

## UNIT 1 - SYLLABUS

<b>1. FOUNDATION OF CORPORATE COMMUNICATION</b>	
<b>1. Introduction to of Corporate Corporate Communication</b>	Meaning , Need and Scope of Coporate Communication towards Indian Media Scenario
<b>2. Key concepts in Corporate Communication</b>	Corporate Identity: Meaning and Features, Corporate Corporate Image: Meaning, Factors influencing Corporate Image, Corporate Image creation sustainability and restoration (Online and traditional) Corporate Reputation and Management: Meaning, Advantages of Good Corporate Reputation
<b>3. Ethics and Law in Corporate Communication</b>	Importance of Ethics in Corporate Corporate Communication, Professional Code of Ethics, Mass Media Laws: Defamation, Invasion of Privacy, Copyright Act, Cyber-crime and RTI.

## **1. Introduction to of Corporate Corporate Communication**

Today, no business can sustain without having a strong internal and external tool of communication. The emergence of new technology and strong power of digital platform help the corporate to realize, to keep intact their corporate communication so that their stakeholders and shareholders perceive their existence positively. Today, corporate communication as a profession is not only challenging and creative but very rewarding and recognized. Corporate communication as a tool either can brand or Debrand any business organization.

As per world report 2015, the corporate communication profession is gaining around 14 % as compared to 2014. Every sector whether it is a PSU or private sector, manufacturing or service sectors, education or NGOs, they are giving lots of importance to strengthen their Corporate communication department which ultimately helps an organization to manage their internal and external communication.

In the dynamic scenario, it is imperative to note that corporate communication practitioners are the people who manage extremely complex and varied operations of an organization. The function of corporate communication and management functions are aligned together for the benefit of an organization and to achieve a desirable public exposure.

### **Meaning and Definition of Corporate Communication:-**

Philip Kitchen and Don Schultz in “Raising the Corporate Umbrella” (2001, p.106) defines, “Corporate communication at its simplest is primarily a mechanism for developing and managing a set of relationships with public or stakeholders who could affect the overall performances. These relationships must be viewed in a long-term strategic fashion.”

Thus, according to the above definition, corporate communication is used to build the image among its audiences to enhance its overall performances. As per Median Online, an organization who works in the area of corporate communications globally – defines that, “Corporate communication is the strategic initiative taken by a corporate organization to communicate the corporate brand and its core messages to a spectrum of growing audiences in a globalized market environment. At its core, corporate communication is very simple, the way a corporate communicates.”

Further, it identifies that as a strategic initiative, corporate communication helps a brand/firm to create their identity, build the brand and manage its reputation. It goes beyond the traditional method of communication and harnesses the potential of the print, audio-visual and digital media for the company’s reputation. It uses advertising, public relations, community relations, corporate literature, exhibitions, event management, research, sponsorship management, traditional media and IMC (integrated marketing communication) to place organization, products, and services the global marketplace.

## **SCOPE OF CORPORATE COMMUNICATION TOWARDS INDIAN MEDIA - SCENARIO:-**

**Create an Identity:** The success of many companies in India like Reliance industries, Tata, Kirloskar group of companies portray that all these companies have created their identity as an organization which is for their people. In the current scenario, where every day, the function of corporates are complex and unvivid, finding an audience for their products, services or companies determine the growth of an organization. Therefore, a company gives preference to use the tools of communications wisely and timely. The corporate communicator/public affairs manager/public relation officers/media liaison officer/media advisor, and corporate communication manager, they all ensure that their corporate connects build an audience group for the growth of an organization.

An example of how Indians create and sustain their Corporate Identity can be understood by the following classic example of this subject:

**AMUL:** Amul is a dairy cooperative based in Gujarat, India. The company was founded in 1946 and is known for its high-quality dairy products, including milk, butter, and cheese. Amul's brand identity is centred around the iconic "Amul girl," a young girl in a polka-dot dress who has become synonymous with the brand. The Amul girl first appeared in an advertisement in 1967 and has become a cultural icon in India. Using the Amul girl in advertising and packaging has helped establish Amul as a trusted and reliable brand in the dairy industry.

**Build a Brand:** Corporates in their day to day affairs interacts with two kinds of an audiences, internal and external. The internal audience who may be in form of shareholders, stakeholders or employee of the company carry the pride of association with an organization wherein the external audience are crucial for the future growth of a brand. To balance both the audiences, corporate communication practitioner need to follow the simple approach in Mind.

A classic example of an **Indian Built Brand is Titan!**

Titan is a watch and jewellery brand based in Bangalore, India. The company was founded in 1984 and is known for its high-quality and stylish products. The Titan brand identity is built around the company's commitment to design and innovation. The company's logo features a stylised "T" in a distinctive font meant to represent the company's focus on elegance and sophistication. Using this logo across all of the company's products has helped establish Titan as a premium brand in the watch and jewellery industry.

