



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.

What starts the avalanche? Earlier triggers for life sciences mass torts in the era of big data and social media

9 December 2019

The bar for safety issues to lead to claims that ultimately result in mass tort litigation has never been lower.

Plaintiff attorney advertising in pharmaceutical and medical device litigation: addressing the risk of harm to the public

29 October 2019

Law firm advertising about pharmaceutical and medical device litigation is receiving heightened regulatory scrutiny.

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.

District of Columbia v. Facebook: General Consumer Protection Statute can serve as vehicle for state attorney general seeking redress for data privacy violations

12 June 2019

This case should be carefully examined by entities that collect data for a number of reasons.

In-venue streaming and broadcasting of live sporting events – key legal issues for sports clubs and leagues

25 MAR 2019

Approaches to consider for US sporting event organizers seeking to combat peer-to-peer broadcasting of live events.

DOJ reverses its 2011 Opinion, concludes Wire Act prohibitions “sweep beyond sports gambling”

18 JAN 2019

An opinion that will have a significant effect on the Internet gaming and lottery industries.

5 antitrust trends to watch in 2019

14 JAN 2019

2018 was a memorable year for antitrust law and all signs point to 2019 being equally memorable.

FTC finds keyword search advertising agreements anticompetitive

19 NOV 2018

A decision that could have far-reaching implications for retailers and manufacturers engaged in direct online sales.

NEWS

Ann Ford named to the *National Law Journal's* 2020 list of DC Trailblazers

16 September 2020

DLA Piper is pleased to announce that Ann Ford has been named a 2020 DC Trailblazer by the *National Law Journal*.

DLA Piper's Andrew Kingman named to the *Massachusetts Lawyers Weekly's* list of Up and Coming Lawyers

21 July 2020

DLA Piper is pleased to announce that Andrew Kingman has been named to the *Massachusetts Lawyers Weekly's* list of Up and Coming Lawyers.

Information security and privacy lawyer Ronald Plesco joins DLA Piper's Intellectual Property and Technology practice as a partner in Philadelphia

1 July 2020

DLA Piper announced today that Ronald Plesco has joined the firm's Intellectual Property and Technology practice as a partner in Philadelphia.

DLA Piper lawyers and practices ranked in latest Chambers edition

8 May 2020

DLA Piper today announced that the firm received 172 lawyer rankings and 71 practice rankings in *Chambers USA's* 2020 guide.

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.

Kristin Jacobson joins DLA Piper's Intellectual Property and Technology and Telecom practices in Northern California

1 April 2020

DLA Piper announced today that Kristin Jacobson has joined the firm's Intellectual Property and Technology and Telecom practices as a partner in Northern California, based in the Sacramento office.

Marius Domokos joins DLA Piper's Intellectual Property and Technology practice in Washington, DC

31 March 2020

DLA Piper announced today that Marius Domokos has joined the firm's Intellectual Property and Technology practice as a partner in Washington, DC.

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.

DLA Piper announces new US Intellectual Property and Technology practice leadership

22 January 2020

DLA Piper is pleased to announce that Ann Ford will become the sole US chair and global co-chair of the firm's Intellectual Property and Technology practice. She will assume these roles from Frank Ryan, the incoming chair of DLA Piper LLP (US).

DLA Piper advises CallMiner in US\$75 million investment from Goldman Sachs

17 December 2019

DLA Piper is pleased to announce that the firm represented CallMiner in connection with a US\$75 million investment from GS Growth.

DLA Piper named Communications Law Firm of the Year by *U.S. News and Best Lawyers*

6 November 2019

DLA Piper is pleased to announce that it has been named Communications Law Firm of the Year by *U.S. News and Best Lawyers* as part of the 2020 rankings.

Michael Sitzman joins DLA Piper's Intellectual Property and Technology practice in Northern California

4 November 2019

DLA Piper announced today that Michael Sitzman has joined the firm's Intellectual Property and Technology practice as a partner in Northern California, based in the San Francisco office.

Tamany Vinson Bentz named to the *Daily Journal's* list of Top Trade Secrets Lawyers

9 October 2019

DLA Piper is pleased to announce that Tamany Vinson Bentz, a Los Angeles-based partner in the IPT Litigation practice, has been named to the *Daily Journal's* 2019 list of Top Trade Secrets Lawyers.

Mark Radcliffe to moderate panel at Open Core Summit in San Francisco

18 September 2019

Mark Radcliffe will moderate a panel on "The OSS Business Model, from Past to Present" at Open Core Summit, the global commercial open-source software (COSS) category ecosystem conference.

Lisa Hillman joins DLA Piper's Intellectual Property and Technology practice in Boston

26 August 2019

DLA Piper announced today that Lisa Hillman has joined the firm's Intellectual Property and Technology (IPT) practice as a partner in Boston.

Six-partner group joins DLA Piper across key markets and practice groups from coast to coast

18 July 2019

DLA Piper announced today the addition of a six-partner group whose members will be part of the firm's Corporate, Intellectual Property and Technology, and Litigation practices. The partners will be based in San Francisco, Los Angeles, Silicon Valley and New York.

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.

