



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.

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.

RELATED SERVICES

- Intellectual Property and Technology

RELATED SECTORS

- Media, Sport and Entertainment

CAPABILITIES

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

- 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

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.

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?

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.