**Reputation Management:** Nowadays, the media intervention is very high. The rumor spreads and impacts on organization's reputation, therefore the corporate communicate practitioner manage the task of building the organization reputation and keep its prestige intact.

**For instance, Cadbury India** faced a significant reputation crisis in 2003 when reports emerged about worms found in some of its Dairy Milk chocolate bars. The incident triggered panic among

consumers and severely damaged the brand's reputation. However, Cadbury India's prompt response, including recalling affected products, rigorous quality checks, and stringent hygiene measures, showcased their commitment to addressing the issue. Their proactive communication campaign helped address customer concerns and eventually regain consumer trust.

**Developing a Communication Model:** No organization will make a progress in their isolation approach. It is crucial to communicate with their people on a timely basis. An effective communication model will help an organization to build a strategy which will be beneficial for them in a long run.

### **Swachh Bharat Mission (SBM)**

The SBM is one of the most prominent developmental agendas of the Government of India in recent times. Swachh Bharat Mission (SBM), Swachh Bharat Abhiyan (SBA), or Clean India Mission is an India-wide campaign initiated by the Government in 2014.

Aimed at eliminating open defecation and improve the way we handle solid waste management. The mission was aimed at both sides of India -rural and urban. The ownership of both the sub-campaigns was with different Ministries. While in rural areas, “SBM - Gramin” was financed and monitored through the Ministry of Drinking Water and Sanitation; the “SBM - urban” was overseen by the Ministry of Housing and Urban Affairs. Apart from celebrities and public figures, the influencers were the volunteers, known as Swachhagrahis, or “Ambassadors of cleanliness”

## KEY CONCEPTS IN CORPORATE COMMUNICATION:-

### MEANING OF CORPORATE IDENTITY

According to the business dictionary, corporate identity is the “Combination of colour schemes, designs, words etc. that a firm employs to make a visual statement about itself and to communicate its business philosophy. It is an enduring symbol of how the firm views itself, how it wishes to be viewed by others, and how others recognise and remember it. Unlike corporate image (which is ‘in there’ changeable mental impression), corporate identity is ‘out there’ sensory experience conveyed by such things as building, décor, logo, name, slogan, stationary, uniforms, and is largely unaffected by its financial performance and ups and downs in its fortunes. Corporate identity is either strong or weak (not positive, negative or neutral like a corporate image) and is more or less permanent unless changed deliberately”

Let us look at some of the impactful logos and slogans of big brands and how they distinctly created their brand identity:



"Just do it"



"Impossible is Nothing"



"I'm lovin' it"



"Reassuringly Expensive"



"The Ultimate Driving Machine"



**Audi**

"Vorsprung durch Technik"

L'ORÉAL

"Because I'm worth it"

**Gillette**

"The Best A Man Can Get"



"Every Little Helps"



"Never Knowingly Undersold"



"The World's Local Bank"



"Always Coca-Cola"



"A Diamond Is Forever"



"For Successful Living"

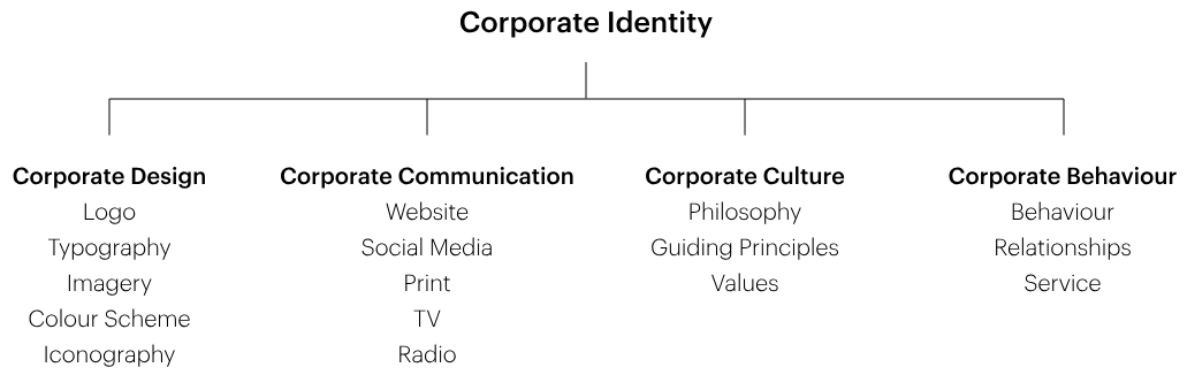


"The Totally Tropical Taste"

**RONSEAL**

"Does exactly what it says on the tin"

## FEATURES OF CORPORATE IDENTITY:-



Corporate identity is what the corporate thinks about itself. Corporate identity is a combination of color, graphic, verbal, typographical, plastics, acoustic, video or other techniques, which provides a single image for the company, for its face and success.

