

CMA Guide on AI for Marketers: Using AI Safely and for Positive Business Impact



Produced by the CMA in collaboration with the Vector Institute



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Introduction

This guide has been created by a group of marketing industry practitioners on the Canadian Marketing Association's AI Committee. The Committee includes representatives from a cross-section of industry sectors. The committee monitors AI trends, applications, and regulations in Canada, North America, and globally.

This Guide outlines regulatory expectations, offers practical insights and suggests best practices to help marketers leverage AI effectively and ethically. It aims to help organizations:

- Earn the confidence of regulators,
- Maintain a strong brand reputation, and
- Foster consumer trust.

Whether you are taking your first steps in AI-driven marketing or looking to enhance existing AI strategies, this guide will equip you with the knowledge, practical tips, and tools to succeed.

Please also refer to the CMA Accountability Checklists for AI in Marketing. These Checklists provide a structured framework that clearly delineates who is responsible for what in the AI marketing ecosystem.

This Guide will help ensure that all participants in the marketing value chain understand their specific obligations and can implement or work within appropriate governance measures. Appendix A provides a list of AI principles that are foundational in supporting marketing activities.

Important Note: The Guide does not constitute legal advice. If you have specific questions about the application of the law to your marketing activities, it is important that you consult a lawyer. For more information, contact the [Public Affairs team at CMA](#).

Context

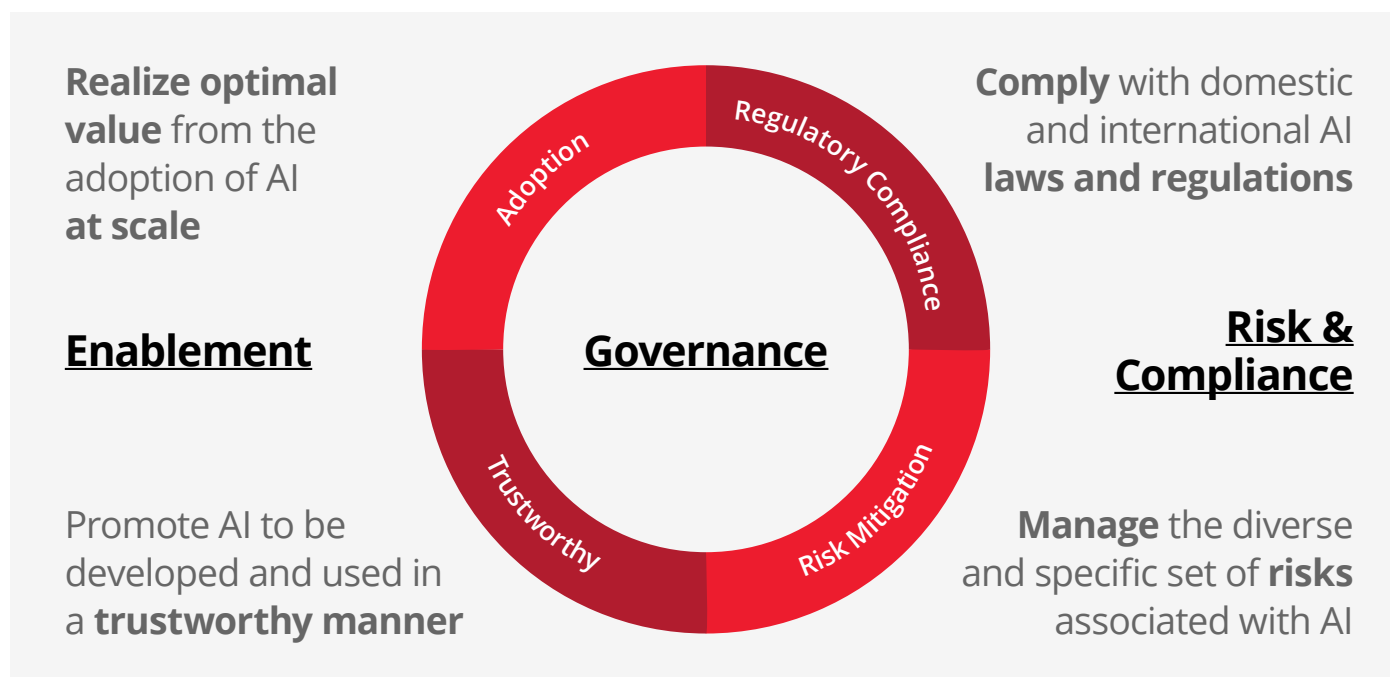
AI (including the newer modalities of generative AI and agentic AI) is revolutionizing every aspect of marketing, from personalization to creative content development, enabling work to proceed at an unprecedented speed and level of precision.

At the same time, it poses its own set of challenges and risks. Companies must effectively navigate ethical considerations, privacy concerns, and potential biases that could accompany this technology. Marketers must be not just innovators but also stewards of responsible AI use, ensuring that our practices are ethical and build consumer trust towards the brands we represent, and towards the marketing profession overall.

As a new and complex technology, it is important for marketers to approach AI with a clear and strategic purpose of what they want to learn and accomplish.

