



## Advertising, Marketing and Promotions

Our internationally recognized advertising team helps major brands, agencies and media companies navigate the ever-changing regulatory landscapes that affect how their advertising, marketing and promotional campaigns are activated, produce and distribute advertising content, and structure and negotiate cutting-edge marketing and sponsorship deals. We represent global consumer brands, major film studios, broadcasters, online and mobile video distribution channels, and their respective advertising, marketing and promotions agencies, in all aspects of marketing (including sports, entertainment and interactive), as well as in innovative branded entertainment and e-commerce initiatives.

### RELATED SERVICES

- Intellectual Property and Technology

### RELATED SECTORS

- Media, Sport and Entertainment

Among our clients are high-profile major consumer brands across a range of sectors, and a stellar range of professional sports bodies (eg Premier League, NFL, NBA, MLB, NHL, MLS and NASCAR). We also have extensive experience of acting for both advertising/media agencies, and advertising publishers (conventional and online media companies), such that we are in an unrivalled position to provide rounded advice to all players on the advertising market. We also advise regularly on sustainability / ESG aspects of advertising campaigns. Our advertising team is ranked by both Legal 500 and Chambers in various territories around the world.

### CAPABILITIES

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#### Clearance and Promotions

- reviewing and clearing advertising copy for use in broadcast, online and offline media;
- advising clients on compliance with advertising regulation and law, including in relation to sustainability/ ESG claims, children, alcoholic drinks, gambling, esports, pharmaceutical products and devices, cosmetics and food and beverage;
- advising on sweepstakes/ prize draws, skill competitions and other promotions, often spanning multiple countries (including producing terms and conditions, obtaining licences and complying with other formalities where required, advising on tax aspects, and dealing with related complaints and disputes);
- advising on good cause promotions (eg compliance with charity laws);
- advising on IP infringement risk in advertising and on strategies to minimise such risk;
- advising on product labelling and packaging regulation (including for highly regulated/ restricted products like pharmaceuticals, medical devices, alcohol, tobacco, cannabis);
- advising on pricing and distribution advertising issues, often in conjunction with our competition (anti-trust) team;

- advising sponsors, rights-owners and third party brands on ambush marketing issues around major sporting events;
- advising on financial and consumer credit advertising and promotions, in conjunction with our colleagues focusing on those areas of regulation;

## Disputes / Investigations

- representing clients on cases before national (and state) advertising regulators (including filing complaints against competitors);
- representing clients on litigation and arbitration relating to advertising and marketing (including IP and consumer law claims between competitors, internet keyword advertising disputes, contractual disputes with agencies and suppliers, and class action and other claims by consumers);
- advising clients on governmental investigations and consultations relating to advertising and marketing;
- defending clients from criminal prosecutions for advertising offences, in conjunction with our White Collar and Corporate Crime team;

## Transactional

- negotiating creative agency engagement agreements;
- structuring and negotiating media planning and buying agreements;
- sports and other event marketing and sponsorship agreements;
- preparing and negotiating joint promotion alliances for product launches and tent-pole motion picture releases;
- analyzing and licensing copyright, trademark, publicity and other intellectual property rights associated with advertising and marketing projects;
- structuring and activating social media campaigns, branded entertainment initiatives and customer loyalty programs;
- commercial agreements for e-sports telecasts, virtual reality productions and other innovative content initiatives;
- preparing endorsement agreements with celebrities and influencers;

## Data Privacy

- advising (in conjunction with our leading Data Protection and Privacy team) on all data protection and privacy aspects of such advertising work (including direct marketing campaigns, behavioural advertising and ad-tech, privacy aspects of promotions, dealing with regulatory investigations and data breaches arising out of marketing campaigns).

## EXPERIENCE

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- Clearing, running and undertaking subsequent updates for an international prize promotion for a major tech brand covering approximately 50 countries.
- Advising a global brand on various aspects (regulatory and transactional) of charitable promotions, across a number of jurisdictions.
- Negotiating endorsement/ other talent agreements on behalf of major retailers and consumer brands with athletes, social media influencers and A-list celebrities from the sports, fashion, music and entertainment industries.
- Advising a household name consumer goods brand on numerous comparative advertising disputes (as both complainant and respondent) with its major competitors across multiple territories (including before several national regulators).
- Negotiating entertainment marketing agreements and structuring the corresponding campaigns in connection with major film releases.
- Advising global operator of theme parks on advertising and marketing clearance, developing compliance policies, dealing with advertising regulatory breaches and complaints, and negotiating marketing aspects of brand licensing agreements.
- Assisting a leading international consumer goods manufacturer on a competitor dispute regarding sustainability and environmental claims.

- Advising an online fashion retailer, one of the fastest growing e-commerce companies in Europe, on their advertising & marketing roll-out around Europe.
- Representing a leading global technology company in advertising and unfair competition matters, including coordinating several cross-border litigation matters, the placement of advertising campaigns, advertising clearance, promotions etc.
- Advising a worldwide leading cosmetics company on various promotion and advertising campaigns, in particular cross-border campaigns.
- Multi-jurisdictional assistance to two global sportswear brands on influencer marketing issues, and developing influencer terms and policies.
- Producing influencer term templates for various well-known international brands.

