

# Advertising, Media and Brands

Global Hot Topics for Advertising, Media and  
Consumer Brands Executives

March 2026

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# China

## China's Anti-counterfeiting Slowdown: Why Brands Must Go Data-driven to Stay Ahead

In 2025, trademark enforcement in China showed worrying signs of slowdown amid economic stagnation, geopolitical tensions and high US tariffs. Counterfeiters adapted by diversifying supply chains, rerouting goods through third countries and shifting to smaller shipments, reducing the impact of tariffs and customs controls. China Customs seizures declined compared to 2024. Offline enforcement quality also suffered due to fee competition, superficial investigations and alleged local protectionism or corruption. Meanwhile, infringers became more sophisticated, using AI and legal structures to conceal operations. In this shifting landscape, brands must rethink strategy, prioritizing data-driven and AI-supported enforcement over volume-based traditional approaches.

For further information, please contact [Paolo Beconcini](#).

## Parallel Imports in China: The Harmful "Genuine Goods"!

Parallel imports (grey market goods) are increasingly common in China, often offering consumers lower prices but posing serious risks to trademark owners and buyers due to safety, service and brand integrity concerns. Unlike the EU or US, China lacks clear rules on parallel importation, generally applying the trademark exhaustion principle. However, courts have recognized infringement when importers alter packaging, tamper with identification codes or create unauthorized Chinese labels, as these actions undermine a trademark's source-identification and quality-assurance functions. Brands can enforce their rights in such cases to protect market position, pricing and consumer safety, though outcomes depend heavily on case-specific facts.

For further information, please contact [Paolo Beconcini](#).



## The EU Digital Networks Act: Revolution or Evolution of EU Telecom Law?

The European Commission has proposed the EU Digital Networks Act (DNA), a major reform that would replace the European Electronic Communications Code (EECC) and unify multiple telecoms regulations into a single framework. The DNA aims to modernize connectivity rules by addressing convergence with cloud, artificial intelligence (AI) and satellite infrastructure; accelerating fiber rollout through an EU-wide copper switch-off by 2030; introducing EU-level satellite authorizations; reforming spectrum allocation; creating an EU-wide numbering plan; and establishing a single-passport notification system for telecom providers. It also updates rules on contracts, net neutrality, competition and network resilience. There is understandably a lengthy legislative process ahead for the act, which will likely shape Europe's digital infrastructure for decades to come.

Please see the full article [here](#) and for further information, please contact [Francesco Liberatore](#)

## From Black Forest Ham to Black Forest Cuckoo Clocks: The EU's New System for the Protection of Geographical Indications for Craft and Industrial Products

The EU's new system for protecting geographical indications for craft and industrial products (CIGIs) became operational on 1 December 2025, allowing producers of goods such as glass, textiles, cutlery and musical instruments to register names linked to their geographic origin. Based on Regulation 2023/2411, the regime protects products whose quality or reputation is tied to place and requires at least one production step to occur there. Applications proceed through national authorities and the EU Intellectual Property Office (EUIPO), with protection extending across the EU and supported by enforcement mechanisms. In this article, we discuss why producers should prepare early, along with the significant commercial advantages and implications that CIGIs offer for branding and compliance.

Please see the full article [here](#) and for further information, please contact [Dr. Sandra Mueller](#).

## Sector-wide Review of the Online Video Content Creation Sector by the French Competition Authority

The French Competition Authority has published an Opinion No. 26-A-02 of 18 February 2026, concerning the functioning of competition in the online video content creation sector in France. [See the press release](#)

This fast-growing sector brings together many interdependent actors; creators, talent and advertising agencies, advertisers, commercial partners, platforms and audiences and raises several competition-related challenges.

In its opinion the authority's examines:

- Competition between creators, both for audience attention and for commercial partnerships and advertisers
- The development of generative AI and its impact on the sector
- Relationships between creators and other key actors, particularly business partners, talent agencies and online platforms

Regarding this last point, the authority recognizes that there is a structural dependence of creators on a small number of unavoidable platforms. The opinion lists recommendations and in particular that platform's revenue sharing terms and content visibility conditions should remain fair and transparent.

