

LLB&L

Locke Lord Bissell & Liddell LLP

The Essentials of Advertising & Marketing Law

A complimentary seminar presented by Locke Lord Bissell & Liddell LLP

Wednesday, May 6, 2009

The Offices of Locke Lord Bissell & Liddell LLP
2200 Ross Avenue, 21st Floor
Dallas, Texas 75201

Topics to be discussed include:

Clearing Your Ads - Why an ounce of prevention is worth a pound of cure

That's Unfair! - Halting competitors who bend the truth

Internet Advertising - Unique issues for protecting your brands, products, trademarks and keywords against abuse and counterfeiting online

Hot Topics - The latest issues buzzing in the advertising and marketing legal community

This course will be registered for accreditation with the Texas MCLE Board.

Billions of dollars are spent each year on advertising the latest products or services, as companies constantly strive to keep their brands before consumers. Often advertisers do not consider that consumers are not the only group scrutinizing their advertisements. More and more, government agencies and competitors are challenging the content of advertisements in the market place. To reduce the risk of defending a costly challenge and the potential loss of profits, advertisers are increasingly seeking legal review of their advertisements prior to publication as well as legal review of their competitor's advertisements.

This workshop will provide tools to help understand the compliance and legal risks and strategies associated with advertising in today's market. We will provide an overview of certain federal and state laws that address the way brands are presented and marketed to the public and that govern disputes among competitors. We will also discuss the potential impact of non-compliance, and outline the scope of the risks faced.

Why Locke Lord Bissell & Liddell?

We have helped a number of clients work through the complicated areas of advertising law, whether to challenge or defend allegations relating to claims made in advertising, to develop a promotion that complies with multiple states' laws, or to identify potential sources of risk in advertisements. We have worked with advertisers and advertising agencies alike in both regional and national advertising campaigns. This experience allows us to guide clients in avoiding risk and responding to their competitors' actions in the market place.

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Clearing Your Ads

Why an ounce of prevention is worth a pound of cure

That's Unfair!

Halting competitors who bend the truth

Internet Advertising

Unique issues for protecting your brands, products, trademarks and keywords against abuse and counterfeiting online

Hot Topics

The latest issues buzzing in the advertising and marketing legal community

RSVP by May 1 to Rachel Trowbridge
rtrowbridge@lockelord.com or 214.740.8829

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8:00 - 9:00 a.m.

Continental Breakfast

9:00 - 9:05 a.m.

Opening Remarks - Robb Stewart

9:05 - 9:45 a.m.

Session 1: Clearing Your Ads - Why an ounce of prevention is worth a pound of cure
Mike Schulman and Jason Mueller

This session will focus on the need to have experienced counsel review advertisements prior to publication. Recent FTC revisions to the testimonial guidelines and green guides will be highlighted as examples of how the law is changing. The presenters will discuss how new media trends are pushing regulators and lawmakers to devise new ways to protect consumers, particularly in the product placement context. Finally, a spotlight of recent FTC enforcement actions and competitor challenges will focus on the risk of running ads that are misleading or violate FTC regulations.

9:45 - 10:30 a.m.

Session 2: That's Unfair! Halting competitors who bend the truth
Mike Collins, Peter Flynn and Steve Wilson

This session will focus on some of the key false/misleading advertising cases decided in the U.S. Courts that have shaped the law of false advertising, including Time Warner v. DirecTV and Pizza Hut v. Papa Johns. The discussion will focus on the standards applied, how courts determine what is false or misleading and what is material. Participants will also be invited to challenge the presenters with hypothetical scenarios. Presenters will respond with specific options advertisers have to challenge competitive ads, and how to react or defend similar challenges.

10:30 - 10:45 a.m.

Break

10:45 - 11:30 a.m.

Session 3: Internet Advertising and Marketing - Unique issues for protecting your brands, products, trademarks and keywords against abuse and counterfeiting online
Paul Van Slyke

This session will provide legal strategies for protecting advertising, trademarks and brands on the Internet and detecting and stopping imitation, abuse and counterfeiting. Ideas will be given for trademark and copyright protection of advertising and brands on the Internet. Highlighted will be how to stop competitors from using keyword advertising triggered by your brands and avoiding the use of keywords including your competitors' brands. Strategies for stopping domain name abuse and auction counterfeiting will be covered.

11:30 a.m. - 12:15 p.m.

Session 4: Hot Topics - The latest issues buzzing in the advertising and marketing legal community
Greg Casamento and David Greene

Topics in this session will include: the risks associated with User Generated Content; the FTC's inquiry into how product placements should be regulated; the new requirement to include product warnings when advertising children's products; CAN-SPAM updates; and the latest restrictions associated with direct marketing tactics.