Corporate identity, carefully developed, makes the company more likely to get recognizable, perceived and remembered by customers, partners and other independent observers. And it works not only for company's products or services, but also for all its activities, differentiating it from competitors.

Basic visual Corporate Identity features include:

- Naming (exclusive company name)
- Logo
- Color palette (color)
- Corporate font
- Business card
- Letterhead
- Envelope

**NAME:** The name becomes a brand's most important identity. A name will not only encompass the business but also suggest its identity. For example, L'Oréal, as a name, can make you guess the quality, range and price of its products. Thus, choosing a name for your business is the most important aspect of marketing your product or service. A name must also not suggest limitations such as location, language, interest etc. It must have a global appeal desensitising any issues or barriers.

A name must have the following features:

Short and simple making it easy to remember

Unique and trendy to differentiate from other simple names

For example: While looking through the "A" section of the dictionary, Jeff Bezos (the CEO of Amazon) discovered the word "Amazon," which seemed fitting because it was earth's largest

river and he was building earth's largest bookstore. Today the name Amazon signifies the fact that it has everything on it, everything from AtoZ!

**LOGO:** A logo is a graphical sign that stands as a symbol for a brand or an institution. Its purpose is to make a brand recognizable at a wide variety of touchpoints. It should be memorable and recognizable to attract attention from the target audience.

The logo is like a central element in the design system next to the Brand Name. A logo is obviously the most prominent brand element. As a central component of a brand's appearance, it serves to identify a company. Therefore, it must be significantly different from other logos in the same market niche in terms of design language, color scheme, typography and so on. Its function is not so much to provide information about what a company actually does, but rather to convey an idea of the corporate identity – because this is ultimately what differentiates market participants from one another.

**TYPOGRAPHY:** Fonts used by companies or partially even exclusively designed for them, tell a lot about the character of the brand –Colours are carriers of meaning, both culturally and emotionally. conservative, factual, lovely, disruptive, etc

**COLOUR:** Colours are significant, both culturally and emotionally, and that's what makes the composition of a color climate so central for a brand. Color observers deduce certain properties. It is not for nothing that numerous established insurance companies or financial service providers choose a shade of blue as the main color: blue is considered serious, reliable and radiates calm. Red, on the other hand, stands out, is dynamic and energizing – and is therefore more suitable for entertainment or caffeinated soft drinks. For Example, the colour of LIC Life Insurance has blue and yellow colours whereas redbull has the colour red as the main colour with blue just to support it.



**IMAGERY STYLE:** Images have the power to communicate emotions and messages directly. Essential for this is not only the motif itself, but the mood of the picture: light, colour climate, contrast and composition.

### **CORPORATE CULTURE:-**

Corporate identity is intended to create a “we-awareness” internally by establishing a corporate culture, the corporate culture. Based on shared values and social norms, corporate culture defines how a company is structured and how members communicate and work internally and with external trades. Organizational culture operates at and between all levels of a company: at the leadership level, in management, between teams and among colleagues, between employees, customers and partners.

## **CORPORATE BEHAVIOR:-**

Corporate Behavior regulates the behavior of the company and its employees both internally and externally. This includes

- PURPOSE
- Leadership style
- Interaction of colleagues with each other
- Behavior of company employees towards outsiders
- Behavior of the company towards the media and the public

The last point in particular is about ensuring that corporate behavior and the corporate identity concept are coherent in order to create the desired corporate image in the eyes of the public, customers, the press or potential employees. This also includes dealing with criticism.

## **CORPORATE IMAGE**

### **Meaning of Corporate Image:-**

Corporate Image is what the Publics think about a corporate. In simple words, the picture that comes in mind when we think of a particular company is the corporate image. The image can be positive as reliable, trustworthy, reasonable, high quality, or it can be negative as harmful, expensive, poor quality Etc.

Unlike corporate identity, corporate image is purely based on the customer's perspective. This perspective can be changed from good to bad the moment something negative is flashed in news about the company or its products. We have seen companies endorsing real life doctors in their advertisements to promote their brands and create a reliable image for their products.

Especially companies doing business in medicines, baby care products, dental, creams etc. use expert medical practitioner's opinion to convince their consumers. Companies dealing in high end products like gold, diamond, platinum even expensive cosmetics ranges endorse eminent film personalities in their commercials to promote reliability and elegance.

All these are done in an endeavor to create a positive corporate image. However, brand image changes from time to time. We have witnessed in real life some of the companies being accused of using heavy amount of lead in its eatables or steroid in medicines causing them to lose their brand image overnight.

However, if they win the legal battle and a clean chit from the health federation, slowly they are able to reestablish their image in the market.

