



The Secretary,  
Ministry of Information and Broadcasting,  
Government of India,  
Shastri Bhawan,  
New Delhi – 110001  
Email: [secy.inb@gov.in](mailto:secy.inb@gov.in)

June 12, 2024

**Kind Attention: Shri. Sanjay Jaju**

**Sub.: Urgent Request to Postpone Implementation of Self-Declaration Process for Advertisements - Issues faced in uploading**

Dear Mr. Jaju,

We support the Ministry of Information and Broadcasting's (MIB) efforts to bring transparency and accountability to the advertising industry. However, we have significant concerns regarding the proposed self-declaration process for advertisements, which requires urgent attention, consideration, and resolution before implementation.

Given the complexities and practical challenges outlined below, we respectfully request that the implementation of the self-declaration process be postponed until our concerns are heard by the honourable Supreme Court and a court order is passed.

**Issues and observations raised by our members on the Self-Declaration Certificate Process**

**General Process and Requirements**

**1. Asset Confidentiality:**

- The current upload is not secure, and it seems people could have access to all the materials you upload. This means anyone can search for a brand name and see all current/upcoming assets, impacting confidentiality, especially for new launches.

There is an issue with maintaining confidentiality on new launches which advertisers won't have which needs to be resolved.

**2. Platform Issues**

- The portal is laggy and tends to hang a lot. This makes the process increasingly encumbering.
- Getting an OTP while creating an account has been an issue for some of us.

Request help in resolving the same.

**3. Scope of Assets and Platforms:**

- Are KOL assets included?
- Is this to be done by language for the same creative?
- Is this to be done by platform?
- What scope of change in the asset necessitates a fresh certificate?

- Do we need a certificate for any of the social media posts issued by the brand?
  - For digital assets, what is the scope of the declaration? Do we need this for all assets or is it only a set of assets? How do we manage dynamic creative ads?
  - When it comes to digital certifications, do we need to certify every single creative or only once per campaign?
  - What happens if the upload is rejected by MIB?
4. **Validity and Timing:**
- What is the validity period of the certificate? For instance, if we reuse the same TVC/print ad etc. after 2-3 years, do we need to reapply?
  - Will the declaration be required for each creative, at the start of every campaign, and for every edit?
  - How many days in advance do we as advertisers need to upload the application before the campaign starts
5. **Updates and Edits:**
- If there is a change to the creative after the application is submitted either before the airing or mid-airing, such as an alteration to the claim, is there a provision to update the same application, or must we submit a new one?
  - What happens when the self-certification is not in sync with the claims made in the advertisement?
6. **Specific Cases and Exceptions:**
- Is the self-declaration only for new products or is it for new communication?
  - If it is only a simple 'Happy New Year' social media post by the company – with or without the product pack shot – does it require self-declaration?
  - Whether it is required for the advertisement released post-Jun'24 or also for earlier ads.
  - Whether it is required for Influencer content also.

## Implementation and Administrative Details

7. **Certificate Creation and Sharing:**
- The steps it takes for a creative upload is around 1-2 minutes, so considering that multiplied by the number of creatives we have for big campaigns, makes it virtually impossible to upload everything.
  - There is a mandatory login creation required, for which a mobile number is also required. After filling the form, an OTP would be generated, post which a printed and signed self-declaration needs to be done (one-time activity) which needs company head signature.
- Self-declaration certificate to be created per asset, per platform?

Letter of authorization has to be printed on company pad, with seal and signature of the designatory every time.

The process of filling out, printing and scanning the application each time is cumbersome given the quantum of creatives, there is a need to make the process fully digital to improve both efficiency and sustainability.

8. **Authority and Responsibility:**
- Can the signing authority be any employee of the company?
  - Is there a legal liability on the authorizing employee?
  - Our ads are made by advertising agencies/digital agencies, can they do this process on behalf of the advertiser?
  - The person on the brand may change, need guidance on how to take care of that transition on both the portals.
  - How many IDs are possible to register from one organization/GST/entity for this?