Please see the full article [here](#) and for further information, please contact [Stephanie Faber](#).

# Republic of Ireland

## Raising the Stakes: New Gambling Advertising Rules in Ireland

The Gambling Regulation Act 2024 (GRA) signifies a major change to the legal framework for betting and gambling in Ireland. It creates a new licensing model for gambling, betting and lotteries, which is being implemented on a phased basis Ireland's first gambling regulator, the Gambling Regulatory Authority of Ireland (GRAI). Operators providing "gambling services" require B2C licenses. In time, business-to-business (B2B) licenses will be required for businesses supplying or advertising the sale of gambling product service. The GRA's policy is to act as a public health measure to protect consumers. This is reflected in its prescriptive rules on advertising gambling services. While these rules are not in force yet, once operational, they will transform how gambling operators can advertise and arrange sponsorship. Consequences of breaching advertising and sponsorship prohibitions will be significant; the GRAI can apply to the High Court to prohibit advertising that contravenes the act and some breaches will carry criminal penalties. The GRAI has issued guidance on how advertising restrictions will apply. Currently, rules on advertising of gambling services are set by Ireland's Advertising Standard Authority's (ASA) Code of Standards for Advertising and Marketing Communications (the "Code"). The ASA is a self-regulatory body for advertisers in Ireland. While the Code is non-statutory, advertisers agree to abide by it and marketing communications that are found by the ASA to contravene the Code must be amended or withdrawn. The ASA has announced that it will continue to handle complaints related to the Code and the ASA will work with the GRAI to deal with gambling advertising complaints.

Under the GRA, there will be a 5:30 a.m.- 9 p.m. watershed for advertising. Licensees will not be permitted to target ads at recipients using on-demand and social media services unless the recipient has an account for the service. The GRAI has issued guidance that clarifies that incidental advertising will not be caught by the restrictions. The GRA also prohibits selling and providing clothing, as well as merchandise intended to be worn or used by a child, or made available at events that children may visit. There will be new bans, carrying criminal penalties, on licensees sponsoring events aimed at children or sponsoring an organization or team that children are members of or attend. The GRA presents challenges for gambling operators in developing marketing materials and how they engage with broadcasters, advertisers, social media companies and other commercial partners. Operators that need to obtain business-to-consumer (B2C) or B2B licenses should review their marketing strategies and engage with the forthcoming changes as early as possible to ensure minimal commercial friction. They should consult with sponsor partners, brand ambassadors and advertising agencies to address operational changes in commercial arrangements relating to advertisements and sponsorships. In the immortal words of Jack Welch "Change before you have to"

Please see the full article [here](#) and for further information, please contact [Jane O'Grady](#).

## An Update on Online Safety Regulation in Ireland

In the aftermath of a recent controversy about X's generative AI chatbot Grok creating manipulated sexualized images of women and children, the Oireachtas (Ireland's parliament) requested executives from social media companies to appear before its Media Committee on 4 February 2026, to outline safety features on their platforms. The Media Committee's hearing coincided with a recent announcement by the Irish minister for communications that he will introduce plans at cabinet to regulate age verification in social media use in Ireland.

Online safety in Ireland is governed by a mix of EU legislation and national law, namely:

- The Online Safety and Media Regulation Act 2022, which sets out measures to improve safety when using online content and which established Coimisiún na Meán (CnaM), which has a core function in regulating online safety
- CnaM's Online Safety Code 2024, which imposes binding obligations on designated video-sharing platform service providers under the OSMRA
- The Digital Services Act, which is supplemented by the Irish Digital Services Act 2024

The legislation and Online Code contain similar protective measures required of online services providers in their marketing communications. For example, ads that knowingly target children are prohibited and the framework requires online ads to be clearly labelled.

Safer Internet Day 2026 was marked on 10 February with a focus on AI safety. CnaM has intensified focus in protecting online users, particularly children, against harm. Its online safety commissioner has explained that CnaM is engaging extensively with the European Commission and the Irish police to support investigations and remove harmful content. She is also engaging with her Australian counterpart about the latter's social media ban for under 16s. The Irish government has said it will not oppose an opposition party's proposal to criminalize the creation of sexualized AI deepfakes. For the time being it's a case of watch this space, but further regulation of online content in Ireland appears likely.