## **FACTORS INFLUENCING CORPORATE IMAGE:-**

1. Mission and Vision: Mission defines “who you are and where are you going” and vision is the “big picture” illustrating what you expect to achieve.
2. External Image: It consists of customer service management, quality of products and services and media.
3. Established business relationship: It is a vital relationship between your organisation and stakeholder groups.
4. Be transparent to your stakeholders: Being truthful is the key to business success particularly while managing issues and crisis.
5. Cheaper technology: The increasing cost of traditional mass media advertising and the relatively cheaper opportunities offered by the internet many organisations are re-examining their media presence and ways to control it.
6. Varied choices: Many organisations today use a range of media including corporate blogs websites banners and sponsored online communities. As discussed earlier corporate image is highly subjective and fluid in nature. It may change from positive to negative and vice versa. Therefore, companies put in a lot of effort to sustain a positive image in the market.

However, there are several warning signs of a deteriorating corporate image. For example: high attrition rate, losing customer base, frauds with the government, sinking in the stock market etc. may tarnish the image in the global market. Irrespective of the size of the company it is important that they strive towards protecting their image as it takes a long time to grow.

Ever since globalisation maintaining a clean corporate image has been of high priority for organisations. A company maintaining its business in multiple geographical locations or expanding in home country is always under a threat of being projected with dissimilar images that might go in contrary to the actual corporate image.

In addition to all these factors there is also a growing expectation in society about the organisation’s involvement in altruistic or philanthropic activities. For example certain corporations actively promote organ donations, caring for animals, protection of nature, patronizing farmers, sponsoring child education etc. Such contribution to social causes enhances the brand image of the organisation and they are crucial in sustaining the image as well. Organisations try to create favourable impressions in the minds of those who matter to them. Corporate communication helps in projecting a favourable image or covering up an unsatisfactory or negative image if any.

## **Some case studies on Corporate Image of Indian Brands are:-**

Tata Group is a multinational conglomerate based in Mumbai, India. The company was founded in 1868 and operated in various industries, including automotive, steel, and hospitality. The Tata Group’s brand identity is built around the company’s core values of trust, ethics, and social responsibility. The company’s logo features the letter “T” in a distinctive blue and red colour scheme, which is meant to represent the company’s commitment to innovation and progress.

Using this logo across the company's operations has helped establish Tata as a trusted and respected brand.

IndiGo is an airline based in Gurgaon, India. The company was founded in 2006 and is known for its low-cost and high-quality service. The IndiGo brand identity is built around the company's commitment to simplicity and efficiency. The company's logo features a stylised letter "i" in a distinctive font meant to represent the company's focus on speed and agility. Using this logo across the company's branding and advertising has helped establish IndiGo as a low-cost airline with a significant corporate image.

MTR Foods is a food products company based in Bangalore, India. The company was founded in 1924 and is known for its wide range of ready-to-eat food products. The MTR Foods brand identity is built around the company's heritage and tradition. The company's packaging features illustrations of traditional Indian motifs, such as the lotus flower and peacock feathers. Using these illustrations on the company's products has helped establish MTR Foods as a brand that values authenticity and quality.

FabIndia is a retail chain based in New Delhi, India. The company specialises in traditional Indian textiles and handicrafts. The FabIndia brand identity is built around the concept of sustainability and community. The company's packaging features illustrations of traditional Indian motifs, such as paisley and block prints. Using these illustrations on the company's products has helped establish FabIndia as a brand that values authenticity and ethical sourcing.

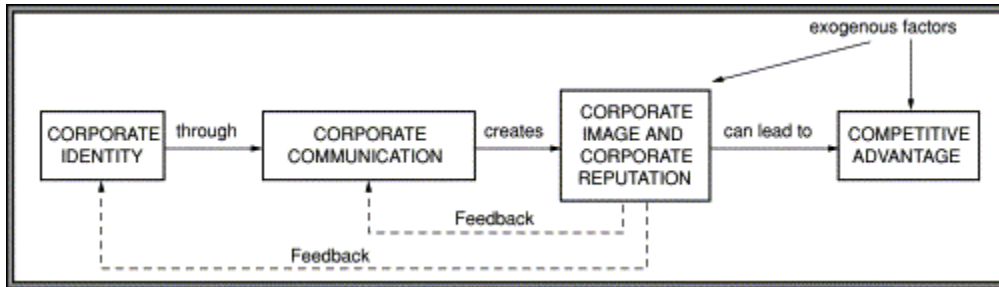
Wildcraft is a backpack and outdoor gear brand based in Bangalore, India. The company was founded in 1998 and is known for its high-quality and durable products. The Wildcraft brand identity is built around the concept of adventure and exploration. The company's logo features a stylised mountain peak in a distinctive font, which is meant to represent the company's focus on outdoor adventure and travel. Using this logo across all of the company's branding and advertising has helped establish Wildcraft as a trusted and respected brand in the outdoor gear industry in India.

