

Consumer Protection against Misleading Advertisements and Deceptive Branding: Interplay between Consumer Law and Intellectual Property Rights in India

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ABSTRACT

This review paper will discuss the complexity involved in consumer protection laws and intellectual property in India especially in light of its application in combating hoaxes of the false advertisements and such a misleading brand name of a product. It also analyses how the Consumer Protection Act, 2019 addresses modern market complexities and other misleading practices employed by business organizations to manipulate consumer behavior. It also studies how internet dishonesty has evolved, including elements of deceptive influencer marketing and fraudulent online reviews and analysis of whether the existing rules of law can adequately address the new challenges. Also, it considers subtle ways in which the intellectual property law, trademark and patent law influence either facilitation or prevention of deceptive action, such as green washing which is a misappropriation of the environmental credential without necessarily having the earned environmentally-friendly status. The applicability of the observation extends to the efficiency of regulatory systems in the response to technologically advanced fraudulent advertisement, e. g. the issue of AI-powered campaigns.

Keywords: Consumer Protection, Misleading Advertisements, Deceptive Branding, Intellectual Property Rights, India, E-commerce, AI Advertising, Influencer Marketing



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INTRODUCTION

The discrimination of digital platforms and advanced advertisement methods has escalated the issue of detecting and controlling such activities, which requires a strong legal framework that incorporates aspects of consumer protection and intellectual property (Sharma et al., 2022)(Mondal and Ganguli, 2024). In particular, the Indian legal framework, including its Consumer Protection Act of 2019, tries to respond to these new challenges by creating new rules governing e-commerce and digital consumer's rights. This act and others such as the Information technology Act, 2000, and Competition act 2000 are aimed at ensuring that consumers are not exposed to such issues as failure to protect their online data, ineffective delivery mechanisms and uncertainty on the jurisdiction of online disputes (Satyan, 2015). The urgency of the need to override the then-existing Consumer Protection Act of 1986 is signified by the

Consumer Protection Act of 2019 that is designed to address the intricacies that digital services and global markets bring to the consumers (Sharma et al., 2022). This new law is bringing in new clauses which focus exclusively on unfair trade practices related to e-commerce, false advertisements and product liability, as such enhancing methods of consumer redress. This overall act further formed the Central Consumer Protection Authority to oversee and implement consumer rights that included the right to take a class-action, and imposing sanctions on misleading advertisements.

Legal Landscape of Consumer Protection in India

The Act will be a critical milestone in strengthening consumer protection, especially in new aspects of dealing with false and misleading advertising and having

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a central body that is effective in enforcing these (Meenakumary, 2021). This act authorizes the Central Consumer Protection Authority to step in with unfair trade practices, false, or misleading advertising as a strategy of taking control of a market (Gupta and Singh, 2024)(Suryanarayana, 2023). The framework also contains increased penalties on non-compliance, as they strive to prevent non-compliant businesses by doing misleading stuff (Gupta and Singh, 2024). More so, the Act plans to cover the booming e-commerce industry by widening its coverage to online purchases, requiring online platforms and sellers to be more transparent and accountable (Chawla and Kumar, 2021). One of the most significant innovations of the Consumer Protection Act, 2019, is that the scope of the term consumer is expanded to include digital contracts and specifics of e-commerce, telemarketing, and unfair contracts are introduced (Vajawat et al., 2023). An effective dispute resolution procedure and product liability are also offered by the Act and impose liability on the service providers and manufacturers regarding defects and inadequacies (Vajawat et al., 2023). In addition, the Act creates an apparent regulatory framework in which a Central Consumer Protection Authority may perform an inquiry and intervene in the matter concerning consumer rights such as the right to take suo-moto or reactive to the receipt of a complaint (Vajawat et al., 2023). This enables the authority to impose penalties on false advertisements and unfair trade and thereby strengthens enforcement of consumer protection in various sectors (Vajawat et al., 2023). Most importantly, the Consumer Protection Act 2019 has brought about mechanisms where complaints can be filed electronically and hearings by tele, as well as amended pecuniary jurisdictions in cases of dispute resolution (Vajawat et al., 2023).

Intellectual Property Rights and Branding in India

This part shall examine the intersection of intellectual property rights mostly trademark and copyright to the consumer protection of the brand integrity and to forestall misleading branding.