Harnessing AI means putting several foundational building blocks in place. The top six reasons why companies fail in AI are:

- Lack of understanding about AI project finance
- Lack of understanding of AI project management
- Capability gaps
- Unavailable or poor-quality data
- Technology foundations not in place
- Poor governance structure



Source: AI C-Suite Toolkit: Empowering AI Leadership January 2022, WEF

Key AI Application Considerations for Marketers

1 Using personal information in algorithms

When using personal information to guide algorithms, it is important to consider the following:

- **Legal Compliance:** Ensure adherence to global and local regulations such as GDPR, CCPA, and HIPAA. Maintain lawful, fair, and transparent data usage to avoid legal risks and protect user rights.
- **Data Minimization:** Collect only the data necessary for the algorithm's and ensuring output is aligned with ethical, regulatory and performance standards. Implement anonymization or pseudonymization techniques to protect individual identities during data processing.
- **Consent:** Obtain appropriate user consent (by determining when explicit consent is required and when implied consent can be relied upon) before collecting or using their data. Clearly communicate how the data will be used and provide opt-out options for users to withdraw consent.

Obtain explicit consent when:

- AI is being used to process sensitive personal data for marketing purposes.
- AI-driven personalization significantly affects user experience or pricing.
- AI is making automated decisions that have legal or similarly significant effects on consumers.

For routine AI applications (e.g., email subject line optimization, content recommendations), rely on general marketing consent, but provide clear opt-out options.

Update consent requests when AI capabilities evolve in ways that materially change data use or consumer impact.

Implement a user-friendly consent management platform that allows consumers to easily update their preferences.

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Follow these guidelines:



Transparency

The use of AI should be disclosed in scenarios where AI is making significant decisions about consumer eligibility (e.g., for financial products, insurance, or personalized pricing). Use clear, simple language to explain how AI is used and its impact on the consumer experience.



Security Measures

Protect data with robust encryption, enforce strict access controls, and conduct regular security audits to prevent unauthorized access or data breaches.



Fairness and Bias

When designing algorithms, it is important to start with mitigating unintended biases and selecting a representative dataset. Diverse datasets mitigate the risk of unwanted biases. As a best practice, it is recommended to regularly test the algorithms.



Retention and Deletion

Define clear policies on data retention, ensuring data is stored only as long as necessary. Use secure methods to delete data once it is no longer required.



Accountability

Assign responsibility for ethical data use to governance teams. Monitor algorithms to ensure performance aligns with fairness and privacy standards and involve third-party reviews when necessary.

2 Content creation

As artificial intelligence becomes increasingly integrated into content creation, it is important for marketing professionals to responsibly navigate its creative potential. The key is to leverage technological capabilities while maintaining ethical standards.

AI offers remarkable opportunities to streamline content creation processes for both efficiency and effectiveness. For example, it can efficiently refine ad copy by summarizing content, facilitating A/B testing, or enhancing grammatical precision without compromising the original message or intent.

In visual content, AI enables marketers to augment existing assets by adding sophisticated backgrounds or effects, potentially reducing production costs and expanding creative possibilities. Gen AI opens the possibility to efficiently transform the content into multi-modal formats.

The risk of ethical missteps grows as human oversight diminishes. Under deceptive marketing rules in the Competition Act, AI must not fabricate customer testimonials or create misleading representations of products or services. For instance, an ad promoting tourism should use authentic imagery or clearly disclose AI-generated visual enhancements. Marketers should remain vigilant to ensure AI-generated content avoids misrepresentation and prevents the perpetuation of unintended biases.

3 Consumer-facing AI applications

Innovation without trust is risky. When thinking about AI (more specifically Generative AI), the number one priority among marketers, whether in a regulated environment or not, should be to derisk their go-to-market content. The principle of transparency (i.e., a brand disclaimer) is important when it comes to consumer-facing AI applications, such as when AI is creating content that mimics human interaction (e.g., chatbots, virtual assistants), and in situations where AI is making product recommendations. People should be able to discern between accurate information and information that is not factual, as well as when they are engaging with a human vs. an AI agent.

AI systems sometimes generate false or misleading information (known as confabulation also commonly known in the media as hallucinations). Marketers should take reasonable care to manage AI outputs, as there is legal precedent for a court to hold the company liable for poor recommendations made by AI agents as a result of confabulation.

Deceptive advertising is already prohibited under the Competition Act and the [Canadian Marketing Code of Ethics and Standards](#). However, the stakes and level of scrutiny will be higher with AI.

For online recommendations, you can reduce risk by providing a simple “Why am I seeing this?” feature that explains the key factors influencing the AI’s decision.

Develop layered explanations: a simple, high-level explanation for general users, and indicate that more detailed technical explanations are available on request.

4 Using AI influencers

AI influencers are digital personas created and generated by computers and used to engage with audiences to promote products or services, and act as brand ambassadors. These virtual personalities can range from highly realistic, human-like avatars to cartoonish characters, and are primarily used in marketing for their innovative value and controlled messaging.

Benefits of Using AI Influencers:

- **Cost-effective & scalable:** AI influencers can be leveraged across multiple campaigns without the logistical challenges associated with human influencers.
- **Controlled messaging:** Brands maintain complete control over brand voice and brand alignment.
- **Consistency & availability:** AI influencers are available 24/7 and are consistent. They do not age, experience personal challenges, or need rest.
- **Global reach & customization:** AI influencers can be customized to specific demographics and adapted quickly to market changes.