These are just a few examples of Indian brands that have excelled in brand identity design. Each of these brands has its unique style and story that sets it apart from its competitors. From the traditional motifs of MTR Foods to the fashionable FabIndia, these brands have created compelling identities that engage customers and build brand loyalty. Whether starting a new business or looking to rebrand an existing one, these examples offer valuable insights into the power of great brand identity design.

The diversity and creativity of Indian brands when it comes to brand identity design are showcased through examples like Vistara, The Bombay Canteen, FabIndia, and Wildcraft. These brands have built strong connections with their target audiences by understanding their core values and telling compelling stories through their brand identity. From luxury and elegance to sustainability and community, each brand's identity aligns with its values and resonates with its customers, helping them stand out in a crowded market.

Building a strong brand identity that aligns with your company's values and story allows you to establish a powerful connection with your customers and stand out in a crowded market. These Indian brands demonstrate the power of great brand identity design in creating strong customer relationships and driving business success. Whether you're just starting or looking to revamp your brand, these examples offer valuable inspiration and guidance for building a brand identity that truly resonates with your target audience.

## CORPORATE REPUTATION



### Meaning and Advantages of Corporate Reputation

Corporate reputation refers to how a corporation is viewed by all of its stakeholders, including its employees, clients, shareholders, and the general public. It is influenced by the company's activities, goods, and communications with stakeholders. Outside variables, including media coverage and market trends, also influence it. A good company reputation can be one of a company's most valuable assets because it can lead to more trust, customer loyalty, and happy employees, as well as financial benefits like higher stock prices and more revenue. On the other hand, a bad reputation can lead to severe problems, such as less trust, customer churn, and financial losses.

Corporate reputation is defined in business dictionary as "The collective assessment of corporations past actions and the ability of the company to deliver improving business results to multiple stockholders over time."

There are agencies who after careful observation and considerations, attribute a company as "most admired" by virtue of the social, economic and environmental impact it has over a sustained period over time. The reputation of a company also depends on these factors and is instrumental in creating favourable or unfavourable impressions in the observer or assessor's eyes.

It is essential for a business to have good reputation in the market in order to service competition. Word of mouth definitely is a bonus, however it is also important how the company handles crisis or responds to controversies. This apparently is a cyclic process. A strong reputation helps a business overcome crisis, on the other hand effectively managing crisis or controversy promotes a strong reputation.

This allows a company to differentiate its product from similar competitive ones and over sell it at a higher price. Businesses are now concentrating more on reacting eco-friendly products, biodegradable products, organic products and so on. Research finds that customers don't mind paying a premium price for products that has a strong brand reputation.

**Organisation can actively promote a good reputation by being sensitive to the following factors:-**

- Creating trust amongst its vendors, suppliers etc., by paying off their timely dues. Deliver to customer what is promised. Provide timely service and maintain quality etc.

- Maintain transparency and honesty in communication with customers. This also includes timely reply to queries, respond to emails, promptly address issues and grievances etc.
- Taking ownership of problems that may crop up from time to time instead of pushing it back to the customer. With so much of options and varieties available these days, customers are very less likely to stick to any particular brand for long if it continues to dissatisfy them.

For example: a dissatisfied Airtel customer may switch to any other service provider if his grievances are not addresses, its billing details, network problem, data connection and so on. Almost all the business thus has a customer care service department that is reachable through a toll free number.

### **ADVANTAGES OF CORPORATE REPUTATION:-**

A brand's corporate reputation is the sum of all the views and beliefs held about the company based on its history and its prospects. Working on building your corporate reputation is important because it can provide various benefits including reduced supplier costs, access to new opportunities and partnerships and greater goodwill with stakeholders. Therefore the importance of reputation for businesses seeking to grow is incalculable. Here are just a few other benefits of a good reputation:

1. **Higher trust:** Brands with a good reputation are trusted more because people depend on the opinions of others. If people appear to trust a company or a brand, their peers are likely to follow suit with the same sentiment. Additionally, reputation also gives the first choice status among stakeholders — whether these are consumers or potential employees
2. **Word of Mouth increases brand visibility:** Your customers are going to give their honest reviews of your products or services which will build on your reputation in the market. Use positive feedback from your customers to stand out from competitors. One way to use reviews is by flaunting them where possible. It will showcase the nature of your brand to clients and potential customers.
3. **Better talent:** Better talent: A great brand reputation plays a critical role in the hiring process. Candidates will be more interested to work for a company that they admire. Companies with positive workplace reviews and testimonials will show that it has a favourable culture that in turn will help you attract more and better talent.
4. **Increased revenue:** The way your clients and customers perceive a brand has a direct impact on sales and revenue. These days brands need to regularly engage with their consumers to build a positive reputation. Companies with good online reviews tend to attract more business.

