

MASS MEDIA LAWS

C.C.P.R.

CARDINAL PRINCIPLES- BROADCAST

The Broadcasting Code, adopted by the Fourth Asian Broadcasting Conference in 1962 listing certain cardinal principles to be followed by the electronic media:

- To ensure the objective presentation of news and fair and unbiased comment
- To promote the advancement of education and culture
- To raise and maintain high standards of decency and decorum in all programmes
- To provide programmes for the young which, by variety and content, will inculcate the principles of good citizenship

DEFAMATION

Under Section 499 of the Indian Penal Code (IPC):

As whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person is said to defame that person.

Defamation falls into two categories:

Libel – A defamatory statement published in a written form.

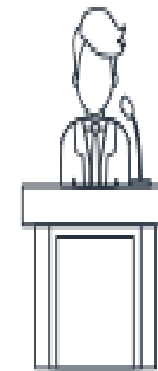
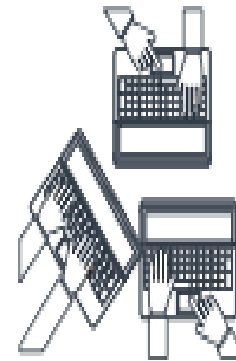
Slander – A defamatory statement made in a verbal form (spoken).

Slander & Libel

- **Slander** occurs when a person's character has been defamed *verbally*.
 - This includes spoken words, gestures, sounds, and even facial expressions.
 - **Slander** is often difficult to prove as the action is not recorded in any way.
- 20
- **Libel** occurs when a person's character has been defamed *in written form*.
 - This includes permanent visual and audio recordings, publications, and memos.
 - Over the past several years, there has been a significant increase in **libel** cases as a result of the Internet.

Libel vs. Slander

- | | |
|---|------------------------------------|
| • Tangible in form | • Intangible in form |
| • Print, writing, or pictures | • Spoken words or gestures |
| • Examples: Magazine, internet, blog, article | • Examples: Speech, news broadcast |



Defamation in India: Civil and Criminal law

Defamation in India is both Civil and Criminal Offence.

Under the **Civil Law**, the person defamed can move either the high court or trial court and seek damages in the form of monetary compensation from the accused.

The Indian Penal Code gives an opportunity to the defamed individual to also move a **Criminal Court**, asking the latter to take cognizance of his complaint.

Four Elements in a Defamation lawsuit

- 1) Statement about the other person should be false
- 2) Statement must be published
- 3) If the nature of statement is of public concern
- 4) The person about whom defamatory statement is made must be damaged by the statement

A person bringing in the defamation suit must prove the following

- 1) Defendant Published the Statement
- 2) The statement is about the Plaintiff
- 3) The statement harmed the Reputation of the Plaintiff
- 4) The statement was published with some level of fault

INVASION OF PRIVACY

Definition:

Invasion of privacy is the unjustifiable intrusion into the personal life of another without consent. However, invasion of privacy is not a tort on its own, rather it generally consists of four distinct causes of action.

The four most common types of invasion of privacy torts are as follows:

- 1. Appropriation of Name or Likeness**
- 2. Intrusion Upon Seclusion**
- 3. False Light**
- 4. Public Disclosure of Private Facts**

APPROPRIATION OF NAME OR LIKENESS

Elements:

- 1) Defendant used the Plaintiff's Name, Likeness or, Identity**
- 2) The use was without Consent**
- 3) Caused Injury**
- 4) Was used for the Defendant's benefit**

Misappropriation

2) Invasion of Privacy Misappropriation:

Right to commercial use of name or image Misappropriation:
Right to commercial use of name or image Examples:
Celebrity endorsements in Advertising –photos taken without
permission and used by magazines or websites

(Jennifer Aniston)

INTRUSION UPON SECLUSION

The Nira Radia tapes controversy and the right to privacy

FALSE LIGHT CLAIM ELEMENTS

1. The information about the victim was published or made public
2. The publication of information was made intentionally, and with malice
3. The published information puts the victim in a false or misleading light
4. The information would be offensive or embarrassing to any reasonable person

Public Disclosure of Private Facts

The General Elements of this Tort are as follows:

1. The defendant publicized a matter regarding the private life of the plaintiff
2. The publicized matter would be highly offensive to a reasonable person
3. It is not of legitimate concern to the public.

Common types of Intrusion:

1. Trespass
2. Secret Surveillance
3. Misrepresentation
4. Misappropriation of Name

Copyright Act, 1957

1. Copyright law in India is governed by the Copyright Act, 1957, which has been amended six times, with the last amendment in 2012.
2. The Copyright Rules, 2013 came into force from 14 March, 2013 and provide for the procedure to be adopted for relinquishment of copyright.
3. There are **Two Centralized Copyright Agencies** in India: the Copyright Office and the Copyright Board. The Copyright Board does not have jurisdiction over civil copyright litigation.

Types of work protected by copyright?

The Copyright Act provides a Closed list of Protected Works under Section 13:

1. Original Literary work,
2. Dramatic work,
3. Musical work,
4. Artistic work,
5. Sound recordings,
6. Cinematographic works.

Bundle of Exclusive Rights

Copyright refers to a bundle of exclusive rights vested in the owner of copyright by virtue of Section 14 of the Act.

These rights can be exercised only by the owner of copyright or by any other person who is duly licensed in this regard by the owner of copyright.