12:15 - 12:30 p.m.

Q & A - Robb Stewart

12:30 p.m.

Lunch

Key Contacts

Gregory T. Casamento is a partner in the New York office of Locke Lord Bissell & Liddell LLP. Greg's practice focuses on business, commercial, insurance and intellectual property litigation. He has significant experience litigating matters for his clients before both the State and Federal Courts of New York, and before a variety of New York state administrative bodies. His experience includes advising clients on and litigating false advertising claims, copyright and trademark infringement claims, breach of contract and licensing disputes. Greg can be contacted at gcasamento@lockelord.com or 212-812-8325.

Michael H. Collins is a partner in the Dallas office of Locke Lord Bissell & Liddell LLP. Mike has nearly 30 years of experience resolving complex issues and has used mediation, arbitration and litigation to help clients on claims involving the energy sector, franchise, labor/employment, construction and real estate, business torts, landlord/tenant, RICO and commercial transactions. Mike can be reached at mcollins@lockelord.com or 214-740-8526.

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Attorney Advertising

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Sean C. Fifield is a partner in the Chicago office of Locke Lord Bissell & Liddell LLP. Sean's practice focuses on intellectual property protecting and licensing and general business contracts. Sean's experience includes advising clients on trademark and copyright protection, enforcement and licensing and the review and clearance of advertising and sweepstake promotions. Sean can be contacted at sfifield@lockelord.com or 312-443-1787.

C. W. (Peter) Flynn is a partner in the Dallas office of Locke Lord Bissell & Liddell LLP. Peter has worked on behalf of public companies in the area of securities litigation for the past 20 years. He is a member of the Securities Litigation section and is part of the Firm's multi-disciplinary Internal and Governmental Investigation section. He was formerly an attorney with the Trial Unit of the SEC's Division of Enforcement in Washington, D.C. Peter can be contacted at cwflynn@lockelord.com or 214-740-8654.

David G. Greene is the Managing Partner of the New York office of Locke Lord Bissell & Liddell LLP. David has more than 25 years experience in prosecuting and defending complex commercial litigations, including federal and state class actions, multi-district litigations in the federal courts and arbitrating business disputes and arbitrations in the U.S. and Europe. David has prosecuted and defended Lanham Act and false advertising claims as well as intellectual property claims including patent infringement, trademark and copyright disputes. David has also counseled clients and litigated contract, licensing, confidentiality and non-compete claims for businesses and individuals. David can be contacted at dgreene@lockelord.com or 212-812-8338.

Jason Mueller is an associate in the Dallas office of Locke Lord Bissell & Liddell LLP. Jason has worked extensively with advertising agencies and advertisers to provide legal review and analysis of many national advertising campaigns. Jason has also worked with advertisers to design and create rules for national sweepstakes and promotions to ensure compliance with the laws of each state. Jason can be contacted at jmueller@lockelord.com or 214-740-8657.

Michael R. Schulman is a partner in the Dallas office of Locke Lord Bissell & Liddell LLP. Mike has significant experience in advertising and intellectual property law. His work includes review and clearance of advertising for compliance with legal requirements for advertising agencies and advertisers, resolution of disputes between advertisers, trademark selection, searching and registration, unfair competition law, licensing and transfer of intellectual property, e-commerce intellectual property issues, copyright registration, and corporate and financing transactions involving intellectual property. Mike can be contacted at mschulman@lockelord.com or 214-740-8612.

Paul C. Van Slyke is a partner in the Houston office of Locke Lord Bissell & Liddell LLP. Paul's experience includes advising clients on and handling litigation claims for trademark infringement, copyright infringement, keyword based Internet advertising and counterfeiting online. He also assists clients with preventing domain name abuse and obtaining recovery of domain names through purchase, litigation and arbitration. His experience also includes assisting advertisers with legal review of advertising websites to assure compliance with the state and federal laws and regulations. Paul can be contacted at pvanslyke@lockelord.com or 713-226-1406.

Robb P. Stewart is a partner in the Dallas office of Locke Lord Bissell & Liddell LLP. Robb works with advertising agencies to review and negotiate advertising services agreements with advertisers, production agreements and sponsorship agreements. Robb has also worked with media companies to negotiate digital media advertising agreements, as well as universities to negotiate sponsorship agreements and sports marketing agreements. Robb can be contacted at rstewart@lockelord.com or 214-740-8571.

Stephen D. Wilson is a partner in the Dallas office of Locke Lord Bissell & Liddell LLP. Steve has significant experience litigating false advertising claims and advising advertisers, agencies, and production companies on compliance issues. Steve can be contacted at swilson@lockelord.com or 214-740-8651.