

## Advertising, Retail, and eCommerce



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**Our team includes the former Director of the FTC's Bureau of Consumer Protection and a Professor of Advertising and eCommerce Law at UCLA School of Law.**

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**We represent clients in all areas of the advertising ecosystem, including:**

- Brands
  - Ad agencies
  - PR firms
  - Media outlets
  - Advertising networks and exchanges
  - E-mail and text marketing facilitators
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BakerHostetler counsels leading companies in the advertising, media and retail industries from idea inception through commercialization and promotion. Our attorneys have depth beyond traditional issues and are recognized as leaders in both the evolving regulatory compliance and intellectual property issues related to the convergence of advertising, media and technology, and in regulated industries such as foods, cosmetics, spirits and drugs, financial services and children's advertising. We counsel clients on how to avoid claims, and represent them on claims by consumers, the Federal Trade Commission (FTC) and state and local consumer protection authorities and self-regulatory bodies, such as the various units of the Advertising Self-Regulatory Councils of the Better Business Bureaus (e.g., NAD, CARU, etc.). Our team provides practical counsel for clients in the following areas:

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### Advertising, Marketing, and Promotions Counsel

We help to structure advertising, marketing, and promotions campaigns to address regulatory compliance in all channels of traditional and new media including:

- Direct mail
- E-mail and text marketing
- Telemarketing
- Infomercials
- Multi-level marketing
- Branded entertainment and product placement
- Viral and word-of-mouth marketing
- User generated content
- Social media
- Endorsements and testimonials
- Coupons
- Gift cards and certificates
- Behavioral/interest-based advertising and retargeting
- Online and mobile marketing
- Regulated and self-regulated industries
- Commercial development, production and distribution
- Union and guild compliance
- Content and claims clearance
- Media buying, planning and placement
- Sweepstakes and contests
- Charitable promotions and co-venture
- Crowd sourcing
- Loyalty programs
- Advertising to children
- Native advertising

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### Retail

We draw upon a multi-disciplinary group of lawyers with retail industry experience to provide counsel to licensors, manufacturers, distributors, wholesalers, and retailers of products as diverse as automobiles, media and technology, consumer products, hospitality services, electronics, toys, apparel, financial products, food, dietary supplements, cosmetics and drugs. Our lawyers regularly assist the retail industry with:

- Antitrust and Competition
- Business and Corporate
- Employment
- Intellectual Property
- Legislative and Regulatory
- Privacy and Data Security
- Real Estate and Leasing
- Bankruptcy, Restructuring and Creditor Rights
- Distribution and Franchise
- Environmental
- International
- Mergers and Acquisitions
- Private Equity and Venture Capital
- Tax
- IT and Transactions
- White Collar Crime

This includes issues unique to the retail industry such as supply chain, labeling, product safety, payment systems, shipping and fulfillment, consumer credit, import/export, anti-counterfeiting and factoring.

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## Digital Media and eCommerce

At BakerHostetler our retail industry experience goes beyond brick and mortar, and we help clients evaluate risks and protect interests at the cutting edge of evolving media and disruptive technology, including.

- E-contracting
- Online affiliate relationships
- Cross-border issues
- MAP policies and gray market issues
- Social networking
- Virtual world, interactive games and adver gaming
- Digital content distribution arrangements, including OTT-TV deals
- Terms of use, service and sale, and end-user license agreements
- CDA immunity and DMCA safe harbor
- TCPA and CAN-SPAM compliance
- Digital music
- Online and mobile behavioral advertising
- Virtual currency and property
- Online payment systems
- Third-party platforms

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## Litigation and Enforcement Actions

When disputes arise, our attorneys represent clients as both plaintiffs and as defendants in litigating and resolving difficult claims. These include:

- FTC matters and actions
- False advertising and unfair business practices
- Lanham Act and trademark disputes
- Copyright and trademark infringement
- Consumer class actions (including privacy and consumer protection)
- Anti-counterfeiting
- Matters before state AGs and local consumer protection authorities
- BBB / NAD / CARU and other self-regulatory complaints
- Antitrust/Competition law complaints and enforcement
- Foreign Corrupt Practice Act
- Fair Credit Report Act violations

## Privacy and Data Protection

Data collection and exploitation have become key to understanding and effectively serving and reaching consumers, as well as improving products and supply chain and distribution efficiency.

BakerHostetler's top ranked Privacy and Data Protection group understands the issues and the consequences related to Big Data and CRM. After helping clients tackle over 750 data security incidents, we have the experience, the relationships, and the deep industry knowledge to help you protect your data from all types of threats—internal or external, accidental or malicious, and how to collect and exploit data consistent with laws and self-regulatory schemes.

We advise our clients on how to develop and maintain privacy programs and policies, prevent and prepare for a breach, provide counsel when an incident occurs, and defend against regulatory actions or class action litigation that result from a breach event or privacy controversy. Further, we know that beyond legal compliance, privacy and data protection are issues of consumer trust that affects brand equity. We accordingly help brands and retailers access privacy impacts and employ privacy-by-design to balance commercial and consumer interests and to craft transparent, accurate and friendly consumer notices regarding data practices.



Nationally Ranked Intellectual Property and Privacy and Data Security Practices



1 of 3

law firms recognized as an ACC Value Champion

Named to "The Client Service 30" by The BTI Client A-Team Survey 2015

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