Ethical and legal considerations:

1. Transparency

Brands must disclose when an influencer is AI-generated to avoid deceiving consumers. Use platform-specific AI labels where available and use hashtags like #AIinfluencer.

2. Authenticity and misleading practices

- a) AI influencers cannot claim personal experiences they have not had (e.g., using a skincare product).
- b) AI should focus on objective product features rather than subjective experiences.

3. Legal compliance

AI influencers must comply with the Competition Act, which prohibits misleading advertising. Other applicable laws and regulations include, but are not limited to, privacy laws and copyright and trademark laws.

Best practices for responsible use of AI influencers:

- **Disclosure:** State in the caption and post explicitly that the influencer is AI-generated.
- **Fact-based content:** Focus on product features rather than personal testimony.
- **Distinct identity:** Create AI influencers that are distinguishable from real people.
- **Intellectual property rights:** Ensure likeness and other existing IP rights are not broken when creating AI influencers.
- **Regular audits:** Implement compliance checklists, and ensure ongoing monitoring occurs for each campaign.

The rapid advancement and widespread adoption of AI technologies in marketing have created both unprecedented opportunities and raised significant ethical questions. Establishing clear principles for AI influencer use in marketing is crucial to ensure that this powerful technology is used responsibly.

When applying these principles, consider:

- The principles should reflect the **reasonable expectations of consumers**. One good way to determine this is to think of yourself as a consumer in a parallel situation (for a different sector).
- The application of the principles should be more rigorous when there is a potential to cause discernable harm to a consumer or group of consumers.

Subsequent sections of this Guide provide pragmatic guidance on how to meaningfully apply these principles to enable marketers to build trust with consumers, mitigate risks, and harness the benefits of AI.



Implementation Framework and Best Practices for AI in Marketing

Effective implementation of AI in marketing requires a tailored approach that considers the roles and perspectives of various stakeholders across the marketing value chain—such as clients/brands, agencies, and media production teams. Depending on your position within this ecosystem, your priorities, risks, and goals may differ significantly. Therefore, it is important to define implementation within the specific context of your workflow, whether it involves AI-generated imagery, content optimization, or go-to-market strategies.

This implementation framework presented below defines success at various stages of the marketing process and can be adapted to different stakeholder needs.

Marketers may have to collaborate with various teams in their organizations to implement these steps.

- **Define Implementation Goals:** Clearly define what “implementation” means in your context. Is it about how AI-generated content is incorporated into workflows, or how AI tools enhance go-to-market strategies? Or does it refer to the use of machine learning? Align goals with the broader marketing objectives to ensure clarity and focus.
- **Develop an AI Ethics Policy:** Create a concise, actionable document outlining ethical AI use, and review it annually. This policy should be in alignment with your company's ethical policies and clearly communicate the usage of AI and the user's responsibilities in alignment with the recommended overarching practices outlined in this guide.
- **Stakeholder Alignment:** Begin by mapping the key stakeholders involved in your marketing workflow. Understand their objectives, pain points, and compliance requirements to ensure AI implementation aligns with their needs. For example, a media production team may prioritize speed and quality control, while a brand team may focus on regulatory compliance and consistency.
- **AI Audit:** Conduct a comprehensive audit of your martech stack to identify potential AI integration points. This should include a review of existing tools, workflows and data capabilities across all stakeholder groups.
- **Cross-functional Taskforce:** Establish a regular meeting schedule for a cross-functional AI taskforce. Assign clear roles and decision-making authority, ensuring representation from marketing, IT, legal, and compliance teams. This ensures holistic oversight.

- **Use Case Identification:** Develop a scoring system to evaluate potential AI use cases. Consider metrics like impact (e.g., efficiency gains, ROI, customer experience/satisfaction, employee productivity), cost (e.g., tool acquisition, training), and risk (e.g., data sensitivity, reputational impact).
- **Controlled Experiments:** Set up a sandbox environment for AI experiments, ensuring participation from all relevant stakeholders. Define clear success metrics, such as improved creative output or reduced production timelines, and establish fixed evaluation periods. Another useful tactic to test AI applications is to enlist a red team to simulate various attack scenarios to ensure models behave as they were intended.
- **Team Training:** Roll out a tiered AI training program. Start with basic AI awareness for all staff and progress to advanced training for key roles like data scientists, marketing managers, and production leads.
- **Usage Guidelines:** Create a concise AI usage guide tailored to different marketing functions (e.g., content creation, media planning, campaign optimization). Clearly outline dos and don'ts to ensure consistent and ethical use.
- **AI Toolkit:** Curate a list of approved AI tools categorized by marketing task (e.g., creative asset generation, campaign analytics). Update this toolkit quarterly, evaluating tools based on performance, security, and stakeholder feedback.
- **Integration with existing tech:** Develop an integration roadmap that prioritizes quick wins. Focus on initiatives that can demonstrate measurable value within 3-6 months, such as automating repetitive tasks or improving campaign personalization. This includes:
 - AI Experts:** Involve AI trained technical experts (e.g. AI engineers). AI is a new domain has many unique nuances (versus traditional IT governance).
 - Compatibility Assessment:** Conduct a quarterly review of your martech stack for AI integration opportunities.
 - API Prioritization:** Develop a scoring system to prioritize API integrations based on potential impact and ease of implementation.
 - Phased Integration:** Create a 12-month roadmap for AI integration, starting with low-risk, high-impact applications.
 - Performance Monitoring:** Implement real-time monitoring of AI integrations, with automated alerts for performance issues.
- **Human-in-the-Loop (HITL):** The most effective approach views AI as a collaborative tool—one that

amplifies human creativity rather than replacing it. By maintaining rigorous review processes and aligning AI outputs with brand values, marketing teams can harness technological innovation while preserving authentic audience connections.

