

## **Fake News as an IP Problem**

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Much attention has been paid to the notion of “fake news” in recent years, primarily as an instrument for influencing political opinion. However, the same mechanisms that underlie the spread of “fake news” (disregard for truth, sensationalism, playing on emotions, etc. — conduct which we might term “informational dishonesty”) are increasingly occurring in an economic context. Given the effectiveness of these mechanisms, the ease of proliferation in today’s information ecosystem, and potential of economic gain by parties, dishonest information practices with economic effects are on the rise. Our paper proposes to identify and categorize instances in which dishonest information practices cause harm cognizable under IP theories (such as author’s rights, business reputation, trademark and false advertising) as well as the extent to which such practices are limited by free speech rights. With assistance from a reputed IP surveillance company, we seek to develop empirical evidence as to the trends, incidence and frequency of the various categories, and based on that, suggest criteria that could aid online platforms in identifying such practices.