These rights include:

- i. The right of adaptation,
- ii. The right of reproduction,
- iii. The right of publication,
- iv. The right to make translations,
- v. The right to communication to public etc.

Copyright Exceptions in India (Fair Use)

Copyright Act 1957 exempts certain acts from the ambit of Copyright Infringement.

It is limited to towards the purposes of:

1. Private or, personal use including Research and Education
2. Criticism and Review
3. Reporting of current events and current affairs, including reporting of a lecture delivered in Public

WHY SHOULD COPYRIGHT BE PROTECTED?

- 1) To protect and reward creativity
- 2) To create an atmosphere conducive to creativity
- 3) To confer rights to the owner, namely: Economic and Moral Rights of the Author

How long does Copyright Protection Last?

The term of copyright depends on the nature of the work:

- ❖ Literary, dramatic, musical or artistic work – Throughout the life of the author and 60 years
- ❖ Anonymous or, Pseudonymous work – 60 years from the beginning of the year
- ❖ Posthumous Works – 60 years from the beginning of the year

CASE STUDIES

C.C.P.R.

Copyright Infringement Case

In 1988, Apple Inc. filed a landmark lawsuit against Microsoft.

The Suit claimed that Microsoft Windows used graphical user interface (GUI) parts too similar to those in Apple products such as the Macintosh Operating System.

Rogers vs. Koons

-Photographer Art Rogers shot a photograph of a couple holding a line of puppies in a row and sold it for use in greeting cards and similar products.

-Internationally, renowned artist Jeff Koons in the process of creating an exhibit on the banality of everyday items, ran across Rogers' photograph and used it to create a set of statues based on the image.

Outcome

The court found the similarities between the 2 images too close, and that a “typical person” would be able to recognize the copy.

DIGITAL PIRACY

A form of Online Piracy and includes the Unauthorised Online Distribution of Electronic Copies of Copyrighted Material such as Software, Movies and Music.

Digital piracy refers to the illegal act of duplicating, copying, or sharing a digital work without the permission of the copyright holder, a violation of copyright law.

COPYRIGHT ISSUES & CHALLENGES IN DIGITAL WORLD

1. Plagiarism.
2. Ownership.
3. Large-scale copyright infringement.
4. Illegal file sharing/Downloading.
5. Online Piracy.
6. Ease of copying large amount of data at a time.
7. Difficulties in tracking online pirates.

WHAT ARE JOHN DOE ORDERS ?

- **The basic idea is to protect intellectual property rights where the persons are anonymous.**

John Doe orders bring Light in Dark Age of Digital Piracy

A John Doe order is an Injunction sought against a person whose identity is not known at the time of the issuance of the order.

Example:

In Reliance Big Entertainment v. Jyoti Cable Network 22 (henceforth, the “Singham case”), Reliance made use of John Doe order from the Delhi High Court, to prevent the illegal broadcast or streaming of its upcoming film Singham.

DIGITAL PIRACY

- It is done through process known as File Sharing
- It distributes or provide access to software.

Types of file sharing:

P2P (peer to peer)

BitTorrent

File hosting

Bootlegging

Counterfeiting

NATIONAL INTELLECTUAL PROPERTY RIGHTS POLICY, 2016

- Objective 3 of the Policy called for suitable amendments in The Cinematographs Act, 1952 for the inclusion of penal provisions for Illegal Duplication of Films.
- Objective 6 of the Policy underlined the need for public awareness and stringent enforcement mechanisms to combat offline and online piracy.

RIGHT TO INFORMATION ACT, 2005



RIGHT TO INFORMATION ACT, 2005

RTI is an act of the Parliament of India which sets out the rules and procedures regarding citizens' right to information.

It has replaced the former Freedom of Information Act, 2002.

RTI Act, 2005 extends to the whole of India except the State of Jammu and Kashmir.

R.T.I. HIGHLIGHTS

1. Inspect Works, Documents and Records
2. Take Notes, Extracts, or, certified copies of documents or, records
3. Take certified samples of material

Who is Excluded?

- Central Intelligence, Security Agencies specified in the Second Schedule
- Agencies specified by the State Government

(However Information related to violation of human rights and allegation of corruption needs to be provided)

APPLICATION PROCEDURE FOR REQUESTING INFORMATION

1. Applying in Writing/ electronic means in English or Hindi/ official language of the Area
2. Reasons for Seeking Information
3. Pay Fees

TIME LIMIT

1. 30 days
2. 48 hours if concerning life / liberty of a person
3. 40 days if Interest of third party is involved
4. Failure to provide Information= Refusal

PUBLIC RELATIONS

PUBLIC RELATIONS

1. P.R. is a deliberate, planned and sustained effort to establish and maintain mutual understanding between an organisation and its public- F. Harlow

2. According to Edward Barney, “Public relations is the attempt by information, persuasion, adjustment, to engineer public support for an activity, a cause, movement or an institution.”

Thus, in this sense, Public Relations is a mode of getting public support for an activity or a movement.

