How To Resolve the Divide Between Marketing and Compliance Teams

Exploring how Marketing and Legal Compliance teams approach the challenge of ensuring marketing materials meet regulatory and brand standards.

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Executive Summary

Content compliance management is steadily becoming a significant blocker to organizations' productivity and growth. To better understand the issues at play, we studied over 550 legal, Compliance and Marketing professionals from the U.S., U.K., and Australia over 2022/2023.

Key Findings

■ **Misaligned Perceptions**
- ☐ Marketers see compliance reviews as a barrier but are open to AI and automation to simplify the process.
- ☐ Compliance professionals worry about marketing's commitment to thorough reviews.

■ **Shared Challenges**

Both teams agree on the common hurdles:
- ☐ High content volume
- ☐ Tight deadlines
- ☐ Inefficient review processes

■ **Critical for Regulated Industries**

For those managing large volumes of content in heavily regulated industries, these challenges are especially urgent.

The Solution

■ **Embrace Automation**

Streamline workflows and reduce time spent on reviews.

■ **Leverage AI**

Unlock the potential of AI to significantly improve compliance review accuracy and speed.

■ **Improve Communication**

Enhance collaboration between teams to foster better alignment.

■ **Centralize Workflows**

Consolidate all content creation and compliance processes in a single platform to reduce inefficiencies and improve visibility.

> **What used to take 7-10 days now takes 20 minutes.**
>
> Chris Yates | Senior Manager, Marketing Operations, Wagering and Media
>
> TAB

Introduction

While there's always been tension between marketing creativity and compliance rigor, it has compounded in recent years. The rise in use of generative AI, increasing digital ad spends and regulatory scrutiny is the chief cause.

If you work in Marketing, Legal, or Compliance, you likely face barriers and inefficiencies daily. They're likely to be stifling creative content, driving up costs, and slowing down execution. All the while global regulations are continually evolving to protect consumers, and consumers are becoming more aware of issues like false advertising, misleading claims, and transparency.

To further understand the issues, we partnered with Arlington Research in 2022 for a comprehensive study, gathering insights from over 550 professionals in Compliance, Legal, and Marketing roles. These experts come from large organizations with 5,000+ employees across sectors like retail banking, health insurance, and more, covering the U.S., U.K., and Australia. The results presented in this whitepaper highlight where these roles align and diverge.

The good news is there's a lot of common ground. It's clear that it's time to move beyond temporary fixes and make fundamental changes. Everyone agrees outdated processes hamper efficiency and there is high motivation to modernize workflows from both sides.

There is zero reason for this process to remain stuck when technology has modernized so many other areas of work. Our research highlights the core issues and provides examples of how they have been resolved.

Note: Every business has its own structure and roles that shape the marketing compliance process. In this white paper, we use the terms 'Compliance' and 'Legal' interchangeably, referring to the roles accountable for ensuring marketing assets meet regulatory standards.

Understanding Relationship Dynamics

The departmental divide stems from the different goals and working methods of the two departments. Marketing is focused on creating engaging content to drive business growth, which sometimes pushes the boundaries of regulatory compliance. Meanwhile, compliance and legal are dedicated to ensuring all content meets complex and evolving regulations—a stance that marketers often see as stifling creativity.

80%

of Marketing, Compliance and Legal respondents admit feelings of "us vs. them" when dealing with one another.

82%

of marketers believe that if they have enough experience, compliance reviews become superfluous.

The Solution Begins by Recognizing a Need to Change

Despite their differences, these teams are more aligned than they might think.

82%

of Compliance and Legal professionals believe that marketers don't understand the need to follow the rules, yet...

84%

of marketers agree that good governance is crucial for business success.

Perceptions of the Process

- 79% of marketers point to issues like too many steps, long timelines, and late-stage approvals as major inefficiencies.

- Despite this 83% prefer a thorough review by legal and compliance rather than a light touch, to ensure no risks are missed.

- Marketers, especially those from organizations with 5,000-10,000 employees, see this as a bottleneck and want a more streamlined process.

- 80% of marketers agree lack of agility hurts effective marketing.

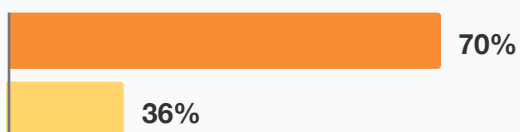## Who directs the review process?

Respondents who said CMO

- MARKETING: 75%
- COMPLIANCE: 33%

Respondents who said CCO
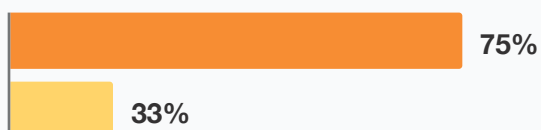
- MARKETING: 59%
- COMPLIANCE: 70%

■ MARKETING   ■ COMPLIANCE

Who is accountable for challenged material?