Critical Points: Identify specific points in the marketing process where human oversight is critical (e.g.t, final approval of AI-generated ad copy).

Escalation Procedures: Develop clear guidelines for when AI decisions should be escalated to human review.

Feedback Loops: Implement a system where human decisions are fed back into the AI for continuous learning.

Skills Development: Create a HITL-specific training program, focusing on effective human-AI collaboration.

Performance Metrics: Develop KPIs for HITL processes, balancing efficiency gains with quality control.

Some useful planning frameworks and checklists can be found in the [AI C-Suite Toolkit: Empowering AI Leadership January 2022, by the World Economic Forum](#). An example of their AI Planning steps is outlined below:

- 1 Articulate your vision for AI
- 2 Define the business objectives that you would like AI to help you attain
- 3 Identify potential use cases for AI that can help you attain these business objectives
- 4 Articulate and quantify the impact/business value of each potential use case
- 5 Articulate and quantify the ease of implementation and costs of each potential use case
- 6 Prioritize use cases according to ROI horizons and investment strategy
- 7 Incorporate the appropriate governance mechanisms for managing AI risks

AI can be a strategic technology for marketers if properly planned, configured, tested and monitored. The business use cases can be endless, and leaders typically focus on the low-hanging fruit cases internally and then expand from there.

It is strongly recommended that companies adopt the following practices to effectively address the principles of using AI for marketing activities:

(a) Human-Centric Design

- Ensure there is a 'human in the loop' in your AI usage.
- Conduct user testing for AI-driven features, ensuring they enhance rather than complicate the customer experience.
- Implement feedback mechanisms for AI-driven interactions, allowing customers to easily report issues or unexpected results.
- Regularly assess the impact of AI on customer satisfaction metrics, adjusting systems that negatively impact user experience.

(b) Non-discrimination:

- Conduct comprehensive bias audits for AI systems involved in audience segmentation, ad targeting, or content personalization at least bi-annually.
- Implement automated bias detection tools that flag potential issues in real-time for high-frequency AI applications.
- Establish clear thresholds for acceptable levels of algorithmic bias (e.g., no more than 5% difference in ad exposure rates across protected demographic groups) and action plans when these thresholds are exceeded.
- Regularly update and diversify training data to mitigate bias.

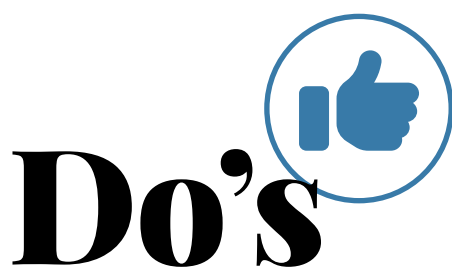
(c) Transparency

- Be open with customers (your audience) about your use of AI, where and how it is used and link to your AI policy (and other policies related to AI like data policy, privacy, etc.)
- Organizations should include a general statement in their privacy policy about AI use in their marketing processes, allowing interested consumers to learn more.

(d) Explainability

- Ensure your customer service team is trained to explain basic AI processes used in your marketing.

Some best practices to govern your approach



Do's

Transparency:

Implement a “human-in-the-loop” system for all customer-impacting AI decisions.

Data Privacy:

Conduct frequent data privacy audits on AI systems.

Quality Assurance:

Implement automated quality checks for AI outputs, with human review for samples.

Ethical Alignment:

Develop an AI ethics scorecard and include it in regular marketing performance reviews.

Team Education:

Provide monthly AI update sessions to keep the team informed about new capabilities and best practices.

Testing:

Implement a structured A/B testing program for AI-driven marketing initiatives.

Clear Guidelines:

Develop and regularly update an AI usage playbook for the marketing team.

By following these detailed, pragmatic guidelines, marketers can effectively leverage AI while maintaining ethical standards, mitigating risks, and building trust with their audience. Regular review and adaptation of these practices will be crucial as AI technology and its applications in marketing continue to evolve.



Don'ts

Avoid Over-reliance:

Set clear limits on AI autonomy in decision-making processes.

Prevent Bias:

Regularly audit AI training data and outputs for potential biases.

Maintain Authenticity:

Never use AI to impersonate real individuals without explicit consent and disclosure.

Data Protection:

Implement strict access controls to prevent unauthorized use of consumer data in AI systems.

Resist Replacement:

Focus on AI augmentation of human skills rather than replacement.