## 9. Certification Specificity:

- Should one application cover all languages and edit durations (similarly for print – all sizes and languages), or do we need a separate application for each?
- Do adverts need to be certified as well?
- Where will CTV ads be certified? (Under Digital?)
- Is there a possibility that the certificate can be taken one time for the duration of the asset, at the time of creation for multiple publishers? Does this necessarily have to happen at the start of every campaign?

## 10. Types of Content and Scenarios

### 1. Ad Formats and Media Types:

- 1MB mandate is not possible. Even if we truncate creatives and videos, they are upwards of 70 MB. There is a need to fix this issue so that advertisers can upload the files successfully on the portal.
- Time-sensitive and agile operations with ever-changing creatives and go-lives would be impacted severely.
- In case of VOGON campaigns or similar campaigns, there is a need to account for how these creatives are to be taken care of in the self-certification process given that the creatives are made real time when the campaign is live and are in hundreds of numbers.
- For each ad, we usually have 3-4 duration edits in around 7 languages. So therefore, for every ad, we will end up having 21-28 certifications required. Can we cut down duration edits and the need to do this in languages?
- Similarly need help in getting clarity on Digital posts of various natures:
  - Banner Ads/Display Ads on Digital/E-Commerce/Social Media
  - Tweets put out by brand handles
  - Reels put out on social media on own media
  - Reels put out on social media via influencer marketing
  - Emailers sent out to consumers
  - SMS/WhatsApp messages sent to consumers
- Program Integration: For example, some kind of an integration with Big Boss, KBC etc.
- AFP's
- Movie Integrations
- Advertorials
- Are private YT links of TV films allowed for verification?
- For Print – Every edition could be a different language and a different creative – if there is a dealer panel – Does this mean every print ad of every edition needs a self-declaration certificate?

## 11. BFSI Specific Queries

- RBI requires banks to release a lot of mandatory notice ADS which are directed to consumers and still fall under "Public information notice ADS", for e.g.: Opening/breaking of lockers OR Lost POA (Power of attorney) OR Branch relocations OR Compliances notice ADS OR Financial results. These are strictly time-bound and confidential before the releases. Do we require self-declaration for these kinds of ADS?
- Certain elements in an AD like the Rate of Interest on FDs or Home loans change frequently, so we just edit the ROI and re-run the creatives on print or social media. Are the approvals to be taken every time OR only the Master KV self-declaration will be sufficient?
- Some AD releases are very confidential from Rate of interest perspective, which are first movers in the category... we get confirmation on the applicable.
- Rates only a few hours before the release, so in such short time frame with technical glitches how do we ensure smooth execution of our releases.

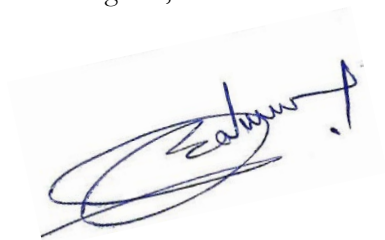
The mechanism requires submission of the URL of the audio/video advertisement for TV/radio/internet advertisements. As the self-declaration is required to be undertaken prior to the advertisement being published on the public domain, it was clarified that the said requirement may be satisfied by giving a link

to a private drive that enables access to a specific file stored on the advertiser's cloud storage. Given the self-declaration requirement applies to micro and small entities as well, such individuals and entities may not have the capabilities or resources to provide for access to files on a private cloud, particularly on a perpetual basis. Further, this could also lead to conflicts with internal cyber security measures in an organisation and other confidentiality issues.

We trust that you understand the gravity and practical implications of these concerns. We believe a postponement of the implementation until these issues are resolved by the Supreme Court is in the best interest of the advertising industry and will allow us to comply more effectively with the new regulations.

We appreciate your attention to these matters and look forward to your positive response.

Warm regards,

A handwritten signature in blue ink, appearing to read 'Sunil Kataria', is written over a light blue rectangular background.

Sunil Kataria  
Chairman