



How and Why Research Must be Separate from Marketing

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Market research is not a promotional activity or a sales opportunity. While research and marketing intersect at times, they are different disciplines, have different underlying purposes, and raise different ethical and legal concerns. Thus, market research and marketing are subject to different regulations. While research and marketing are mutually beneficial, companies and organizations should maintain separate research and marketing functions for both to be successful.

How do market research and marketing differ?

1. Purpose

- **Research:** The primary purpose of research is to explore, investigate, and generate knowledge. It seeks to understand phenomena, solve problems, or contribute to a body of knowledge.
- **Marketing:** Marketing's purpose is to promote and sell products or services. It focuses on creating value for customers and driving business growth.

2. Focus

- **Research:** Focuses on gathering and analyzing data to uncover insights, test hypotheses, address specific questions or make decisions.
 - Example: Conducting a study on consumer behavior trends or testing the efficacy of a new product feature or branding strategy.
- **Marketing:** Focuses on direct action to engage customers, communicate value, influence purchasing decisions and convert into sales.
 - Example: Running advertising campaigns or direct selling.

3. Methods

- **Research:** Uses scientific and systematic methods such as surveys, experiments, interviews, and data analysis. It often emphasizes accuracy, validity, and reliability.
- **Marketing:** Employs creative, strategic, and practical methods like content creation, media buying, and customer relationship management.

4. Outcomes

- **Research:** Produces findings, theories, or insights that inform decision-making or contribute to academic knowledge.
- **Marketing:** Produces tangible results like increased sales, enhanced brand awareness, or customer loyalty.

5. Audience

- **Research:** The audience might include customers, potential future customers, academics, policymakers, influencers or internal decision-makers within an organization.

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- **Marketing:** The audience is typically the target customers or the general public.

6. Tools and Outputs

- **Research:** Outputs include reports, models or simulators, white papers, journal articles, and presentations of findings.
- **Marketing:** Outputs include advertisements, social media posts, product launches, and campaigns.

7. Interdependence

- **Research often informs marketing.** For example, market research helps identify target audiences, understand customer needs, and refine messaging.
- **Marketing can inform research.** Feedback from marketing campaigns can highlight areas that require further research.

What laws exist that separate research from marketing?

Several laws and regulations differentiate research from marketing, primarily focusing on ethical practices, data privacy, and the protection of consumers or participants. These laws govern how research and marketing activities are conducted, ensuring that each operates within its respective framework. The privileged position of research under the law, compared to marketing, only maintains as long as the two are not comingled.

Key Differences in Regulations

NOTE: While some laws and regulations are specific to marketing/advertising, others like the FTC Act and COPPA, are so broad as to impact both.

1. Research Regulations:

Research regulations are primarily concerned with ethical considerations, protecting participants, and maintaining scientific integrity.

- **Institutional Review Boards (IRBs):**
 - Research involving human subjects often requires IRB approval to ensure ethical treatment.
 - Example: Clinical trials or academic studies.
- **The Common Rule (U.S.):**
 - Governs federally funded research involving human subjects.
 - Requires informed consent and the protection of participant data.
- **Data protection laws:**
 - EU General Data Protection Regulation ([GDPR](#)): Governs the use of personal data in research, emphasizing consent and anonymization.
 - U.S. Health Insurance Portability and Accountability Act ([HIPAA](#)): Protects the privacy/security of health information used in research.
- **Copyright and intellectual property laws:**



- Ensure that research findings are properly attributed and protected.
- **Physician Payments Sunshine Act (U.S.):**
 - Exempts most payments to health care professionals for participation in market research studies from the Open Payments database's reporting requirements.

2. Marketing Regulations:

Marketing laws focus on consumer protection, truthfulness, and compliance with advertising standards.

- **Federal Trade Commission Act (U.S.):** Prohibits deceptive advertising and ensures claims in marketing materials are substantiated. Also requires consumer privacy and data security measures.
- **CAN-SPAM Act (U.S.):** Regulates email marketing, requiring clear identification, opt-out options, and truthful subject lines.
- **Children's Online Privacy Protection Act (COPPA):** Protects the privacy of children under 13 online, particularly in digital marketing.
- **Telephone Consumer Protection Act (TCPA) (U.S.):** Restricts telemarketing activities, requires transparency in faxes sent for sales or marketing purposes, and requires businesses to respect consumer preferences.
- **EU GDPR:** Governs how personal data is used in marketing, including explicit consent for email campaigns.
- **Truth-in-Advertising Laws:** Enforce the accurate representation of products and services in all marketing materials.

Why Different Laws Exist

- 1. Purpose Distinction:** Research seeks knowledge; marketing seeks profit. Research generally studies individuals to understand groups; marketing/advertising targets individuals. Laws align with these different goals, focusing on ethical data use for research and consumer protection in marketing.
- 2. Data Handling:** Research often uses anonymized or aggregated data under strict controls. Marketing typically uses identifiable data to target specific audiences, requiring additional safeguards.
- 3. Informed Consent:** Research mandates informed consent for research subjects. Marketing requires opt-in or opt-out mechanisms for consumers, depending on the jurisdiction and industry sector.
- 4. Audience Vulnerability:** Research involves voluntary participants, often with additional protections for vulnerable groups. Marketing targets individual consumers/customers, who must be protected from misleading, manipulative, or intrusive practices.