Avoid Misuse:

Establish clear boundaries for AI use in sensitive topics or targeting vulnerable groups.

Appendix A – AI Principles

The rapid advancement and widespread adoption of AI technologies in marketing have created both unprecedented opportunities and significant ethical challenges. Establishing clear principles for AI use in marketing is crucial to ensure that this powerful technology is used responsibly and ethically.

This section lists the core principles that marketers should adhere to when using AI. In considering the extent to which these principles should be applied, there are two important concepts to keep in mind:

- The principles should reflect the **reasonable expectations of consumers**. One good way to determine this is to think of yourself as a consumer in a parallel situation (for a different sector).
- The application of the principles should be more rigorous when there is a potential to cause discernable harm to a consumer or group of consumers.

1. Human Oversight:

- Organizations should maintain human oversight in the development and deployment of AI systems, especially in customer-facing activities or those with a significant impact on individuals.
- The level of human oversight should be proportionate to the potential risk posed by the AI system.

2. Transparency:

- Organizations should be transparent with consumers about the use of AI in marketing activities. This includes:
 - Providing clear communication about how AI is used to collect, analyze, and use consumer data.
 - Disclosing the use of AI in making significant decisions that affect consumers, such as personalized content or product recommendations.

3. Bias and Fairness:

- Organizations should proactively audit their AI systems for bias and fairness on an ongoing basis.
- Auditing should include analyzing data used to train AI models and evaluating AI outputs for discriminatory outcomes.
- Organizations should take corrective actions to mitigate bias and ensure fairness, including the use of diverse datasets and fairness-aware algorithms.

4. Explainability:

- Organizations should be prepared to explain how AI-driven decisions that affect consumers are made.
- Explanations should include information about the factors used by the AI system, the logic behind its decisions, and the types of content it generates.

5. Data Privacy and Security:

- Organizations shall ensure that their use of AI complies with all applicable data privacy laws, including obtaining consent for the collection and use of personal information.
- Organizations shall adhere to the principles of data minimization and purpose limitation when collecting and using consumer data for AI purposes.
- Organizations should implement appropriate security measures to protect consumer data used by AI systems.

6. Ethical Considerations:

- Organizations should ensure that their AI systems align with human-centered values, including:
 - Equality and fairness
 - Respect for the rule of law
 - Promotion of social justice
 - Protection of data protection and privacy
 - Upholding consumer rights and commercial fairness
- Organizations should take steps to prevent their AI systems from being used for manipulation, exploitation, or to perpetuate existing societal biases.

7. Performance Monitoring:

- Organizations should establish robust monitoring and evaluation frameworks to ensure that their AI systems are delivering expected outcomes.
- This includes defining clear performance metrics and KPIs, regularly assessing AI system performance, and investigating and addressing any anomalies.

8. Accountability:

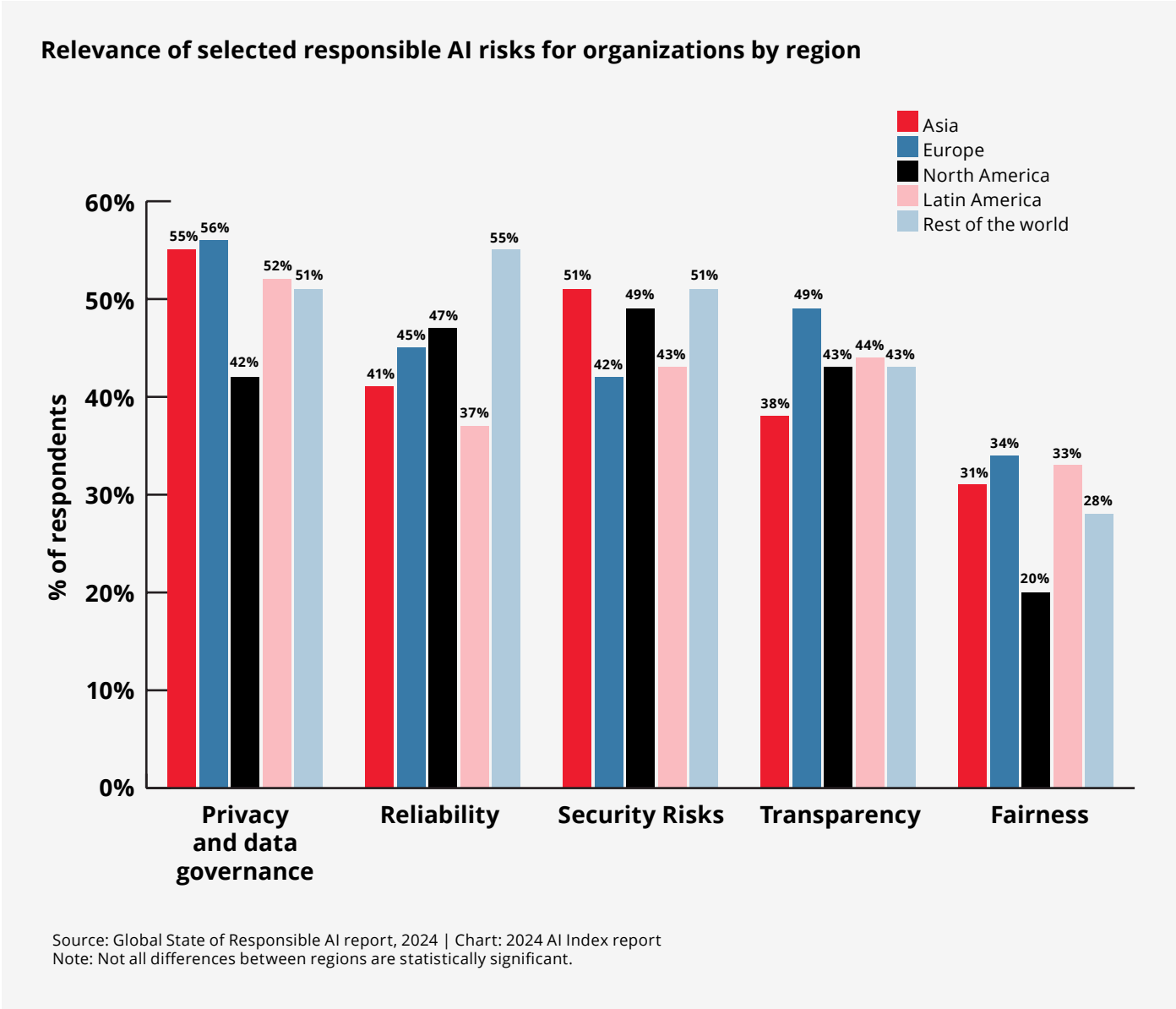
- Organizations are accountable for their customers' experiences with AI, including when using third-party AI solutions.
- Contracts with third-party providers should include provisions requiring compliance with these AI principles.