## INSIGHTS

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### Publications

#### **Adapting to a new consumer market**

15 April 2020

As consumer-facing businesses consider changes in their business models, avoiding legal pitfalls in some key areas is necessary for a successful transition.

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#### **With great influence comes great responsibility: potential liabilities in the growing influencer marketplace**

30 Sep 2019

What responsibility, if any, falls on the influencer for social media product endorsements?

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#### **Who's that bot? California requires clear disclosure starting 7/1/2019**

20 June 2019

A California law attempts to tackle the problem of automated online accounts that simulate conversation – and that are used to confuse or deceive.

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## NEWS

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#### **DLA Piper's Luxembourg team enters World Trademark Review ranking**

25 February 2021

Our Luxembourg office is pleased to announce that we have been ranked as a recommended law firm in the World Trademark Review.

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#### **DLA Piper advises ATI Global on GBP170 million acquisition of Groundsure**

21 January 2021

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Global law firm DLA Piper has advised ATI Global on its GBP170 million acquisition of UK based location intelligence business Groundsure, a leading supplier of environmental searches, data, mapping and reports for the UK property market, from Ascential plc (Ascential) (LSE: ASCL).

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### **DLA Piper and Aldersgate DLS launch TOKO, a fast, secure and cost effective solution for buying and selling high value assets using blockchain technology**

5 November 2020

Global law firm DLA Piper in collaboration with Aldersgate DLS (Digital Ledger Solutions), has launched TOKO, a unique tokenisation engine and vital component in the digital asset ecosystem. Developed with Aldersgate DLS, TOKO provides smart contract functionality and digital asset creation functionality and assurance.

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### **DLA Piper advises HCL Technologies on proposed acquisition of DWS Limited**

6 October 2020

DLA Piper advises HCL Technologies Limited (HCL Technologies) on its proposed AUD162 million acquisition of 100% of the shares in DWS Limited (DWS) by scheme of arrangement.

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### **DLA Piper advises Singtel Innov8 on its investment in Chinese data service provider DataHunter**

28 May 2020

DLA Piper has advised Singtel Innov8 the venture capital arm of Singtel Group focusing on investments in technology solutions, on its successful investment, through a B-Series fundraising, in Beijing-based data service provider DataHunter.

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### **China and Hong Kong partners recognised in IP Stars 2020**

14 May 2020

We are delighted to announce that IPT partners Edward Chatterton ( William (Skip) Fisher, (Shanghai), and Horace Lam, (Beijing), have been recognised in IP Stars 2020 by Managing Intellectual Property.

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### **DLA Piper announces partnership promotions for 2020**

30 April 2020

DLA Piper is proud to announce that 67 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2020 in the United States and May 1, 2020 for EMEA and Asia Pacific. The promotions have been made across many of the firm's practice areas in 35 different offices throughout 13 countries.

Across the firm's practices globally, Corporate saw the largest intake of new partners with 19 promotions, followed by Litigation and Regulatory with 15. Intellectual Property and Technology and Finance and Projects had ten and eight promotions respectively, while there were six in Real Estate. Tax and Employment both had four, and there was one in Restructuring.

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### **DLA Piper lawyers named Acritas Stars**

10 March 2020

Acritas has named over 200 DLA Piper lawyers as 2020 Acritas Stars. Now in its fourth year, Acritas Stars highlights the stand-out lawyers in private practice as nominated by clients around the world. More than 3,000 senior in-house counsel feed into the nomination process to give a comprehensive view of highly recommended lawyers across the globe.

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### **DLA Piper advises Little Green Pharma on IPO**

25 February 2020

Global law firm DLA Piper has advised Australian medicinal cannabis producer Little Green Pharma Limited (ASX: LGP) on its Initial Public Offering (IPO) and ASX listing.

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### **DLA Piper advises AirTrunk on new hyperscale data centre in Hong Kong**

23 September 2019

Global law firm DLA Piper has advised hyperscale data centre specialist AirTrunk on the development of its state-of-the-art USD150+ million data centre in Hong Kong.

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### **DLA Piper to advise ITW Global Leaders' Forum on blockchain-based telecoms platform**

2 July 2019

DLA Piper has been appointed to advise the ITW (International Telecoms Week) Global Leaders' Forum (GLF) on the launch of a special purpose vehicle that will develop a live, blockchain-based platform.

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### **DLA Piper announces launch of Artificial Intelligence practice**

14 MAY 2019

DLA Piper announced today the launch of its Artificial Intelligence practice, which will focus on assisting companies as they navigate the legal landscape of emerging and disruptive technologies, while helping them understand the legal and compliance risks arising from the creation and deployment of AI systems.

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### **DLA Piper announces partnership promotions for 2019**

1 APR 2019

DLA Piper is proud to announce that 77 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2019 in the United States and May 1, 2019 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 43 different offices throughout 20 countries.

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## DLA Piper hosts leading business and diplomacy conference

14 MAR 2019

DLA Piper's London office has hosted the Annual Conference of the International Diplomatic and Business Exchange (IBDE).

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