**TRADITIONAL
PR PROFESSION**

PUBLICIST

MEDIA LIAISON

CORPORATE SPOKESPERSON

COPYWRITER

SCRIPTWRITER

**MODERN
PR PROFESSION**

TREND SPOTTER

SOCIAL MEDIA EXPERT

CONTENT MARKETER

PINNER

INFLUENCER/BRAND AMBASSADOR

Utility of Public Relations

- 1) Press Relations
- 2) Publicity of a Product
- 3) Effective Communication
- 4) To Promote Lobbying
- 5) Counselling

Public Relations Confused with Propaganda and Publicity

Propaganda:

- It is a deliberate effort to gain support for an Opinion, Creed or, Belief.
- It Denies, or fails to recognise, the existence, or merits, of alternative opinions.
- It is by its very nature Biased. Propaganda is prejudiced in favour of the topic

P.R. AND PROPAGANDA

PUBLIC RELATIONS (P.R.): concentrates on the Truth and accurate information. It can be assessed by the mind. Facts are presented and truthful information is communicated. The public assesses it and develops **THEIR OWN OPINIONS**.

PROPAGANDA: is prejudiced and may not necessarily be entirely truthful. It appeals to the heart. It is a deliberate effort to gain support for an opinion. It makes an emotional appeal.

PUBLICITY

- Publicity is drawing attention to something by highlighting the issue, event or, occasion in the Media.
- Publicity can be seen in the newspapers, magazines, television, radio etc.
- It cannot be missed on social media, poster sites, bus stops, etc.
- Publicity can be secured by buying advertising.
- Publicity can also be secured by PR techniques – Press Release, Press Conference, hosting a Reception etc.

DEFINING PUBLIC RELATIONS

The *Chartered Institute of Public Relations (C.I.P.R)*, U.K. defines PR as:

PR is about Reputation- the result of what you do, what you say and what others say about you. P.R. is the Discipline which looks after reputation with the aim of earning understanding and support and influencing opinion and behaviour. It is the planned and sustained effort to establish and maintain goodwill and mutual understanding between an organisation and its publics.

Functions of Public Relations

1. Community Relations
2. Employee Relations
3. Customer Relations
4. Financial Relations
5. Political and Govt. Relations
6. Crisis Communication

Objectives of Public Relations

- 1) Consumer Awareness
- 2) Product Promotion
- 3) Clarity of Information
- 4) Creating Influence
- 5) Building Product Awareness
- 6) Generating Interest

Objectives of Public Relations

7) Stimulating Demand

8) Helps maintain Positive Reputation of the Brand

9) Helps to Promote Human relations and Free Exchange of Information

10) Helps to foster better relations between the management and the employees

11) Discourages Mis-Information

PRINCIPLES OF PR PRACTICE

1. Public relations deal with reality, not false fronts
2. Public relations is a service-oriented profession
3. Since the public relations practitioner must go to the public to seek support for programs and policies, public interest is the central criterion by which he or she should select these programs and policies
4. Public relations practitioners must use scientific public opinion research extensively
5. To understand what their publics are saying and to reach them effectively, public relations practitioners must employ the social sciences study.

SIGNIFICANCE OF PR IN BUSINESS

PR has to mandate and work for news of companies to disseminate information among public in the area of:-

- Product/Services
- News of awards/recommendations
- Inaugural functions/expansions
- Foreign tie-ups/high value orders
- New management/broad level appointments
- Philanthropic activity/corporate citizenship initiatives
- Crisis management/damage control exercise.

REASONS FOR GROWTH OF PR

Growth in the Size of the Organisation

Growth in the Population

Due to the Political Environment

Increasing Aspiration of Employees

Due to Communication Gap

For Human Relations

Development of Media

Universality

Evolution of Public Relations



Ivy Ledbetter Lee (1877-1934) is considered by some to be one of Modern Founders of Modern Public Relations, along with Edward Bernays

During a 1906 anthracite coal strike, coal operators hired Lee to represent them. Lee made sure newspapers received daily "handouts" of printed materials containing all pertinent facts of the strike.

But these new "Press Releases" were met with hostility by newspapers, who called them mere ads and accused Lee of trying to manipulate them.

This caused Lee to issue his "Declaration of Principles" which he sent to all newspapers.

The statement was later recognized as laying important groundwork for the public relations profession in the decades to follow.

Edward Louis Bernays (November 22, 1891 – March 9, 1995) was an Austrian-American pioneer in the field of Public Relations and Propaganda, referred to in his obituary as "the father of public relations".



Edward Bernays' Accomplishments

- Promoting the first NAACP convention in Atlanta, Georgia without triggering any violence or counter-demonstrations;
- Popularizing Ivory soap;
- helping to re-elect Calvin Coolidge;
- orchestrating the nationwide *Light's Golden Jubilee* honoring Thomas Edison on the 50th anniversary of his invention of electric light;
- directing publicity for the 1939 World's Fair;
- engineering the overthrow of a socialist government in Guatemala;
- warning germ-conscious consumers that disposable cups were the most sanitary drinking vessel;
- persuading Americans that water fluoridation is safe and beneficial to their health.

EVOLUTION OF PR IN INDIA

i) The early stage where PR was practiced less as a matter of deliberate PR policy and more out of a liberal and philanthropic approach or out of sheer necessity for disseminating information. This stage continued till the Second World War.

(ii) The next stage started during the Second World War and can be defined as a stage of conscious PR. This stage still continues but a further development took place in the post-independence period specially towards the latter half of the fifties and the early half of the sixties;

(iii) The third stage of PR is thus represented by the response of organizations in India to the new environment created in the wake of the Government's Industrial Policy Resolution and the growth of democratic institutions in India- Parliament, the Legislatures, etc.