Appendix B – Navigating AI Risks in Marketing

The National Institute of Standards and Technology (NIST) in the US has compiled an AI Risk Management Framework. NIST outlines five core principles for responsible AI that include Privacy, Reliability, Security, Transparency, and Fairness.

The chart below illustrates where businesses in North America and elsewhere are focusing and how they are balancing taking reasonable care when implementing AI.



For smaller organizations, where marketing is directly responsible for these functions, here are some practical tips to guide this activity. The following is a checklist of things that marketers should consider.

(a) Data Protection and Privacy

In some organizations, responsibility for data governance may rest with a Chief Data Officer, Chief Technical Officer, compliance team or legal team.

- **Personal Information Mapping:** Create a comprehensive data flow diagram for all AI systems using PI which is updated regularly. Ensure that PI used in AI systems is de-identified where possible.
- **Privacy Policies:** Develop AI-specific privacy policy sections, written in clear, non-technical language. Refer to [guidance](#) from the Office of the Privacy Commissioner of Canada (OPC) for Canadian private-sector organizations.
- **User Control:** Implement a user-friendly dashboard for consumers to view and change their consent for the use of their PI in AI systems.
- **Compliance Checks:** Conduct regular manual or automated scans to identify PI used in AI system, including proxies for PI such as postal code, to ensure that AI systems comply with applicable privacy regulations in all regions where the organization operates.
- **Regulatory Monitoring:** Engage your Privacy, Legal, Compliance etc. teams to support ongoing monitoring of AI-related privacy regulations and update practices accordingly.
- **Tiered Approach:** Implement a tiered data protection approach based on data sensitivity and AI application, along the following lines:
 - a) Tier 1 (Highest Protection): personal identifiable information used in AI decision-making.
 - b) Tier 2: Aggregated or pseudonymized data used for AI model training.
 - c) Tier 3: General, non-sensitive data used for basic AI analytics.
- **Adherence to Policies:** Ensure AI systems are adhering to all data privacy and protection policies your organization has in place including local laws (PIPEDA, etc.) and that any data the AI systems are using for training are protected from any public uses according to your company's data policy.
- **Data Audits:** Conduct regular data audits to ensure AI systems only access necessary data for their specific functions.
- **Data Retention:** Implement data retention policies in alignment with your company's data policy that automatically delete or anonymize personal data in AI systems after a set period (e.g., 18 months for personalization data).
- **Privacy-enhancing Technologies:** Use privacy-enhancing technologies (PETs) such as differential privacy or federated learning where appropriate.

(b) Accountability

- **Ethics Officer:** Designate an AI Ethics Officer responsible for overseeing AI use in marketing.
- **Responsibility Chain:** Implement a clear chain of responsibility for AI-driven decisions, ensuring that specific team members are accountable for AI outputs.
- **Incident Response Plan:** Develop an AI incident response plan, detailing steps to take if AI systems produce unintended or harmful results.
- **Communications:** Clear communication and publication of chain of responsibility and incident response plan ensuring all employees have access and are trained
- **AI Performance Reviews:** Conduct periodic reviews of AI performance and impact, with reports to senior management.

(c) Bias Mitigation

- **Diverse Data:** Implement a diversity score for training data, ensuring representation across demographics.
- **Regular Audits:** Conduct regular bias assessments on AI outputs, with action plans for any identified issues.
- **Bias Detection Tools:** Integrate automated bias detection into the AI pipeline, with alerts for potential issues.
- **Cross-functional Review:** Establish a diverse panel to review AI decisions and outputs regularly.
- **Ongoing Education:** Provide regular bias awareness training for all team members involved in AI projects.