For further information, please contact [Jane O'Grady](#).





## “Cereal-ously” Clearer Labeling Required Under the Breakfast Directive

Ireland has been warned by the European Commission about failing to implement the Breakfast Directive. The directive updates requirements on labelling of breakfast foods. Its purpose is to enhance the information that consumers receive to make informed choices about honey, juices, jams and marmalade and certain milk products to promote healthier living. The deadline to pass national law was 25 December 2025, but Ireland has yet to do so. Notwithstanding this, the new labeling requirements will not take effect until 24 June 2026, by which time it is expected that manufacturers of these products sold in Ireland will need to have ensure that their labelling and presentation of products comply with the new rules. The new labelling requirements will include product labels showing country of origin for honey products, requirements to differentiate 100% juice, concentrate or blends in juices and increased minimum fruit content in jams.

The Food Safety Authority of Ireland confirmed that Ireland will adapt to the directive and ensure suppliers adhere to it by June 2026. Manufacturers and suppliers of products covered by the directive should expect Ireland to be complying by the transitional deadline. Such businesses should ensure that they track requirements in Ireland and plan roll out labeling in accordance with the new rules. It is also advisable to review contracts to check whether manufacturers, distributors or retail private labelers have contractual responsibility to ensure product labelling complies with law. It may be necessary to update these contractual obligations to better manage risk allocation between parties.

For further information, please contact [Jane O’Grady](#).

## Greenhushing: The Indirect Consequence of the Crackdown on Greenwashing?

Stricter enforcement against greenwashing, driven by regulators like the Advertising Standards Authority (ASA) and Competition and Markets Authority (CMA) may be unintentionally fueling “greenhushing,” where businesses minimize or avoid making environmental claims altogether.

With regulators demanding high levels of evidence and clarity, even well-intentioned companies fear accusations of misleading consumers. As a result, environmental messaging may decline; limiting consumers’ ability to make informed, eco-conscious choices.

This trend may be short-lived as mandatory environmental reporting looms and omissions themselves risk breaching consumer law. Clear, honest and well-substantiated environmental claims thus remain both permissible and increasingly necessary.

Please see the full article [here](#) and for further information, please contact [Carlton Daniel](#) and [Paul Jinks](#).