(iv) The fourth stage is represented by what one may call the stage of professionalism in PR when PR practitioners began to organize themselves as a professional body and tried to develop their skills as Public Relations people

THREE INDIAN MODELS

Based on the Western background, the Evolution of public relations in India can be divided into three broad models:

1. The State of Propaganda (Propaganda Model) 1500 BC to the end of the East India company rule in 1858.
2. The Era of Publicity (Publicity and Public Information Model) the British India Rule in 1858-1947.
3. The Age of Public Relations (Two-way Asymmetric Public Relations Model) Independent India, 1947-to date.

As propounded by Grunig and Hunt in their four models, the Indian models also have definite communication objectives but with a difference. (Narsimhareddi, 2009)

THE ERA OF PUBLICITY (1858-1919)

- Robert Knight suggested establishment of Press Bureau with a Director to develop rapport with newspapers.
- Govt. appointed the First Press Commissioner in 1880 marking the beginning of Govt's Publicity. This became a tool of Public Relations in Independent India.
- Philanthropic Age and Community Relations (1911- 1912)- JRD Tata constructed Model Industrial Township for workers of Steel Company at Jamshedpur, Bihar. - Establishment of Publicity Boards (1914-1918) during First World War, Publicity Bureau of the Railways (1930).

FIRST WORLD WAR- WAR PUBLICITY (1914-1918)

Extensive Propaganda & War Publicity required to get support for war efforts from the General Public and Newspapers.

Provincial Publicity Boards set up throughout the Country.

Central Publicity Board, Delhi (1914)

Govt. of India set up the Central Bureau of Information in 1919.

THIRD PERIOD: GANDHIAN ERA OF PUBLIC COMMUNICATION (1919-1947)

Gandhian Era: in between 1919 and 1947, mass agitations launched by Mahatma Gandhi-

i) Satyagraha (Movement against Rowlatt Act)-

ii) In 1930- Civil Disobedience Movement demanding Purna Swaraj or, Complete Independence. Organised Dandi March (1930) to break the salt law

iii) Quit India Movement (1942) – Mahatma Gandhi adopted Multi-Media Approach to reach out to Rural and Urban India

Second World War (1939-1945)

Gandhi's 2-Way Communication Process based on principles of P.R. was a Mass Communicator.

A PR Professional Journal called Gandhi as Father of Indian Public Relations.

Second World War (1939-1945)- For Propaganda, Bureau of public Information and All India Radio were placed under Directorate of Information and Broadcasting.

In 1941, the Govt. used the term public relations for the first time. Bureau of Public Information changed to Press Information Bureau.

THE AGE OF PUBLIC RELATIONS (ASYMMETRIC PUBLIC RELATIONS MODEL) IN 1947- INDEPENDENT INDIA

In 1947, when India became independent, the first Prime Minister of India, Pandit Jawaharlal Nehru was a great advocate of the philosophy of free flow of information

Mass communication assumed greater importance

Pandit Nehru was the prophet of Indian Mass Communication.

FOURTH PERIOD: THE AGE OF P.R. (1947-1991)

- 1) Communal Harmony during Partition: Publication Machinery stepped up to reach the people
- 2) Ministry of Information & Broadcasting set up in 1947- Dawn of New age of P.R.
- 3) Plan Publicity (Industrial policy, 1948 and First Five Year Plan (1951-1956))
- 4) PRSI (Public Relation Society of India set up in 1958) formed to promote recognition of PR as a Strategic Management Function

FIFTH PERIOD: INDIAN PR WITH GLOBAL PERSPECTIVE (1991-2009)

- 1) Mergers & Acquisitions (2005-2007).
- 2) Multination PR Firms came in India to boost their client's products
- 3) Indian PR Agencies tied up with Foreign PR firms to meet global market needs.
- 4) Reliance, Tata, Birla, PSU's strengthened their Corporate Communications.
- 5) The Number of PR Firms , In-House public relations Departments increased in India with a Global Perspective.

Edward Bernays, regarded as the *Father of Public Relations*, authored the influential book *Propaganda*.



1928

1933



Henry Ford became the *first major industrialized to resort to public relations* to publicize his company and bolster its sales.

INTERNATIONAL PUBLICS

(Think and act Globally and Locally)

- International Public Relations is growing due to Liberalisation and globalisation
- Various aspects of PR are handled differently abroad
- Local culture and language consideration is crucial in the practise of International PR

International Publics includes:

Host Country Clients

Customers

Public Officials

Political Leaders

Media

REASONS FOR EMERGING INTERNATIONAL P.R.