(d) Security

- **Encryption:** Implement end-to-end encryption for all data used in AI processes.
- **Security Audits:** Conduct quarterly security assessments of AI systems, including penetration testing.
- **Incident Response:** Develop and regularly test an AI-specific security incident response plan.
- **Access Controls:** Implement role-based access controls and multi-factor authentication for AI systems.
- **Threat Monitoring:** Set up real-time monitoring for AI-specific security threats, with automated alert systems.

(e) Public Perception and Trust

- **Clear Communication:** Develop an AI FAQ for consumers, addressing common concerns and misconceptions.
- **Education Initiatives:** Create and share educational content about AI in marketing through various channels.
- **Transparency Reports:** Publish annual reports on AI use, impact, and ethical considerations in your marketing.
- **Feedback Mechanisms:** Implement easy-to-use feedback channels for consumers to report concerns about AI interactions.
- **Job Impact Clarity:** Clearly communicate to employees and the public how AI is augmenting, not replacing, human roles.

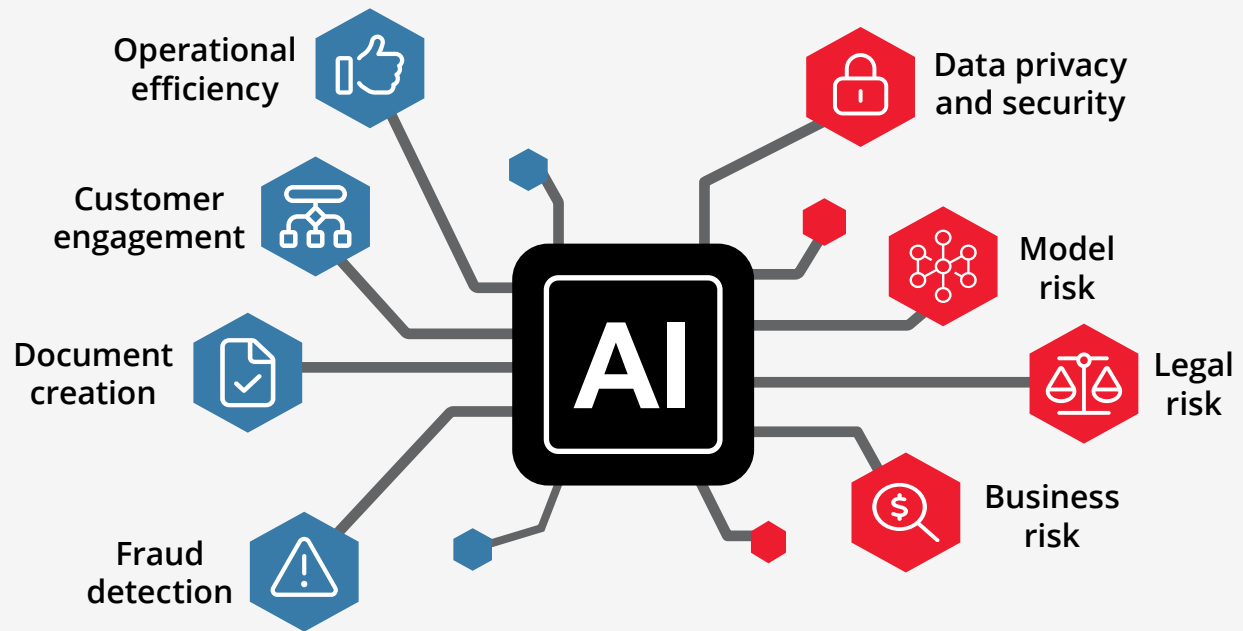
(f) Risk Mitigation

AI is a new technology for both businesses and consumers. Consumers have a limited understanding of AI. 63% of Canadians say the AI makes them nervous. (2024 AI Index Report HAI, Ipsos 2023). Top concerns and mistrust center around the privacy of their data, deepfakes, and automated generated content.

Below is a summary of some of the key risks that US financial institutions are concerned about.

There's a growing range
of AI use cases

...along with growing risks



Source: OFSI-FCACA Risk Report- AI uses and Risks of Federally Regulated Financial Institutions

The explosion of social media abstention. The Wall Street Journal coined the term “AI slop”—mediocre, unwanted GenAI content on the internet. Businesses don’t want to be seen as contributing to an influx of AI Slop.

According to a recent global survey, Canadian marketers use GenAI to produce an average of 54% of their companies’ social media content. However, only 44% consistently label content as AI-generated on social media platforms. ([Source Published on 2024-08-22 Written by Molly Burke, Capterra](#))

This discrepancy creates risk for companies and consumers alike. Canadians deeply distrust AI, but labeling AI-generated social media content could help.