By granting the exclusive rights on brand identifiers, the trademark law is vital in guaranteeing that the consumers can easily differentiate goods and services and, in doing so, avert confusion and the possible deception within the market. The legal regulations of trademarks guard against the use of property marks without permission thus may misrepresent the consumers of goods and services the source or quality. This protection also involves avoiding the abuse of goodwill and reputation that a brand has developed due to misleading actions of others who are considered as competitors through the free-riding on the brand (Chawla & Kumar, 2021). Moreover, trademark registration imposed distinctiveness that contributes to consumer decision-making, which provides a guarantee of authenticity and quality that is essential to developing and sustaining trust in the competitive markets (Chawla and Kumar, 2021). Enforcement of trademark rights therefore directly give the benefit of consumer protection so that no one could

oppress commerce through counterfeit branding of goods of quality and the market is therefore more transparent.

By rights-protecting original forms used in advertising publications, copyright law guarantees that creative activities are not stolen and this prevents consumers indirectly by securing against the use of unlicensed and/or deceiving interpretations of known marketing campaigns. This intellectual property right promotes creativity in advertisement: it serves to protect original content of promotional material, whether in the form of a jingle, a slogan, and off-the-shelf design, making sure the advertising messages are not tainted (Kumari, 2023). The Indian Intellectual Property Rights regime is developed to enhance innovations and preserve creative outputs that are important as a pivotal element in the legal environment of the country to promote economic development (Kumari, 2023). Being a complex network of legal regulations covering some forms of intellectual property, such as patents, copyrights, geographical indications, and trademarks, it offers significant advantages to both traders and consumers by preventing the duplication of already existing IP property and boosting its economic growth (Selvakumar, 2022)(Chauhan et al., 2024).

Another way that geographical Indications assist in consumer protection is that they denote that products are of geographical origin and are of qualities that can be attributed to the geographical source, thus avoiding misleading claims of the provenance of products. This enables consumers to make sensitive decisions, based on the mark and features of a given geographic origin and therefore, fighting against misrepresentation and product authenticity (Kumar, 2025).

Interplay between Consumer Law and Intellectual Property Rights

Consumer law and intellectual property rights interaction impose a complicated legal environment, which is supposed to contribute to the balance between innovation promotion and ensuring the protection of customers against misleading practices (Kumari, 2023). Intellectual property laws provide exclusive rights to creators and hence have the potential to create monopolies but consumer law aims to deter the misuse of such market power by ensuring fair trading and proper representation to the masses (Kd, 2014). This also overlaps particularly with the case of misleading advertisement and deceptive branding, in which the protection of the trademark as a brand name can conflict with the principles of the consumer law which demands some form of truth in the advertisements (Kaushik et al., 2023). This crossroad will have to be balanced with a smart strategy that encounters no cases where intellectual property rights are misused to spread false claims that decrease consumer credibility and market honesty. In an effort to balance between intellectual work protection and consumer interests, the Indian legal system is striving to revise and revise the already existing IP regulations (Chauhan et al., 2024). It is a highly fragile balance since it enables to establish the environment within which the innovation will develop,

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but on the other hand ensure that it does not expose consumers to the false or misleading commercial practices (Kumari, 2023). This balance is rather perilous in the digital era when the frequency and the scope of information spread increase the opportunities of both creative marketing and mass fraud. Therefore, proactive supervisory and alert protective measures are required to fight possible upcoming problems of evolving digital advertisement landscapes and novel deceptive branding procedures. This encompasses the aspect of correcting such a problem as the accountability of algorithms on the online platform, where tailored content and targeted adverts are unavoidably convenient but can occasionally unwittingly instigate manipulative ability or information asymmetry among the consumers (Milchior, 2024). The legislation that the Indian legal system proposes to achieve, like the Consumer Protection Act and other statutes of intellectual property, is to find a way in negotiating this complex relationship to make innovation thrive without undermining consumer trust or the clarity of the market. The existence and need of such efforts is that intellectual property creates monopolies in the nose of creativity and that monopoly should not be abused so as to injure consumers or to distort the fair play of the market (Kd, 2014).

International Perspectives and Best Practices

Since the business and online advertising are globalized and multinational, researching on different methods used prominently in certain countries to curb misleading advertisements and false branding offers useful information on enhancing the Indian regulatory system. Numerous jurisdictions have established strong legal frameworks and collaboration tools to combat cross-border fraudulent activities and provide precedents of how to enforce and harmonize standards at the multilateral level effectively. The European Union Unfair Commercial Practices Directive is an example of such a comprehensive framework in place against misleading and aggressive marketing and the enforcement of truth-in-advertising legislation by the U.S. Federal Trade Commission, which is often in partnership with international associates in the fight against the global fraud. Such cases abroad illustrate the applicability in the application of regulatory agencies and aggressive legal provisions in the effective regulation and penalization of deceptive practices within various markets. These perceptions are the reason why India should continue to enhance its regulatory systems especially in the backdrop of the new digital advertising and the growing global e-commerce platforms (Bett, 2025). It also includes following the experience of other nations in addressing the specifics of the intermediary liability when it comes to cases of online services, which India also is now working on the legislation to adapt to the digital economy (Majithia, 2019)(Milchior, 2024). Moreover, the introduction of green intellectual property rights alongside other greenwashing products, have provided a new point of jurisdiction across the world in which sophisticated regulation systems are needed to deem genuine environmental protection concerns as well