The International Public

Varied Customer Segments

Competition

Different Cultural Environment

Local Market Preferences

Global Publics like Unions, Stockholders, Pressure Groups

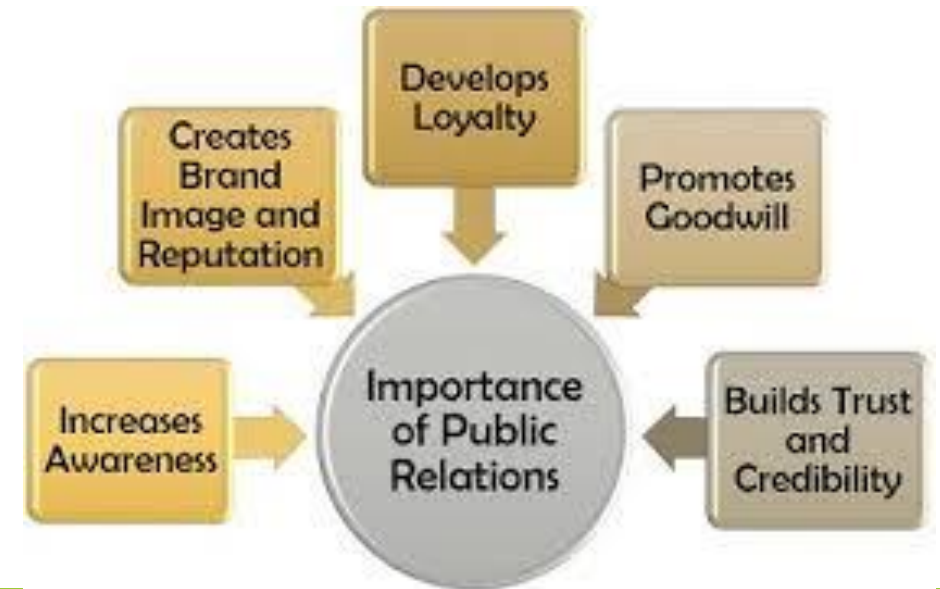
Identity Issues

Commercial, Legal and Financial Risks

Foreign Relationship Issues

ACTIVITIES ASSOCIATED WITH PUBLIC RELATIONS

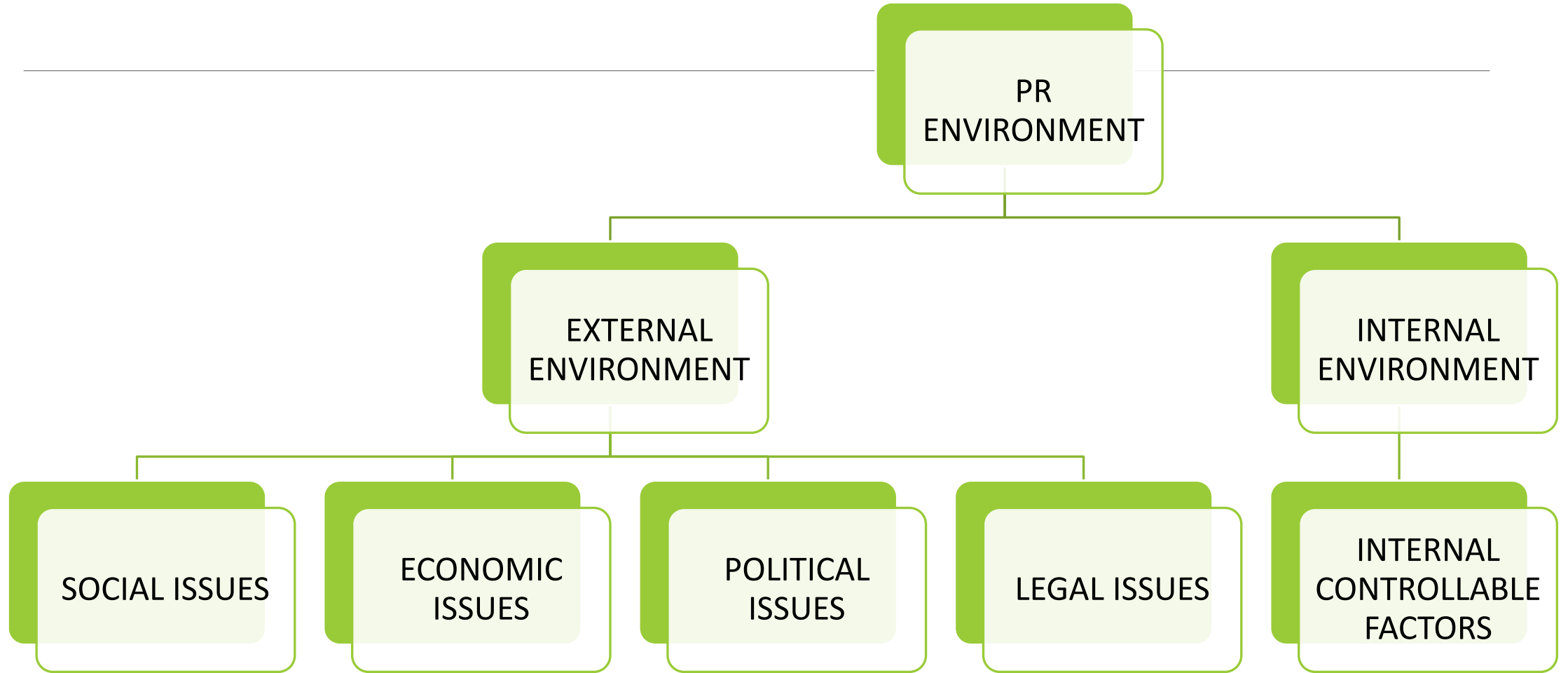
- 1) PUBLICITY
- 2) ADVERTISING
- 3) PRESS AGENCY
- 4) PUBLIC AFFAIRS
- 5) ISSUES MANAGEMENT
- 6) LOBBYING
- 7) INVESTOR RELATIONS
- 8) DEVELOPMENT



Scope of Public Relations

- (a) Help win friends, influence people, persuade individuals, groups and in difficult situation bring about goodwill where needed and maintain goodwill where it is existing.
- (b) Create and build up image and reputation of individual, organization and nation.
- (c) Public relations can bring out reward of mutual understanding and risks involved in misunderstanding between individuals, groups, government and nation.
- (e) Forestall attacks by opponents or competitors.
- (f) Promotional opportunity, new image, rumour, crisis management, conflict of interest, ineffective communication.