Consider taking the following measures to reduce the risk of consumer mistrust and regulatory scrutiny:

- **Harm Prevention:** Implement a pre-launch safety checklist for all new AI marketing initiatives, including potential impact assessments. Enlist a red team to simulate various attack scenarios to ensure models behave as they were intended.
- **Misinformation Control:** Use automated fact-checking tools for AI-generated content, with human verification for high-stakes communications.
- **Hallucination Mitigation:** Implement confidence thresholds in AI systems, flagging low-confidence outputs for human review.
- **Intellectual Property Respect:** Use AI-powered copyright detection tools to scan all AI-generated content before publication.
- **Bias Monitoring:** Implement real-time bias detection tools with alert systems for significant deviations.
- **Fairness Assurance:** Conduct regular fairness audits on AI-driven marketing campaigns, comparing performance across different demographic groups.
- **Privacy Protection:** Implement data minimization techniques, using only essential data for AI processes and anonymizing where possible. When deploying AI systems or agents, always consider the levels of risk and regulatory compliance to determine the appropriate architecture (e.g. fine-tuned open source deployed locally vs e.g. OpenAI RAG via API endpoint)
- **Regular Audits and Documentation:** Establish a robust audit trail by documenting decision-making processes, risk assessments, and compliance measures for all AI initiatives. Share these reports with stakeholders and regulatory bodies as needed



Appendix C – Intellectual Property Guidelines for AI-Generated Marketing Content

Marketing professionals must understand and strive to mitigate the unique IP risks associated with the use of AI.

This appendix outlines guidelines for navigating the intricate terrain of AI-generated content, addressing key concerns such as ownership rights, risk management and best practices.

This is important because Generative AI creates unique intellectual property challenges:

- AI-generated content may incorporate elements from copyrighted training data
- Ownership rights for AI-generated content can be unclear
- Traditional IP protections may not fully apply to AI creations
- Risk of unintentional trademark or copyright infringement is higher
- Legal landscape for AI-generated content is still evolving

Key Considerations & Guidelines:

Ownership & Rights

Canadian copyright law does not define “author” per se, but court interpreted author to be a human, (as machines cannot possess rights). The Canadian government plans to modernize the copyright framework to respond to ongoing developments in AI.

As per the US copyright office,



Our Creative Edits = Copyrightable
Your Creative Edits + AI Output = Copyrightable



Unedited AI Output = Not Copyrightable
Your Prompts + Unedited AI Output = Not Copyrightable

- Ensure a clear understanding of AI platform terms regarding content ownership
- Document human creative input to strengthen copyright protection claims
- Verify rights to use any reference materials in AI prompts
- Maintain records of the creative process and decision-making
- The use of AI tools to assist rather than stand in for human creativity does not affect the availability of copyright protection for the output.
- Copyright protects the original expression in a work created by a human author, even if the work also includes AI-generated material.
- Copyright does not extend to purely AI-generated material, or material where there is insufficient human control over the expressive elements.

- Whether human contributions to AI-generated outputs are sufficient to constitute authorship must be analyzed on a case-by-case basis.
- Based on the functioning of current generally available technology, prompts do not alone provide sufficient control.

Risk Management

- Avoid using protected names, brands, or trademarks in AI prompts
- Screen AI-generated content for potential IP conflicts
- Implement reverse-image searching for visual content
- Document all substantial modifications to AI outputs

Best Practices

- Use AI as a creative tool, not a replacement for human creativity
- Add significant human creative input to AI-generated content
- Maintain human oversight throughout content creation
- Keep detailed records of AI usage and modifications

Protection Measures

- Use only approved commercial AI platforms
- Include AI usage provisions in vendor agreements
- Implement clear approval processes for AI-generated content
- Stay informed about evolving AI copyright laws



Appendix D - Perceived Business Value of Using Gen AI

According to the Business Data Lab of the Canadian Chamber of Commerce, “Businesses believe Gen AI can enhance their productivity and competitiveness. Replacing workers is not the driving force of adoption.”

The report presents perceived business value created by Gen AI in 2024 as follows, based on Statistics Canada’s Canadian Survey on Business Conditions (13,327 business responses in January and February 2024.)



69%

Accelerate development of creative content



46%

Increase automation in tasks, without reducing employment



38%

Improve customer experience



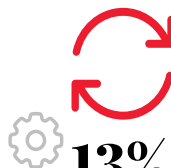
35%

Achieve cost efficiencies



30%

Spur data-driven decision making



13%

Automate tasks to replace employees



10%

Minimize workforce recruitment and retention challenges



Productivity and competitiveness enhancing actions.

Source: [Prompting Productivity- Canadian Chamber of Commerce May 2024](#)

About CMA Guides and Tools

Marketers need to have a broad skill set that includes knowledge of marketing compliance and best practices. The CMA and its members recognize that complying with all relevant laws and maintaining high standards of practice is a fundamental responsibility to the public, critical to the reputation of the marketing profession, and the foundation for a successful and strong business community.

The CMA is the leader in providing legislative and regulatory guidelines and articulating best practices for the marketing profession in Canada. We provide educational resources to maintain and strengthen the professionalism and integrity of the marketing community. Our Canadian Marketing Code of Ethics and Standards is widely recognized as a benchmark for effective self-regulation and is updated annually.

The Canadian Marketing Code of Ethics and Standards and related Compliance and Best Practices Guides do not purport to replace legal advice or guidance.

For more information, contact the CMA at advocacy@thecma.ca.

Special thanks to the CMA's AI Committee for their work in creating this Primer, and to the globally renowned Toronto-based [Vector Institute](#), for reviewing this Primer and providing valuable feedback.

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