as a masquerading marketing play-act (Kumar et al., 2025). It is comprised of critically examining the reciprocate between safeguard of intellectual property to green technologies and the consumer protection, in an attempt to circumvent false environmental claims (Kumar et al., 2025). It is an international environment, which underscores the need to balance international standards and concerted enforcement efforts to combat misleading marketing practices, particularly minimums, which exploit environmental consciousness (Yannopoulou et al., 2024). These overseas paradigms serve to grasp why India needs to integrate better methods of control and build cross-jurisdictional cooperation to manage the problematic situations that could be brought about by the increasingly complicated manifestations of deceptive advertising and branding that might be concealed (Durovic, 2019) appropriately.

Challenges and Gaps in Current Regulations

These gaps and obstacles that are yet to be addressed as regards controlling misleading advertisements and misleading branding, despite the legal frameworks in force, are especially on new practices, like greenwashing (Senyapar, 2024). Greenwashing, which can be subdivided into the acts of playing up or deceiving other corporations of supposed significance of environmental value of goods or services, creates a major threat to consumer trust and the jeopardized achievement of genuine sustainability (Somany, 2023). Both fake claims, misconstrued labels, and irrelevant utterances belong to such frauds, that are meant to satisfy eco-conscious consumers, yet without any meaningful environmental beneficial thrust (Senyapar, 2024). It is this development that has precipitated the need to evaluate the current consumer protection laws and intellectual property law to establish its sufficiency in combating these subtle varieties of deception. In particular, the consumers cannot always differentiate products that are truly environmental-friendly to those that use eco-friendly terms in their brands, which makes them susceptible to misrepresentation (Zhao, 2025). The complexity of environmental claims and the advanced marketing strategies that the businesses use in an attempt to take advantage of the rising consumer demand of sustainable products only deepens this weakness (Protecting and Empowering Consumers in the Green Transition, 2025). Greenwashing has more consequences than a single consumer action of being deceived, as it makes people lose trust in the environmental arguments and undermines the overall shift to sustainable economy (Senyapar, 2024). Such an effect demonstrates a significant regulatory deficit, with the existing models often failing to offer explicit guidelines on how to substantiate any environmental allegation or impose adequate fines upon its falsification (International Journal of Social Science and Economic Research, 2020). The lack of particular laws against greenwashing also requires a reshaping of existing laws on consumer protection to clearly define the conditions against false claims of environmentalism (Pandit et al., 2018). The result of such regulatory shortage is a

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widespread lack of trust towards all environmental marketing by consumers, which, as expected, is a setback to the development of genuinely sustainable businesses and endeavours (SENYAPAR, 2024).

CONCLUSIONS

Considering these acute issues that hurt consumer confidence and debilitate the sustainable development, a radical and urgent reformation is in much-needed. The need to enforce it more should be the basis of this reform in an uncompromising way with a high level of consumer awareness intake and the production of fundamentally clear and enforceable environmental claims rules. Notably, this transformation will materially demand radical changes of law to emerge fully out and confront greenwashing, among other inconspicuous portrayal of feigned branding. Meanwhile, it must develop deeper, aggregated collaboration between regulatory bodies, industry participants, and consumer lobbying groups to create credibility and deliver integrity to the market. Even more so, as in most of the instances, consumers are in fact willing to spend more money on greener products, such proliferation of greenwashing directly takes advantage of this willingness and inflicts severe economic damage and a distrust to green-labeled products. It is a scam that is not only deceiving the consumers, it also only hurts the actually sustainable businesses in that instance, they are hardly able to compete with the fake offers of greenness. The commonplace nature of greenwashing is not only causing a distortion of market mechanisms by directing resources to what are most probably not sustainable projects but also undermining the net worthiness of the corporate social responsibility practices that are paramount in the context of long-term ecological and economic prosperity. The increasing trend of greenwashing by many industries that the research has indicated a significant percentage of green advertising programs is misleading as over 40 percent of the programs cited that there should be a set of strict requirements that should be implemented to protect the consumers and add a touch of transparency to the market.

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