Respondents who said CMO

- MARKETING: 70%
- COMPLIANCE: 36%

Respondents who said CCO
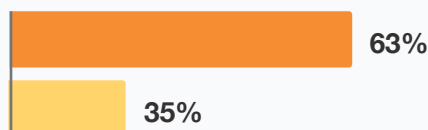
- MARKETING: 54%
- COMPLIANCE: 63%

■ MARKETING   ■ COMPLIANCE

The good news with these findings is Marketing is heavily invested in taking ownership of reviewing content and dealing with the fallout of a breach. While Compliance believes it's their role. Yet interestingly both teams agree regulatory compliance is the Chief Compliance Officer's (CCO) role. It's worth noting that this was a multi-choice question, again highlighting marketers willingness to both take responsibility and defer to the CCO .

Who is responsible for regulatory compliance?

Respondents who said CMO

63%

35%

Respondents who said CCO

68%

67%

■ MARKETING   ■ COMPLIANCE

While these findings reveal a complex web of perceptions, it holds the seed of the solution - the marketing team's perspective on shared responsibility.

Clearer Guidelines Equal Fewer Risks

Many marketers (82%) believe that with enough experience, the need for compliance oversight diminishes. This isn't about dismissing the compliance and legal roles but reflects a desire for marketers to be better equipped to handle risk reviews themselves.

To enhance Marketing's ability to identify and manage risks, clear guidelines and consistent feedback are crucial. Unfortunately, 76% of marketers feel this is lacking, pointing to issues like vague feedback, reviewer disagreements, unnecessary escalations, and overly subjective reviews.

Improvements and Expectations

The study highlighted two key areas for improving the working relationship between marketing and compliance teams. Both sides agree there are two key areas to focus on:

1) Establishing clear communication and efficient process

2) Minimizing human subjectivity in reviews

And importantly, the survey found:

95% of marketers and 93% of compliance professionals—believe AI should play a crucial role in identifying compliance and brand risks, and making the review process more effective.

Practical Steps to Improve the Process

The research highlights a key finding: there's more alignment between departments than commonly thought. But, it's the communication gaps that often cloud this alignment, leading to inefficiencies. While AI technology can boost productivity and compliance accuracy, true process improvement requires collaboration between people and technology. Here are strategies to enhance cross-functional alignment:

Regular Interactions

With 81% of marketers viewing Compliance as a barrier, regular meetings can bridge this gap. These interactions—whether formal meetings, casual catch-ups, or joint training sessions—can foster better understanding between teams.

Joint Workshops

Given time constraints, optimize training with short, focused sessions on critical updates, particularly regulatory changes. This proactive communication ensures all teams remain informed and aligned.

Clear Roles and Responsibilities

Clearly defining roles can prevent confusion. Appoint subject matter experts (SMEs) within each team to address inquiries and challenges, ensuring everyone knows their role in the compliance review process.

Shared Goals and Metrics

Establishing shared goals and KPIs encourages collaboration. Aligning both teams toward common objectives can improve relations and streamline processes.

Use AI-powered Compliance Scanning

Automating content reviews to instantly identify areas of legal risk in marketing documents and websites saves time and takes away guesswork. Teams can use either out-of-the-box rule libraries or create custom rules for disclaimers, trigger words, brand guidelines and spelling, that scan content and quickly address problem areas.
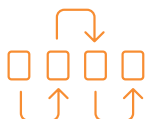
Deploy Centralized Marketing Workflow Tech to

- Share briefs and concepts for approval as early as possible.
- Set up traceable feedback mechanisms with version control.
- House approved creative and brand assets with usage parameters.
- Automate disclaimer generation.
- Automate review cycles.

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The Way Forward

The key takeaway from this research is clear: the manual, fragmented review processes approaches no longer meet the demands of a rapidly changing environment. With AI-driven technologies and a strong desire for streamlined processes, a new model for collaboration is emerging.

IntelligenceBank offers tools to enhance the marketing compliance process in three key ways:

Establishing Greater Objectivity

AI and automation reduce human bias, offering a more balanced, consistent assessment of compliance risks. This builds trust in the review process, reduces disagreements, and accelerates learning.

Fostering Dialogue

IntelligenceBank's content workflow solution enhances communication between Marketing and Compliance/Legal teams. By streamlining the review process, these tools help teams understand each other's needs and work more collaboratively.

Increasing Process Efficiency

AI and automation enable rapid, accurate assessment of large content volumes, speeding up the review process. Early risk reviews in the creative process mean fewer revisions and last-minute changes, addressing a key concern for all teams.

By harnessing AI, we're not just refining this process—we're helping you reshape marketing compliance within your organization. With enhanced objectivity and better communication, you can break down the "us versus them" mentality, foster mutual respect, and work at peak efficiency to create, review, and deliver compliant marketing materials that engage customers and drive business success.

While sticking to familiar processes can be comforting, it's important to realize that they may not be the most efficient or effective long-term strategy. Adopting transformative technology isn't about change for the sake of change; it's about equipping teams with the best tools to build a robust, scalable marketing compliance strategy that meets future regulatory demands, protects reputations, and avoids financial risks.

> **Compared to manual content reviews, compliance teams are using AI to help accelerate content reviews by as much as 30X faster.**
>
> **Mark Wood**
> General Manager, Red Marker | IntelligenceBank

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Product Tour

See It for Yourself

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