

# VENABLE<sup>®</sup>LLP

## Mobile Marketing

Melissa Landau Steinman, Venable LLP  
Gabriel H. Karp, ePrize LLC  
Claire M. Kimball, Turner Broadcasting Systems, Inc.  
Fawn M. Horvath, Macy's

## PMA 32<sup>nd</sup> Annual Marketing Law Conference

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## Mobile Marketing Overview

One Overriding Principle: The Customer Must be in Control of the Relationship

**“The customer is king (or queen).”**



## Mobile Marketing Overview

- I. Mobile Marketing Defined: Business Trends*  
– Gabe Karp, ePrize, LLC
- II. Statutory/Regulatory Overview* –  
Melissa Landau Steinman, Venable, LLP
- III. Industry/Self-Regulation and Advocacy*  
– Claire M. Kimball, Turner Broadcasting  
Systems, Inc.
- IV. Location-Based Services: Legal and  
Practical Considerations* – Fawn M.  
Horvath, Macy's





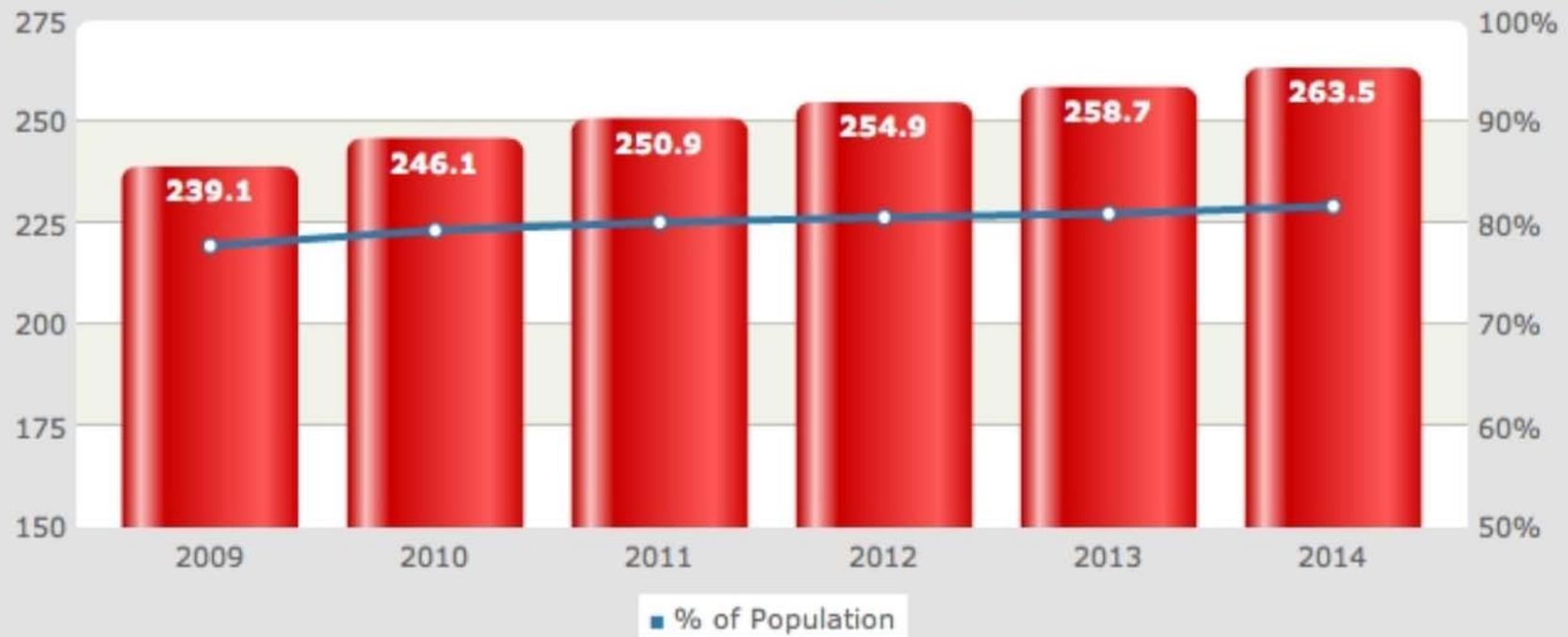
## Mobile Marketing

Gabriel H. Karp  
gabe.karp@eprize.com  
Executive Vice President  
& General Counsel, ePrize