Corporate reputation is one of the most valuable things that businesses should focus on. With a positive corporate reputation, brands can increase their value immensely.

### **3. Ethics and Law in Corporate Communication**

In any organization, communication plays a crucial role. It helps an organization to build the primary resources (Labour, Capital, and Raw Materials) and secondary resources (such as legitimacy and reputation). There are ample examples wherein the reputation of an organization has been demolished on the basis of their unethical practices, false commitments or mishandling of their stakeholders. Therefore, any successful organization should follow the standard code of ethics and government guidelines and laws.

#### **Code of Ethics and its implementation**

Companies constitute a committee consisting of internal and external directors for institutionalizing ethical behaviors. The function of such committee includes:-

1. Inform all members the code of ethics.
2. Regular meeting to discuss the ethical issues.
3. Enforcing the code
4. Dealing with concern areas
5. Reviewing and updating the code
6. Reporting the activities of the committee to the board of Directors.

#### **Professional Code of Ethics: –**

International Code of Ethics adopted in All India Public Relations Conference in 1968 states that United Nations Organizations have agreed to abide by its charters reaffirms” its faith in fundamental human rights, in the dignity and worth of the human person” and that having regard to the very nature of their profession, Public Relations practitioners in these countries should undertake to ascertain and observe the principles set out. This code of ethics highlights the important aspects of Public Relations practitioners such as Honesty, Advocacy, Expertise, Independence, Loyalty, and Fairness.

#### **DEFAMATION**

##### **Introduction**

Defamation is a procedure for check and balance on the Right to freedom of speech and expression (Article 19). It is a procedure to ensure that nobody harms the reputation of any person or tend to create a wrong opinion of the person who is defamed, in the eyes of the public.

To make you understand what it really is, suppose there are two party members, Meera and Subodh standing for election. Subodh says, “Meera is a corrupt person, I have seen her taking bribes in the past, so do not give her vote”. This statement is untrue and harms the reputation of Meera, as no one in the public will give the vote to a corrupt person. This will directly hamper Meera’s winning in the election.

To prevent this, provisions regarding Defamation are available in Section 499 to Section 502 of

the Indian Penal Code. In this article, we will understand them in detail.

### **Analysis of the offence of Defamation**

Section 499 of the Indian Penal Code talks about defamation. So, what is defamation? Any person who by spoken or written words, signs or visible gestures creates or publishes any imputation on any person with an intention to harm the reputation of that person. The person making such imputation should have the knowledge or a reason to believe that such imputation will ruin the reputation of the person. However, there are many exceptions included in this Section.

### **Reputation**

To sue any person it is necessary to establish that real damage or harm has occurred to the reputation of the person. Only speaking or writing the words, picturing or gesturing does not amount to defamation until the reputation of the person has been harmed.

Harm to reputation is the only negative consequence that can arise from the act of defamation.

It could prove harmful to your professional career as well. For example, if someone pointing out to a shopkeeper says that you should not buy groceries from him as he sells low-grade things at a high rate. In this case, if the statement is found to be untrue then the reputation of the shopkeeper is being harmed as this will lead to the shortage of customers coming to his Shop.

### **Publication**

For a person to be sued for defamation, it is required that the publication of the words he spoke or wrote must have happened. What does it mean?

It means that damage to the reputation of the person happens when the defamatory words have reached to any third person. Publication means that the third person has read, heard or seen the written, spoken, gestured or pictured defamatory words. If it has not happened then there is no ground to sue for defamation. The distinction between English Law and Indian Law An act of defamation can occur in two forms, libel and slander.

Libel- it is a kind of defamation that is present in some permanent form such as in writing, printed or a picture.

Slander- it is a kind of defamation that is present in an unwritten form such as spoken words, gestures or representation made with hands.

In English law, there is a distinction made between both of the forms under the categories of criminal defamation and civil defamation.

Under criminal law, only libel is an offense and not slander. Whereas in civil law, libel is an offense just like in criminal law but the change here is that slander is also an offense when provided with proof.

In Indian law, both slander and libel are recognized as criminal offenses under Section 499 of IPC. Whereas, in the law of torts libel is actionable per se and slander is actionable. It means

in the case of slander there has to be proof of the act of defamation

### **What does Indian Penal Code (IPC) say about defamation?**

IPC Section 499 lays down the definition of defamation and Section 500 lays down the punishment for criminal defamation. It is under Section 500 that Akbar has sought Ramani's prosecution. There is no codification of civil defamation.

Section 499: Defamation — 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, except in the cases hereinafter expected, to defame that person.

**Explanation 1:** It may amount to defamation to impute anything to a deceased person, if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives.

**Explanation 2:** It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such.

**Explanation 3:** An imputation in the form of an alternative or expressed ironically, may amount to defamation.

**Explanation 4:** No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.

Section 500: Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

It is noteworthy that Section 499 of the IPC, 1860 has remained unaltered for the last 158 years.