DLA Piper's Mark Radcliffe named to the *National Law Journal's* list of Technology Trailblazers

10 June 2019

DLA Piper is pleased to announce that Mark Radcliffe, a Silicon Valley-based partner, has been named to the *National Law Journal's* list of Technology Trailblazers.

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.

Andrew Serwin joins DLA Piper's Intellectual Property and Technology practice in San Diego

7 MAY 2019

DLA Piper announced today that Andrew Serwin has joined the Data Protection, Privacy and Security subgroup of the firm's Intellectual Property and Technology practice as a partner in San Diego.

DLA Piper lawyers and practices ranked in latest Chambers edition

30 APR 2019

DLA Piper today announced that 158 of the firm's lawyers and 64 of its practices were ranked in *Chambers USA's* 2019 guide.

DLA Piper lawyers and practices ranked in latest Chambers edition

30 APR 2019

DLA Piper today announced that 158 of the firm's lawyers and 64 of its practices were ranked in *Chambers USA's* 2019 guide.

Thomas Dombrowsky named to NTIA Commerce Spectrum Management Advisory Committee

26 APR 2019

DLA Piper is pleased to announce that Thomas Dombrowsky has been named to the Commerce Spectrum Management Advisory Committee (CSMAC) of the US Department of Commerce's National Telecommunications and Information Administration.

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.

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).

Nancy Victory named to the *National Law Journal's* 2019 list of Intellectual Property Trailblazers

4 MAR 2019

DLA Piper is pleased to announce that Nancy Victory, co-chair of the firm's global Telecom practice, has been selected as a 2019 Intellectual Property Trailblazer by the *National Law Journal*.

DLA Piper announces launch of Blockchain and Digital Assets practice

26 FEB 2019

DLA Piper announced today the launch of its Blockchain and Digital Assets practice, which will offer strategic advice on a global basis to address the needs of companies implementing blockchain technology solutions and creating and deploying digital assets.

DLA Piper recognized for fourth consecutive year as a top outsourcing advisor

26 FEB 2019

DLA Piper is pleased to announce that the firm has been selected for the 2019 Best of the World's Best Outsourcing Advisors list by the International Association of Outsourcing Professionals (IAOP).

DLA Piper joins Governing Council for Hedera Hashgraph

20 FEB 2019

DLA Piper has joined the initial group of Governing Council members for Hedera Hashgraph, a next-generation public ledger designed to have highly diversified governance and the most distributed consensus at scale. The announcement was made at Hedera Hashgraph's first annual summit in Seoul, Korea.

As part of the council, DLA Piper will help oversee changes to the software run by millions of Hedera distributed nodes over time. The governing council has been established to ensure stability and guaranteed continued decentralization to the Hedera Hashgraph distributed public ledger.

Edward J. McAndrew joins DLA Piper's Intellectual Property and Technology practice in Wilmington and Washington, DC

19 FEB 2019

DLA Piper announced today that Edward J. McAndrew has joined the firm's Intellectual Property and Technology practice as a partner based in Wilmington and Washington, DC.

DLA Piper bolsters Data Protection practice

4 FEB 2019

DLA Piper in Germany has hired Intellectual Property & Technology of counsel Prof Dr Jürgen Taeger, who joined the firm's Cologne office with effect from 1 February 2019.

Michael Jay joins DLA Piper's Intellectual Property and Technology practice in Los Angeles

3 JAN 2019

DLA Piper announced today that Michael Jay has joined the firm's Intellectual Property and Technology practice as a partner in Los Angeles.

DLA Piper lawyers ranked in *Chambers FinTech*

14 DEC 2018

DLA Piper is pleased to announce that the firm was ranked in the USA Legal 2019 edition of *Chambers FinTech*.

Five DLA Piper partners recognized in *Variety's* 2018 Dealmakers Impact Report

5 DEC 2018

DLA Piper is pleased to announce that five of its partners have been selected for *Variety's* 2018 Dealmakers Impact Report. The list honors the year's most accomplished dealmakers across all sectors of the entertainment industry who "keep the wheels of Hollywood turning, the content flowing and the money coming in."

David Markman joins DLA Piper's Media, Sport and Entertainment sector in Los Angeles

14 NOV 2018

DLA Piper announced today that David Markman has joined the firm's Media, Sport and Entertainment sector and Intellectual Property and Technology practice as a partner in Los Angeles, and will also serve as co-chair of the firm's Entertainment Transactions practice.

DLA Piper achieves victory for group of home builders in patent infringement suit

9 NOV 2018

DLA Piper recently achieved a significant victory for Pulte Homes, Inc., Lennar Corporation (formerly The Ryland Group, Inc. and CalAtlantic Homes), Shea Homes, and Taylor Morrison, Inc., defendants in a decade-long patent infringement suit.

Seasoned entertainment and media attorneys Tom Ara and Robert Sherman join DLA Piper as co-chairs of Entertainment Finance practice, Ara to chair Entertainment Transactions practice

25 OCT 2018

DLA Piper announced today that accomplished attorneys Tom Ara and Robert Sherman have joined the firm to lead the Entertainment Finance and Transactions practices based out of the firm's Century City office in Los Angeles.