PUBLIC RELATIONS ENVIRONMENT



POLITICAL ENVIRONMENT

- 1) The Political System has a huge impact on the business
- 2) The Policies, Programs, Plans, national Objectives and Legislations are formulated by the Political Government.
- 3) A Democratic Political System is Liberalised and is Governed by the People, For The People and Of the People.
- 4) In Communist countries, all the Powers are Vested in the State. It is more Dictatorial and Controlled.
- 5) Indian Democratic set-up has 3 Institutions- Legislature, Judiciary, and Executive.
Legislature Body: of the elected representatives are empowered to make law, policies and Budget and Direct the Economy
Executive: They have the Power to Govern
Judiciary: The Power of the Court to settle Disputes

COMMUNICATION BETWEEN GOVERNMENTS AND PUBLICS

- ❖ From Ancient Greece and Rome to the American Revolution, scholars have documented the importance of public relations and communication in politics and democracy
- ❖ Political public relations explicitly involves a wider group of major stakeholders than usually conceptualized by political communication, such as industry lobby groups, party members or activists, issue competitors, think tanks and party donors.
- ❖ The contribution of political public relations via communication is carried out in many forms, including press releases, media interviews, and speeches.

Domains of Political Public Relations

News Management

Issues Management

Event management

Crisis management

Evaluation management

Digital Communication

Men At Work: The Making of Brand NaMo

Saugandh is Mitti Ki

THE ONLY TVC in which Modi made an appearance and even lent his voiceover for radio ad



(L-R) Prateek Bharadwaj, Aneesh Jaisingh & Alok Ranjan from McCann WorldGroup led the campaign, along with Sanjay Nayak and Vishal Sharma from TAG



Piyush Goyal and Ajay Singh (BJP)



SET THE creative and media strategy

ROPED IN Praseon Joshi to write the party's anthem and rolled it into a music video

Ab Ki Baar Modi Sarkaar

CAMPAIGN designed by Samrat Bedi, Anuraag Khandelwal and Satish deSa of Soho Square

WHILE, "ABKI BAAR" had a print and radio to it, the agency also created another set of radio ads which said, "*Janata Maaf Nahi Karegi*"

AGENCY ALSO launched an anthem "*Achhe din anewale hain*" which was first launched on Youtube



Modiji Aa Rahein Hain

BJP ROPED in Sushil Goswami of Delhi-based ad agency Ghaphisads to launch another set of radio ads

PR ENVIRONMENT: LEGAL ISSUES

The relationship between the public relations department and legal counsel in organisations is mirrored by the tension between the courts of public opinion and the law.

Lawsuits affect organisational reputations and require public relations managers and lawyers to be part of the strategic decision-making process

Public relations practitioners should possess a basic understanding of state, territory, and federal laws relating to their organisation and its industry, rules or codes of conduct of professional associations, privacy, copyright and trademark law, trade practices law, employee rights, and corporate disclosure rules, among others

Important Business Laws that P.R. Professionals should be aware of:

- 1) Indian Contract Act
- 2) Indian Partnership Act
- 3) Sale of Goods Act
- 4) Negotiable Instruments Act
- 5) Laws of Insurance
- 6) Arbitration Act
- 7) Securities Contracts (Regulation) Act
- 8) Consumer Protection Act

Consideration of Law in Public Relations

Task for PR Practitioners is to become sufficiently familiar with areas of the law that affect Public Relations to understand basic legal guidelines, and when to seek help from a Legal Counsel.

Legal Areas of Concern to the Public Relations Practitioners:

- 1) Privacy
- 2) Copyright
- 3) Advertising & Corporate Free Speech
- 4) Defamation
- 5) Investor Relations
- 6) Lobbying
- 7) Representing Foreign Interests
- 8) Trademarks

Important Legal Areas

Trademark:

Common trademark

Registered trademark

Both used by companies to protect a product and to distinguish it from competitors

Protection for names, logos, slogans, dolls, mascots, faces/voices

Trade dress: packaging, color (Owens Corning pink insulation), shape (Peperidge Farm Goldfish)

The trademark symbol is affixed to the product itself

Writing about trademark: capitalize and use "brand". Some firms such as aspirin and zipper once were trademarked but lost that status because they were used generically.

Service Mark

Similar to trademark, protects symbols/ words associated with services & programs rather than products

Service mark with (sm) symbol is presented via public relations, advertising, or marketing vehicles

Examples of Service Marks:

Army: "Be All that You Can Be"

Maid Brigade

Better Business Bureau & torch logo

Huntington Beach CA only "Surf City USA"

Roto Rooter

Trademark Definition

The term “trademark” includes any word, name, symbol, or device, or any combination thereof—

(1) **used** by a person, or

(2) which a person has a bona fide intention to **use in commerce** and applies to register on the principal register established by this chapter,

to identify and **distinguish his or her goods**, including a unique product, from those manufactured or sold by others and to indicate the **source of the goods**, even if that source is unknown.

Service Mark Definition

The term “service mark” means any word, name, symbol, or device, or any combination thereof—

- (1) **used** by a person, or
- (2) which a person has a bona fide intention to **use in commerce** and applies to register on the principal register established by this chapter,

to identify and **distinguish the services** of one person, including a unique service, from the services of others and to indicate the source of the services, even if that source is unknown. Titles, character names, and other distinctive features of radio or television programs may be registered as service marks notwithstanding that they, or the programs, may advertise the goods of the sponsor.