Overlap and Risks

- 1. Market Research vs. Marketing:** Market research used for marketing purposes sacrifices its special treatment as research and must comply with marketing laws. If

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data collected during research is later used for marketing without proper disclosure to (and consent from) the original data subjects, it may violate regulations like the EU GDPR or U.S. FTC Act. Also, selling or fundraising under the guise of research (known as “**sugging**” or “**frugging**”) can bring potential negative word of mouth and loss of reputation, litigation, and, in some industries, significant fines. While marketing teams may want to directly address poor experience or misinformation, their efforts can backfire if a research subject perceives that they have been misled.

2. **Transparency:** Both research and marketing must ensure clear communication about how data will be used, but the regulatory standards differ in specificity and scope.

By adhering to these distinct legal frameworks, organizations ensure compliance while respecting ethical responsibilities and consumer rights.

Why Should Companies Have Separate Research & Marketing Functions?

A company should maintain separate research and marketing functions to ensure clarity of purpose, maximize efficiency, and uphold ethical and legal standards. Why is this separation important?

Different Objectives

- **Research:** Focuses on generating insights, solving problems, and understanding trends or customer needs. It’s about discovering the "what" and "why."
- **Marketing:** Focuses on promoting products or services, building brand awareness, and driving sales. It’s about executing the "how."

Keeping these functions separate ensures each team remains aligned with its primary mission without diluting focus.

Ethical Compliance

- **Research** activities often involve data collection under strict ethical guidelines, including confidentiality, informed consent, and unbiased methodology.
- **Marketing** activities are regulated to protect consumers from false claims, intrusive practices, or exploitation.

If these functions overlap, there’s a risk of misusing research data for marketing purposes, potentially breaching legal or ethical standards (e.g., GDPR, or FTC guidelines).

Expertise and Skill Sets

- **Researchers:** Trained in scientific methods, data analysis, statistics, and experimental design. They focus on objectivity, validity, and rigor.



- **Marketers:** Skilled in branding, storytelling, customer engagement, and campaign execution. Their work often requires creativity and strategic thinking.

By keeping these functions distinct, a company can leverage specialized expertise in each area.

Credibility and Trust

- When research is influenced by marketing agendas, it risks losing credibility. For example, research designed to validate a marketing campaign (rather than explore unbiased questions) may lead to skewed or unreliable results.
- Customers and stakeholders are more likely to trust findings from a neutral, objective research team.

Data Integrity and Usage

- **Research Teams:** Often handle sensitive or anonymized data for analysis and hypothesis testing.
- **Marketing Teams:** Use personal and behavioral data for targeted campaigns. Keeping these functions separate ensures that data collected for research is not inadvertently used for marketing without proper consent or compliance.

Strategic Independence

- **Research:** Should inform long-term strategic decisions, providing a foundation for innovation and product development.
- **Marketing:** Operates on shorter timelines, focusing on immediate outcomes like campaign success and revenue generation.

Separation prevents marketing pressures from compromising the integrity or long-term decision-making focus of research activities.

Collaboration Without Conflict: While separate, research and marketing *should* work together.

- **Research:** Informs marketing by providing insights into customer behavior, preferences, and market trends.
- **Marketing:** Guides research by highlighting gaps in customer understanding or new areas to explore.

A clear distinction allows each team to collaborate effectively while maintaining their respective responsibilities.

There are instances when it is appropriate or allowable to connect research and marketing, but certain conditions must be respected. For instance, in some industries, user groups or communities exchange their information and participation for points, product trials, or early access to products/services. They do this with *express* written consent and the organization agrees to terms of data confidentiality and use. **Informed consent is the backbone of connecting any direct action to research participants.**

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Risk Management

- Combining these functions can lead to risks like:
 - Biased research results tailored to marketing agendas, undermining sound decision-making in the short and long terms.
 - Misuse of research data in marketing campaigns, leading to legal or reputational issues.
- Separation reduces these risks by establishing clear boundaries.

Professional standards

The market research industry also has its own professional standards that require and govern differentiation between market research and marketing, including the Insights Association [Code of Standards & Ethics](#):

- "Researchers must... Always distinguish between research and non-research activities so as to maintain public confidence in the integrity of research." (Section 1.4)
- "When engaging in non-research activities, do not permit any direct action toward an individual based on their participation in research without their consent." (Section 1.5)
- "Researchers must... Inform research subjects of any non-research use prior to data collection and obtain their consent." (Section 6.8)
- "Researchers must... Be transparent about non-research activities in which a sample or panel may participate." (Section 8.9)

Conclusion

Separating research and marketing functions ensures:

- Integrity in data collection and analysis.
- Compliance with ethical and legal standards.
- Effective use of specialized skills.
- Trust from stakeholders and customers.

While collaboration is essential, maintaining distinct roles allows each function to excel in its primary mission while contributing to the company's overall success.

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