### **The law of defamation and right to free speech**

#### **Exceptions in Defamation:-**

One of the major exceptions to defamation is if what is being alleged is the absolute truth and is for the public good.

The criminality of defamation was challenged in the Supreme Court in 2015. The argument was that it was an unreasonable restriction on the constitutionally-guaranteed right to freedom of speech and expression.

**First Exception.**—Imputation of truth which public good requires to be made or published.—It

is not defamation to impute anything which is true concerning any person, if it be for the public good that the imputation should be made or published. Whether or not it is for the public good is a question of fact.

**Second Exception.**—Public conduct of public servants.—It is not defamation to express in good faith any opinion whatever respecting the conduct of a public servant in the discharge of his public functions, or respecting his character, so far as his character appears in that conduct, and no further.

**Third Exception.**—Conduct of any person touching any public question.—It is not defamation to express in good faith any opinion whatever respecting the conduct of any person touching any public question, and respecting his character, so far as his character appears in that conduct, and no further.

### **Illustration**

It is not defamation in A to express in good faith any opinion whatever respecting Z's conduct in petitioning Government on a public question, in signing a requisition for a meeting on a public question, in presiding or attending at such meeting, in forming or joining any society which invites the public support, in voting or canvassing for a particular candidate for any situation in the efficient discharge of the duties of which the public is interested.

**Fourth Exception.**—Publication of reports of proceedings of courts.—It is not defamation to publish substantially true report of the proceedings of a Court of Justice, or of the result of any such proceedings.

**Explanation.**—A Justice of the Peace or other officer holding an enquiry in open Court preliminary to a trial in a Court of Justice, is a Court within the meaning of the above section.

**Fifth Exception.**—Merits of case decided in Court or conduct of witnesses and others concerned.—It is not defamation to express in good faith any opinion whatever respecting the merits of any case, civil or criminal, which has been decided by a Court of Justice, or respecting the conduct of any person as a party, witness or agent, in any such case, or respecting the character of such person, as far as his character appears in that conduct, and no further.

## **INVASION OF PRIVACY**

Privacy is an important concept in a democratic society. The Indian Constitution does not expressly have a clause guaranteeing privacy. However, in 1963 in *Kharak Singh vs State of UP*, the Supreme Court held that Article 21 (dealing with Personal Freedom Protection of life and personal liberty) was broad enough to cover privacy as well. The judgement said: Nothing is more harmful to a man's physical happiness and health, than a calculated interference with his privacy.

Violation of Privacy rights can happen on three grounds:

- Invasion or intrusion of person's private affairs
- When disclosures of personal facts prove to be embarrassing
- Intrusion/invasion is without prior permission

The tragic death of Princess Diana was ascribed by many as the invasion of privacy. Her brother during her funeral publicly said that the hands of the media were indeed bloodied by her death in 1997 in France.

Tata Group Chairman Ratan Tata's private conversation with corporate lobbyist Nira Radia were leaked to the media, following which Tata had to move to the Supreme Court, seeking a probe on the leak, as well as, a stay on further publication of the same. In an interview to the 'Wall Street Journal', he commented on the need for a law against invading people's privacy, unless it is for an investigative purpose.

## **INTELLECTUAL PROPERTY RIGHTS (IPR)**

Intellectual property (IP) refers to creations of the mind, such as inventions, literary and artistic works, designs and symbols, names and images used in commerce.

IP is protected in law by, for example, patents, copyright and trademarks, which enable people to earn recognition or financial benefit from what they invent or create. By striking the right balance between the interests of innovators and the wider public interest, the IP system aims to foster an environment in which creativity and innovation can flourish.

IPR is divided into two categories: Industrial or Commercial Property and Copyrights Industrial Property includes patents, trademarks, Industrial Designs, and Geographical Indications, discussed below:

- **Patents (inventions):** A patent is an exclusive right granted for an invention. Generally speaking, a patent provides the patent owner with the right to decide how - or whether - the invention can be used by others. In exchange for this right, the patent owner makes technical information about the invention publicly available in the published patent document.
- **Trademarks:** A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises. Trademarks date back to ancient times

when craftsmen used to put their signature or "mark" on their products.

- **Industrial Designs:** An industrial design constitutes the ornamental or aesthetic aspect of an article. A design may consist of three-dimensional features, such as the shape or surface of an article, or of two-dimensional features, such as patterns, lines or colour  
**Geographical Indications:** Geographical indications and appellations of origin are signs used on goods that have a specific geographical origin and possess qualities, a reputation or characteristics that are essentially attributable to that place of origin. Most commonly, a geographical indication includes the name of the place of origin of the goods e.g. Assam Tea, British Airways etc.

