CPRA (California)

- Opt-out rights for automated decision-making
- Right to access personal information
- Data sharing disclosure requirements

- Purpose limitation requirements
- Special protections for sensitive personal information

PIPEDA (Canada)

- Meaningful consent requirements
- Limits on data collection and use
- Transparency in automated decision-making

3. Copyright and Content Regulations

AI Training Data

- Copyright clearance needed for training data
- Fair use considerations for AI model training
- Licensing requirements for commercial use

AI-Generated Content

- Copyright ownership clarity needed
- Attribution requirements
- Disclosure requirements for AI-generated content
- Rights management for derivative works

Digital Millennium Copyright Act (DMCA)

- Safe harbor provisions
- Takedown procedures
- Content monitoring requirements

4. Marketing-Specific Regulations

FTC Guidelines

- Truth in Advertising requirements
- Clear disclosure of AI use
- Substantiation requirements for AI-driven claims
- Dark patterns prohibition