

Advertising & Marketing Law

The Advertising & Marketing Law practice group offers sophisticated, experienced advice to clients promoting goods and services to a wide variety of clients (B2C, B2B etc.). Best & Flanagan regularly advises clients on all facets of advertising and marketing law. From initial conception through execution, we work with our clients to ensure that their message is grounded within a sound legal framework.

Clients include name-brand advertisers, advertising agencies, PR firms, production companies, advertising agency networks, media companies, technology companies, publishers, film studios, television networks, cable channels, authors, musicians and celebrities.

We provide comprehensive legal counsel from start to finish, ranging from the creation, design and production of marketing campaigns, through the launch and dissemination of all variety of advertising, sales and promotional materials. We assist our clients in diligently prescreening and reviewing proposed marketing and advertising campaigns. Our practice covers areas as diverse as regulatory compliance, consumer protection, intellectual property, celebrity endorsements, e-commerce, promotions, sweepstakes, contests, event management, sponsorships, product placement, licensing, defamation, invasion of privacy, contracts, mergers and acquisitions, joint ventures, social media issues, and trade association regulation.

We regularly work to ensure that all new and existing marks, slogans, taglines, logos and copy are properly cleared and conform to established and accepted usage guidelines. We also provide important due diligence and risk management advice regarding the substantiation of product claims. For campaigns involving promotions, we advise on the creation and execution of sweepstakes, contests, raffles and loyalty programs executed both online and through traditional media venues.

Experience

Our experience includes:

- › Ad Clearance (intellectual property, branding, claim substantiation and documentation)
- › Advertiser/Agency Contracts
- › Advertising Business Litigation
- › Advertising Substantiation and Claim Clearance
- › Affiliate Marketing Business Agreements
- › Brand Protection
- › Claims (including “Made in the U.S.A.” labels)
- › Comparative Advertising
- › Competitor Litigation and Advertising Challenges (e.g., trademark and brand disputes, cease and desist\take-down demands)
- › Compliance Training (e.g., on-air talent)
- › Consumer Product Safety Information and Packaging Label Requirements
- › Consumer Credit (including credit reporting, credit billing, and truth-in-lending)
- › Direct Marketing Law
- › Endorsements and Testimonials

- › Environmental “Green” Marketing
- › Food, Drug, Dietary Supplement & Cosmetic Advertising
- › The Federal Trade Commission (FTC), Food & Drug Administration (FDA), Alcohol and Tobacco Tax and Trade Bureau (TTB), Federal Communications Commission (FCC), Attorneys General and District Attorneys, Alcohol Beverage Commissions, United States Customs, and United States Postal Services (USPS)
- › Intellectual Property and Licensing
- › International Marketing and Promotions
- › Internet, Interactive & Mobile Marketing Law
- › Multi-Level Marketing
- › National and global media-buying agreements for both traditional and digital media
- › Pricing Issues
- › Privacy Law
- › Product Placement
- › Reviewing ads, social media campaigns, and websites
- › Rights of privacy and Publicity and "Image Rights"
- › Safe Harbor Laws
- › Social Media Law
- › Spam, and other Solicitations over e-mail, FAX and Telephone (e.g., CAN-SPAM, OPT-OUT requirements, Telephone Consumer Protection Act (TCPA) defense)
- › Sponsorships and Events (e.g., concert promotions, product placements, commercial tie-ins, sporting events, etc.)
- › Surveys, Clinical studies, Research
- › Sweepstakes, Contests & Promotional Marketing Law
- › Technology Law
- › Telecommunications
- › Telemarketing
- › Television and Film Productions Contracts
- › Use of Music and Images in Advertising
- › Website Privacy Policies and Terms of Use

Related Practices

Intellectual Property

Related Professionals

- › David Schelzel, Attorney

- > Alexander Farrell, Attorney
- > David Zubke, Attorney