### Copyrights

The Copyright Act grants the copyright owner the exclusive right to publish print or reproduce an original literary, musical or artistic work for a certain number of years. The copyright also extends to illustrations, plays, musical works, motion pictures, sound recordings, graphics, sculptures, pantomimes and dances. The aim of a copyright is to secure for the creator of the material all benefits accruing from the creation. The law provides exclusive right for life of the creator and 60 years beyond for those who own the copyright. Copyright protects the original work of artists in the area of literature, dramatics, music, artistic works, anonymous and pseudonymous works, posthumous works, cinematograph films, sound records, government work, public undertaking, international agencies a photograph. The duration of the copyright protection varies. Infringement of copyright occurs whenever somebody exercises copyright owner's right without permission.

The Copyright ACT, 1957 gives various rights to the owners.

#### **Copyright guidelines:-**

- It is essential for a corporate communicator to copyright all the literature, brochures or relevant documents deal with company information to protect legally.
- No download/upload other person's work without having proper information about its protected rights.
- Always seek permission for materials used for sale.
- All celebrity letters, photographers to be protected.
- Government documents are not copyrighted but avoid implying government endorsements.

### Case Study:

#### Apple vs Microsoft

1. There was once a time when the two tech giants squared off in court. Apple filed a lawsuit against Microsoft in 1988, shortly after the release of Windows 2.0, a significant upgrade to the original version. At the time, Apple accused Microsoft of plagiarizing the graphical user interface found on the Macintosh system without permission or a license. This is where the case becomes interesting, as Apple did in fact grant Microsoft permission to use Macintosh's design elements in Windows. The mystery surrounding this part is that, for some reason, Apple's legal department did not receive the memo, after the release of Windows 2.0, Apple was so taken aback by the suddenness of the legal proceedings that it skipped sending any sort of preemptive warning or threat. As a result of this misunderstanding, the court ruled in favor of Microsoft in 1989, and

although Apple attempted to appeal the decision multiple times, all of its efforts were unsuccessful.

## 2. Gucci vs Guess

In 2009, two of the fashion industry's most recognizable names squared off when Gucci sued Guess, alleging that the latter had violated several of Gucci's trademarks. Gucci had originally asked for \$221 million in damages but settled for \$4.1 million. So why did that happen? The judge reasoned that Gucci's claim that it has repeatedly sent cease-and-desist letters to various parties over the years was a fatal flaw in the company's case. These entities ranged from national corporations to small-time counterfeiters and infringers. With budgetary concerns and the fact that most of their evidence was speculative, Gucci's defense department has been stretched thin.

### **DIGITAL PIRACY: –**

Digital piracy is a form of online piracy and includes the unauthorized online distribution of electronic copies of copyrighted material such as software, movies, and music. Recently, we have seen that many filmmakers have shown their concern towards the release of the movie on the digital platform prior to release date and it gets leak on the digital platform which impacts their business and in larger context employment. Though it has many advantages to businesses and consumers alike, there are many challenges have also been emerged such as:-

- **Availability of lots of unauthorized sites:** – such websites allow web users to download the media content for free and it is pirated and make it widely available for users.
- **High-Speed Internet:** – Today, the high-speed technology and availability of many apps through which we can share the large MB data in few seconds capitalize the high traffic by selling the advertising space of their webpage to advertisers to reach the target audience. Such promotional tactics help them to generate revenue through digital advertising. Such advertisers may be harmful to all people who get associated with it. It might get indulge in illegal activity.
- **Unsafe digital environment:** – the sites on which digital advertising is shown might be interpreted by consumers that it is a well-known brand but it might not be the case in reality. Therefore, it becomes the responsibility of a communication expert of a company to avoid ads going to suspected IP infringing websites. Also, it is essential to eliminate fraud traffic, combat malware, fight internet piracy, and promote brand safety through transparency.

Canadian Association of Journalists (CAJ) has provided the list of some ethical rules to publish the information in the digital media:-

- Ethical practice does not change the medium.
- All online content should be accurate and consider carefully.
- It is important to quote the used sources when the information gets published online.
- Ensure credibility
- When errors or corrected, it needs to be mentioned.

- Online printed materials need to be used with proper permissions.
- Information gathered through online should be confirmed, checked, varied and authenticate with the list of sources.

**Right to Information: –**

Right to Information (RTI) is an Act of the Parliament of India to provide for setting out the practical regime of right to information for citizens and replaces the erstwhile Freedom of information Act, 2002. Under the provisions of the Act, any citizen of India may request information from a “public authority” (a body of Government or “instrumentality of State”) which is required to reply expeditiously or within thirty days. The Act also requires every public authority to computerize their records for wide dissemination and to proactively certain categories of information so that the citizens need minimum recourse to request for information formally. The Law came into force on 13 October 2005. However, under this act, the private bodies are not covered directly but information that can be accessed under any other law in force by a public authority can get access.