



Advertising, Marketing & Media

A well-developed and well-known brand is of utmost importance to companies as it enables them to build valuable goodwill in their business. As strategic partners, our attorneys work with our clients' legal, marketing and advertising personnel to develop sophisticated and practical plans and policies that will best protect and enforce their brands and assets.

In addition to traditional brand management and advertising services, our team has significant experience helping companies navigate new media marketing mediums, including social media promotions, influencers, websites and website content, display advertising, online video(s) and more.

How We Help Clients

- Advise on laws and regulations applicable to online and print advertising, sales and marketing activity, including pricing, promotions and sweepstakes.
- Design social media campaigns to be compliant with Federal Trade Commission (FTC) guidelines and platform-specific requirements.
- Conduct advertising clearance reviews to identify issues such as truth-in-advertising, comparative advertising, fair use of copyrights and trademarks, and labeling requirements.
- Advise on launching consumer sweepstakes, contests, and other commercial promotions, including state registration and bonding requirements, preparing official rules and promotional materials, and post-promotion requirements.
- Advise on cause marketing endeavors and other charitable initiatives, including any state registration, reporting, disclosure and other requirements.
- Negotiate and draft contracts with advertising and public relations agencies, co-branding partners, strategic partnerships, Non-Governmental Organizations (NGO) partner agreements and promotions and sweepstakes providers.
- Negotiate and draft significant agreements, including the localization of form contracts and advertising terms and conditions, and implementing consistency across an organization's contractual provisions, in order to implement larger business goals.
- Counsel on brand management via social media platforms and through preparation of social media policies and advise on any necessary crisis response.
- Advise on pricing issues, including use of coupons, gift cards, and loyalty programs.
- Negotiate publicity and likeness agreements, including with social media influencers.
- Counsel on reputational and social media impacts of transactions, including acquisitions and

licensing arrangements.

- Counsel clients related to Americans with Disabilities Act (ADA) compliance for websites and mobile applications.
- Counsel clients regarding compliance with CAN-SPAM and the Telephone Consumer Protection Act (TCPA) in promotions and advertising.
- Develop advertising policies and regimes that comply with FTC standards, state law standards, and the Lanham Act.
- Assert and defend false advertising claims under the Lanham Act and state false advertising laws.
- Enforce and protect valuable products and brands in infringement and enforcement disputes in state courts and federal district courts across the country and before the Trademark Trial and Appeal Board (TTAB) and the United States Patent and Trademark Office (USPTO).
- Develop and draft product placement and product integration agreements.
- Identify trademarks and tradenames, including clearance and prosecution of state and federal trademarks.
- Negotiate vendor agreements, including but not limited to master services agreements, statements of work, and consulting/marketing agreements.

At Williams Mullen, our team of lawyers are well positioned to assist clients with their advertising and marketing needs across a diverse range of industries and platforms.

Key Industries Served

- Advertising and Marketing Agencies
- Alcoholic Beverage Control
- Banking & Financial Services
- Consumer Goods
- Entertainment
- Education
- Firearms
- Food and Beverage
- Gaming
- Manufacturing
- Dietary & Nutritional Supplements
- Radio, Television, Publishing, Recording and Broadcast Companies
- Retail
- Software, Technology, & e-Commerce
- Transportation
- Video Game & Interactive Media

Key Areas of Law

- ADA Compliance
- Advertising Disputes, Regulations and Investigations
 - FTC
 - International Trade Commission (ITC)
 - NAD
 - Lanham Act
 - TTAB
 - State investigations/litigation for alleged unfair or deceptive acts or practices
- Advertising Technology
- Agreements
 - Vendor agreements, master services agreements, statements of work, and consulting/marketing agreements
- Brand and Content Protection & Integration
- Cause Marketing
- Claim Substantiation
- Comparative Advertising
- Customer Reviews
- Domain Name Disputes
- False, Misleading Advertising
- Influencers, Endorsements and Testimonials
- Interactive Media
- Internet of Things, Connectivity & Mobility
- Marketing ? Content and Contracts
- Promotions, Sweepstakes and Contests
- Privacy, Security & Data Protection
 - California Consumer Privacy Act; California Privacy Rights Act
 - CAN-SPAM
 - TCPA
 - North Carolina Consumer and Privacy laws
 - Virginia Consumer Data Protection Act
- Rights of Publicity
- Warranties and Guarantees

Related News

- Podcast: False and Misleading Advertising, Label Review
- PODCAST: Advertising: ADA Compliance Related to Websites and Mobile Applications

- [PODCAST: Sweepstakes and Contests](#)
- [PODCAST: Advertising & Customer Engagement in the Digital Age - Customer Reviews and Response](#)
- [PODCAST: Advertising and Customer Engagement in the Digital Age - California Privacy update](#)
- [PODCAST: Your Brand is Your Business: Protecting and Managing Your Brand Online](#)
- [PODCAST: Telecommunication Consumer Protection Act \(TCPA\): Update and Practical Guidance](#)
- [PODCAST: Cause Marketing: Do's and Don'ts](#)
- [Marketing and Advertising: Can I Postpone or Cancel My Sweepstakes, Contest, Raffle or Other Promotion Because of Coronavirus \(COVID-19\)?](#)
- [Williams Mullen Welcomes Two Attorneys in Richmond](#)
- [Williams Mullen Nationally Ranked in 16 Practice Areas by U.S. News - Best Lawyers ?Best Law Firms? 2023](#)
- [Williams Mullen Nationally Ranked in 20 Practice Areas by Best Lawyers® ?Best Law Firms? 2024](#)

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