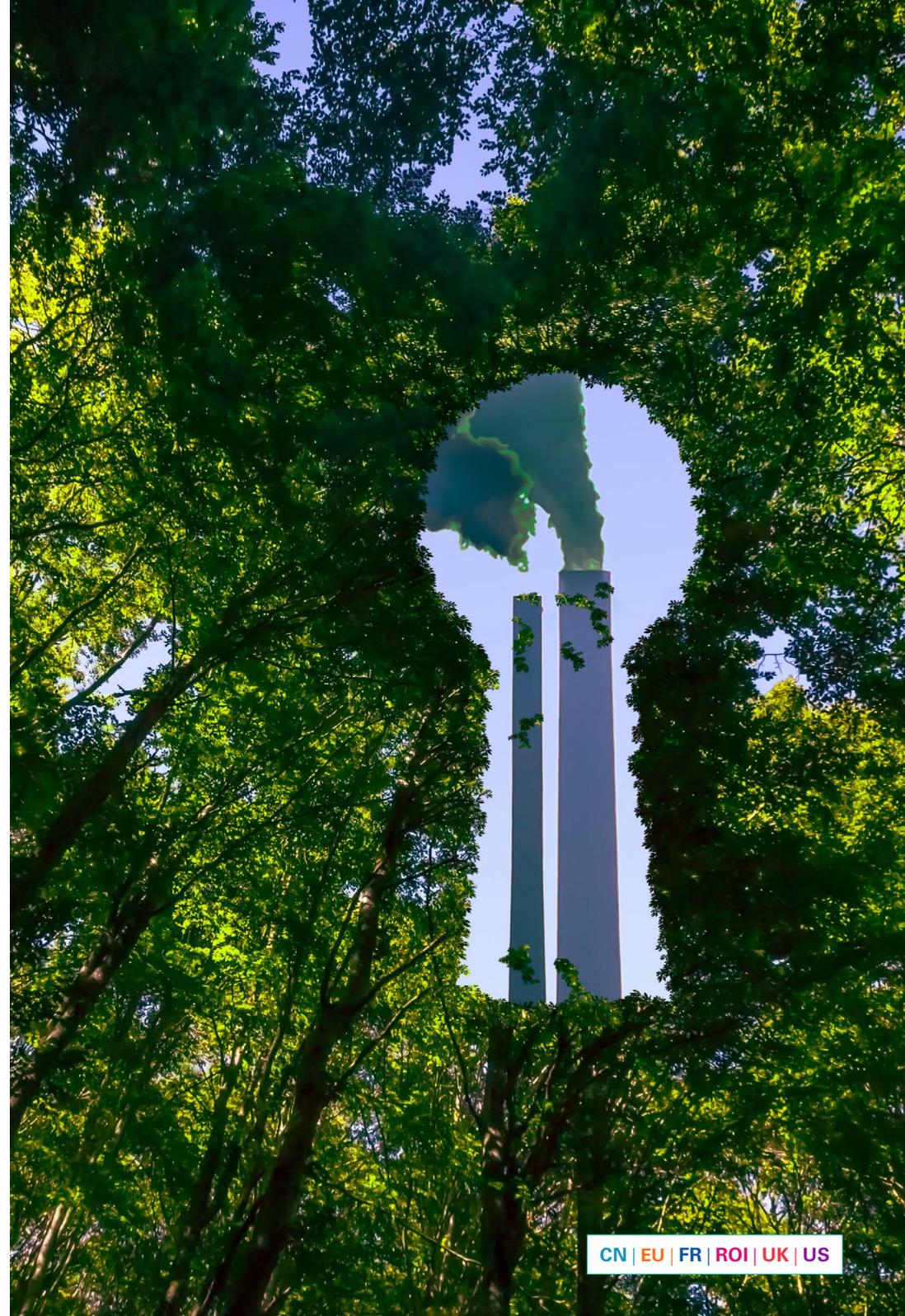
## A Year On from UK Government Consultation on Copyright and AI

The UK government’s consultation on copyright legislation and AI, which sought views on four options relating to the use of copyright materials for AI training purposes, ranging from maintaining the status quo to requiring explicit permission from rights holders, drew unusually high engagement, with over 11,500 online responses.

Although the government initially favored allowing AI developers to use copyrighted works unless rights holders object, most respondents strongly opposed this option. Of the 10,000 submissions via the online Citizen Space portal, 88% supported an option requiring explicit permission for all uses, while only 3% backed the government’s preferred approach.

The government will now publish an economic impact assessment and a detailed report by March 2026, but given technical, legal complexities and limited judicial guidance, significant uncertainty is likely to persist.

Please see the full article [here](#) and for further information, please contact [Carlton Daniel](#), [Mike Llewellyn](#), [Paul Jinks](#) and [Richard Armitage](#).



## The Agentic AI Revolution – Managing Legal Risks

As evidenced by Meta’s US\$2 billion acquisition of Manus, there has been a broad surge in agentic AI; semi-autonomous software agents capable of completing complex tasks with minimal human input. Major tech companies are rapidly deploying similar systems, signaling a shift from instruction-based to intent-based computing. Agentic AI is expected to transform enterprise operations, with studies predicting widespread adoption by 2030.

However, the technology brings significant legal and operational risks, including regulatory compliance, contractual and tortious liability, data security vulnerabilities, IP disputes and director duties. Organizations should thus consider adopting stronger governance, oversight, guardrails and appropriate insurance to mitigate these emerging risks.

Please see the full article [here](#) and for further information, please contact [Samuel Tibbetts](#) and [Simon Jones](#).

## Implementation of New UK Subscription Contract Regime Delayed

The UK government has delayed the introduction of the new consumer subscription contract regime under the Digital Markets, Competition and Consumers Act (DMCCA) until autumn 2026 at the earliest, shifting from its original spring 2026 target. The postponement follows a consultation that closed in February 2025, after which the Department for Business and Trade said that it needed more time to analyse responses and acknowledged that businesses require additional preparation time.