PUBLIC RELATIONS & ECONOMIC ISSUES

Economic Conditions, Economic Policies and Economic Systems are crucial External Economic Issues constituting Economic Environment of the Business.

Nature of the Economy, the Level of Economic Development, Economic Resources and Distribution of Income are important issues of a Business Strategy.

Macroeconomic Factors considerably influencing business includes Growth Strategy, Economic System, Economic Planning, Economic Reforms

Other Economic Issues includes Labour Legislations, Stock Exchange & Regulations, Price and Exit Policy.

SOCIAL AND CULTURAL ISSUES

A Social System with high degree of Civilisation, Mobility, Industrialisation and Urbanisation are the Primary Factors impacting the Business.

Specific Social Issues include Customs, Usage, Tradition, Cultural Heritage, Family Systems, Religion, Ethics etc.

Other Factors of Social Nature include Social Behaviour, Colour, Community, Nationality, Language, Political Ideologies, Migration and Cross – Cultural Relations.

Culture holds great significance to Business deciding the Ethos of the people. Culture is inclusive of knowledge, belief, Art, Customs, Habits, Fashion etc.

Healthy Public Relations is possible through a social interface among the people.

SOCIAL AND CULTURAL ISSUES

- 1) **VALUE SYSTEM:** a strongly held and firm belief
- 2) **CHANGING LIFESTYLES:** on the basis of profession and interests
- 3) **CHANGING FAMILY STRUCTURES:** to double income families
- 4) **Class and Economic Distinction:** creating the divide between the haves and have nots
- 5) **Fashion based demands:** which are ever changing and cannot be ignored
- 6) **Demographic factors:** with respect to age, gender, race, ethnicity and location should be dealt with carefully by the PR Professionals.

The Societal Perspectives/ Trends by PR practitioners can be understood from Four Perspectives:

- 1) Stakeholder Part of Society
- 2) Socio-Cultural Trends
- 3) Restrictive Legislation
- 4) Demographic and Economic Change

THEORIES USED BY PUBLIC RELATIONS PRACTITIONERS

1. Relationship theory
2. Persuasion and Social Influence
3. Mass Communication
4. Roles
5. Models
6. Approaches to Conflict Resolution.

As a Public Relations Manager, knowledge of different theories is crucial so that they can make the right decisions for the public relations plans and programs. Value of a PR practitioner will be directly related to how well they use theory in their work.

WHY THEORIES ARE REQUIRED IN P.R.?

C.C.P.R.

RELATIONSHIP, COGNITION & BEHAVIOR, MASS COMMUNICATION THEORIES

Types of Theories

RELATIONSHIP

- Systems Theory
- Situational Theory

COGNITION AND BEHAVIOUR

- Action Assembly Theory
- Social Exchange Theory
- Diffusion of Innovation Theory
- Social Learning Theory

MASS COMMUNICATION

- Uses and Gratification Theory
- Agenda Setting theory
- Gatekeeping Theory
- Perception Theory

■ Systems Theory

- Argues that the attitudes and actions of an organization or public contribute to a cause-effect chain reaction within their environment.
 - Systems theory is useful to public relations because it helps the practitioner manage the organization's relationships.
 - Emphasizes interdependence between an organization and its internal and external environments.

■ Systems Theory

➤ Close systems:

- focus on the history of the organization and make decisions based on past experiences.

➤ Open systems:

- focus on input from external publics and the organization's external environment.

Systems Theory & Public Relations

Systems theory is a useful way for public relations practitioners to understand the relationship between an organization and its publics and the role of public relations within an organization.

A **System** is a set of interacting units that endures through time within an established boundary by responding and adjusting to change pressures from the environment to achieve and maintain equilibrium (Cutlip & Center, *Effective Public Relations*)

Environmental Change

- information
- action
- relationships

System is a organized set of interacting parts (**Subsystems**)

Each subsystem affects other subsystems and the total organization

SYSTEMS THEORY

- ❖ The systems theory proves that the whole is much more than a sum of its parts; the environment is an interrelated web of units depending on one another.
- ❖ All systems exist in an environment containing supra-systems, which each have smaller subsystems.
- ❖ In public relations, open systems that anticipate change and initiate corrective actions are the systems that survive and prosper.
- ❖ The systems theory explains that public relations professionals must constantly monitor their environment, intended goals, actions, and feedback from stakeholders and publics.

Four Elements of the Systems Theory

Input = Incoming information identifying problem (loss of equilibrium with interpenetrating systems within the environment)

Throughput = Processing of information

Output = Response from the organization; outgoing messages to restore equilibrium; creates new equilibrium. Proactive or reactive

Feedback = Response from environment; indication if problem has been solved.

- rooted in environmental effects
- initiated by decision-making about the environment
- responsive to environment

Open v/s Closed Systems

Closed Systems

- hard/ fixed/ impermeable boundaries
- can't exchange matter, energy or information with the environment
- organizations seek little interaction or accommodation with environment

Open Systems

- permeable boundaries
- can/do exchange via inputs & throughputs
- organization attempts interaction and accommodation with the environment

SITUATIONAL THEORY

- Definition: People will act on an issue or situation when they believe it affects them personally and their actions can make a difference.
- Three variables:
 - **Problem recognition:** People must be able to see the potential of an issue to affect them personally.
 - **Constraint recognition:** People must see that they can do something about the issue.
 - **Level of involvement:** People must care about resolving the issue.



Situational theory

- Grunig and Repper suggested and developed Situational theory to conceptualise stakeholders as a way to describe relationships.
- In this theory, it is suggested that public relations will effectively manage communications by identifying specific publics within stakeholder groups
- It assumes that practising public relations would depend on a situation and how active a group/level of involvement of the public about the issue
- PR practitioners then plan strategic action to build relationship according to the situation and the active group rather than the passive group.
- E.g:- in a **political campaign** – PR campaign will manage the stakeholder groups that are actively involved in the voting process, active voters, not passive ones.
- PR practitioners will give information according to the information that the publics, to make to be in their best interest.

Situational Theory of Publics

Latent Public: People who face a similar problem but fail to detect the problem.

Aware Public: When aware publics begin to recognize the problem.

Active Public: People organize to resolve the problem.

Nonpublic: Those who are not confronted by the issue in question.



Problem recognition
Where an individual recognizes an issue and considers various solutions to resolve it.

Constraint recognition
The extent to which a person views perceived barriers limiting their ability to resolve an issue.

Level of Involvement

Problem Recognition ↔ Constraint Recognition

+

Type of Publics



Information Seeking/Processing

SOCIAL EXCHANGE THEORY

According to the Social Exchange Theory, humans weigh the costs against benefits while forming relationships.



THE MAJOR PROPONENTS



THIBAUT

KELLER

EMERSON

HOMAN

BLAU

SOCIAL EXCHANGE THEORY

- Uses the economic metaphor of costs and benefits to predict behavior
- In general people want their costs to be low and rewards to be high (is this logical?)
- Practitioners look at how publics evaluate costs and rewards to demonstrate and maximize the net benefits of particular action.
 - Example: Persuading voters or consumers to take a survey
 - Example: Product recalls

Theories of Cognition and Behaviour-

Social Exchange Theory (2)

Individuals & groups
choose strategies
based on perceived
REWARDS and
COSTS.

The use of economic
permutation of **Cost-**
Benefit ratio underlie
the rationale behind
people's behaviour



People **ALWAYS**
would want to keep
their cost **LOW** and
rewards **HIGH**.

Pay-off Matrix Example

(Based on Social Exchange Theory)

Customers

Find Out

Doesn't Find Out

Issue:

Defective lot of screws

Option 1:
Recall Screws

United PR Works

Option 2:
Ignore Defect

<p><u>Rewards</u></p> <ul style="list-style-type: none">• Company tied with quality <p><u>Costs</u></p> <ul style="list-style-type: none">• money• Initial negative publicity	<p><u>Rewards</u></p> <ul style="list-style-type: none">• positive publicity <p>N/A</p>
<p><u>Rewards</u></p> <p><u>Costs</u></p> <ul style="list-style-type: none">• lose goodwill• negative publicity• law suits• lose customers	<p><u>Rewards</u></p> <ul style="list-style-type: none">• no immediate cost• no negative publicity• save cost of recall <p><u>Costs</u></p> <p>N/A</p>

How the Situational Theory of Publics Helps You Communicate with Your Audiences

Situational Theory of Publics outlines how audiences can be identified, and then classified, based on their level of awareness of a problem. Grunig divides people into three types of publics.

Crisis Scenario:

Let's use the scenario of a toy manufacturer unintentionally produced harmful toys, which affects the children and their parents who bought the toys.

Public #1: Unaware

The first public is impacted by the crisis but not aware. Therefore, the kids and parents who possess the toy do not know it is harmful.

Public #2: Aware

This public is aware of the toy crisis and understand that the toys they own are harmful.


Public #3: Aware & Actionable

The final public is the most engaged, as they are aware of the harmful toys and seek to take action against the manufacturer.

Diffusion of Innovations Theory- Everett M. Rogers

In 1962, Everett M. Rogers published the first edition of his seminal volume ***Diffusion of Innovations***, where he first introduced the diffusion of innovations (DOI) model, often referred to as the diffusion of innovations theory, which explains how communication is used to influence the adoption of new ideas, technologies, and processes.

THE FIVE STAGES OF ADOPTION

1. **Awareness** – Topic known but knowledge limited.
 - Stage engages the mass media
 2. **Interest** – Development of interest begins; information sought.
 - Stage engages the mass media
 3. **Evaluation** – Idea applied to individual situations, more information obtained.
 - Stage engages unbiased third parties
 4. **Trial** – Use begins on a small scale.
 - Stage engages unbiased third parties
 5. **Adoption** – Idea, service or product adopted after being proven worthwhile.
 - Stage engages personal experience
- 

Early and late majority consumers are most abundant, at 34% each. Laggards make up 16% of the consumer profile, while early adopters (13.5%) and innovators (2.5%) bring up the rear - thus showing the importance of companies getting the early customer awareness phases right.

2.5%
Innovators

Early Adopters
13.5%

Early Majority
34%

Late Majority
34%

Laggards
16%

Source: Everett Rogers (Diffusion of Innovations model)

DOI model explains that people fall into one of Five Adopter Categories:

1. Innovators are the First Members of a group to adopt a new innovation.
2. Early Adopters are also educated, but they are less cosmopolite and less able to deal with uncertainty than innovators.
3. The Early Majority are those who are likely to adopt an innovation just before the average person.
4. The Late Majority are those who adopt new ideas just after the early majority and also comprises one third of the population.
5. Laggards (sometimes referred to as last adopters) are the final adopters in a system. They tend to be the least educated and cosmopolite.