In this article, we highlight how government consultations can meaningfully influence policy, noting recent examples where feedback shaped legislative outcomes. It also stresses the key role that consultations will continue to play in future regulatory changes, including those relating to AI.

Please see the full article [here](#) and for further information, please contact [Carlton Daniel](#) and [Paul Jinks](#).

## Getty Images (US) Inc (and others) v Stability AI Limited

The UK High Court’s November 2025 judgment in *Getty Images v. Stability AI* marked one of the first major UK trials examining intellectual property claims against an AI developer. Initially expected to deliver broad legal clarity on how existing UK intellectual property law applies to AI training and outputs; the case narrowed significantly as Getty reduced its claims.

The resulting 200-page judgment remains important, particularly for its treatment of evidence, technical issues and trademark context, but ultimately falls short of providing the sweeping guidance many hoped for. Instead, it offers a detailed yet limited contribution to the developing intersection of AI and intellectual property law in the UK.

Please see the full article [here](#) and for further information, please contact [Carlton Daniel](#), [Paul Jinks](#).





## US Tax Reporting Changes for Prizes

Sponsors of sweepstakes and contests are required to collect a W-9 from prize winners and issue them a Form 1099-MISC, if the value for the prize meets a threshold amount.

As of January 1, 2026, the threshold amount for prize awards after December 31, 2005, has increased from US\$600 to US\$2,000, and will be adjusted for inflation starting in 2027. This reduces the tax reporting obligations for promotional marketers.

For further information, please contact [Alan L. Friel](#).

## Protecting Your Trade Secrets in 2026 to Outlast Your Diet, Your Gym Membership and Even Your Willpower!

With the start of a New Year, it is time to give your trade secrets a New Year's checkup. This article highlights the essential steps that companies should be taking to strengthen trade secret protection. It urges businesses to start the year by organizing and clearly identifying their trade secrets, tightening access controls and regularly training employees in confidentiality. It also stresses the importance of robust offboarding procedures to prevent information leakage and enforcing policies consistently, including updating them for issues like AI use and remote work. Companies should treat trade secret protection like a New Year's fitness routine: ongoing, disciplined and essential for keeping valuable knowhow secure.

Please see the full article [here](#) and for further information, please contact [Christopher Adams](#), [Anna Fraser](#) and [Rachael Harris](#).



## AI Heists Santa's Secrets: Elfred's High-tech Plot to Hijack Christmas

This festive tale explores modern AI-driven trade secret theft.

AI-enabled misappropriation comes to the North Pole when a disgruntled elf named Elfred uses tools like "ElfGPT" to steal Santa's confidential toy designs, processes and data. Santa's Workshop subsequently sues under the Defend Trade Secrets Act, highlighting legal challenges around AI, prompt injection and unauthorized data use.

The story underscores the increasing risks AI poses to proprietary information and offers best practices; AI policies, employee training, monitoring and legal preparedness to help businesses safeguard trade secrets in an evolving digital landscape.

Please see the full article [here](#) and for further information, please contact [Christopher Adams](#), [Anna Fraser](#) and [Victoria Smith](#).

## New Inventorship Guidance on AI-Assisted Inventions: AI Can't Be an Inventor, But AI Can Be a Tool in the Inventive Process (For Now...)

The US Patent and Trademark Office has replaced its February 2024 guidance on inventorship in AI-assisted inventions with new November 2025 guidance.

While the earlier framework relied on the Pannu factors to assess human contribution when AI was involved, the new guidance simplifies the analysis by treating AI systems purely as tools (such as lab equipment or software) and reiterates that only natural persons can be inventors. Inventorship standards remain unchanged regardless of AI use, and AI creators are less likely to be deemed co-inventors.

Although this is primarily an administrative change, it may still be worth preserving evidence of how inventors use AI systems in the inventive process to defend against future challenges to patent validity.

Please see the full article [here](#) and for further information, please contact [Michael Lew](#) and [Danni Sun](#).

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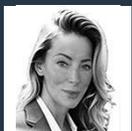
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