# What is Mobile Marketing?

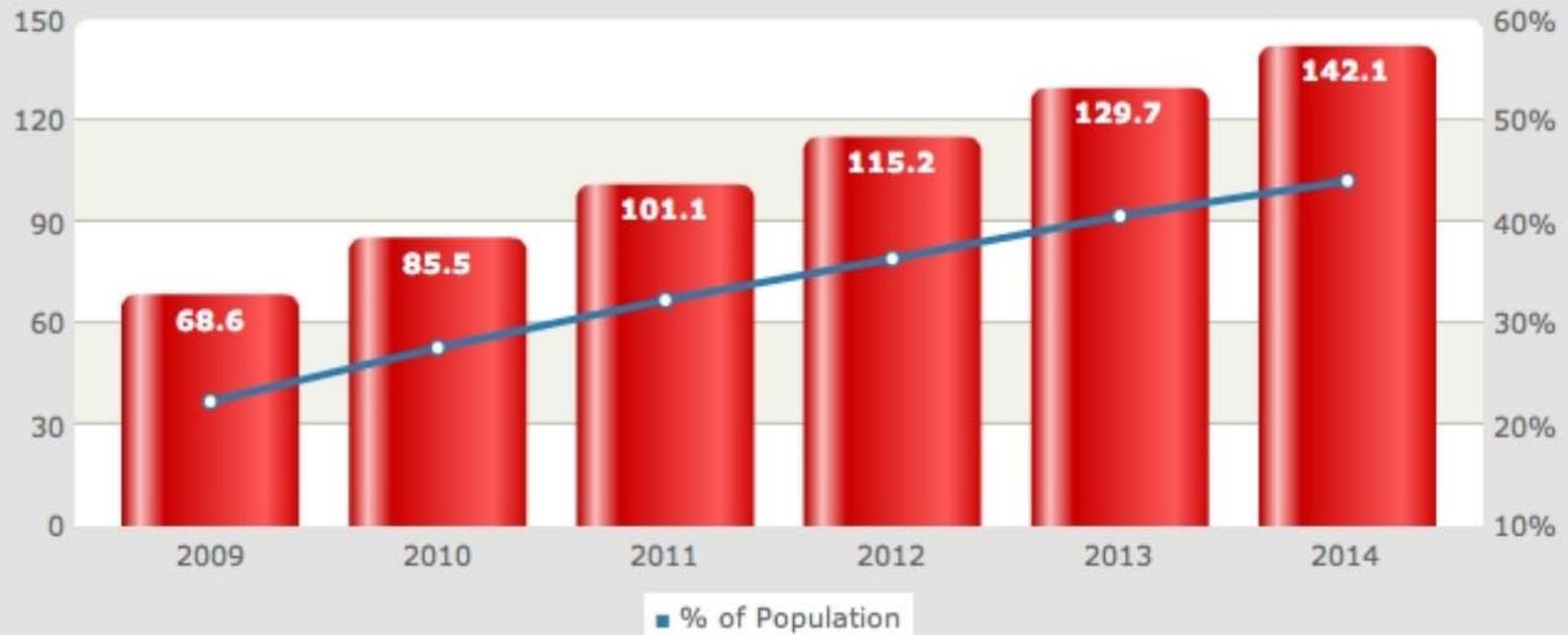


## US Mobile Phone Users and Penetration, 2009-2014 (millions and % of population)



eMarketer.com

## US Mobile Internet Users and Penetration, 2009-2014 (millions and % of population)



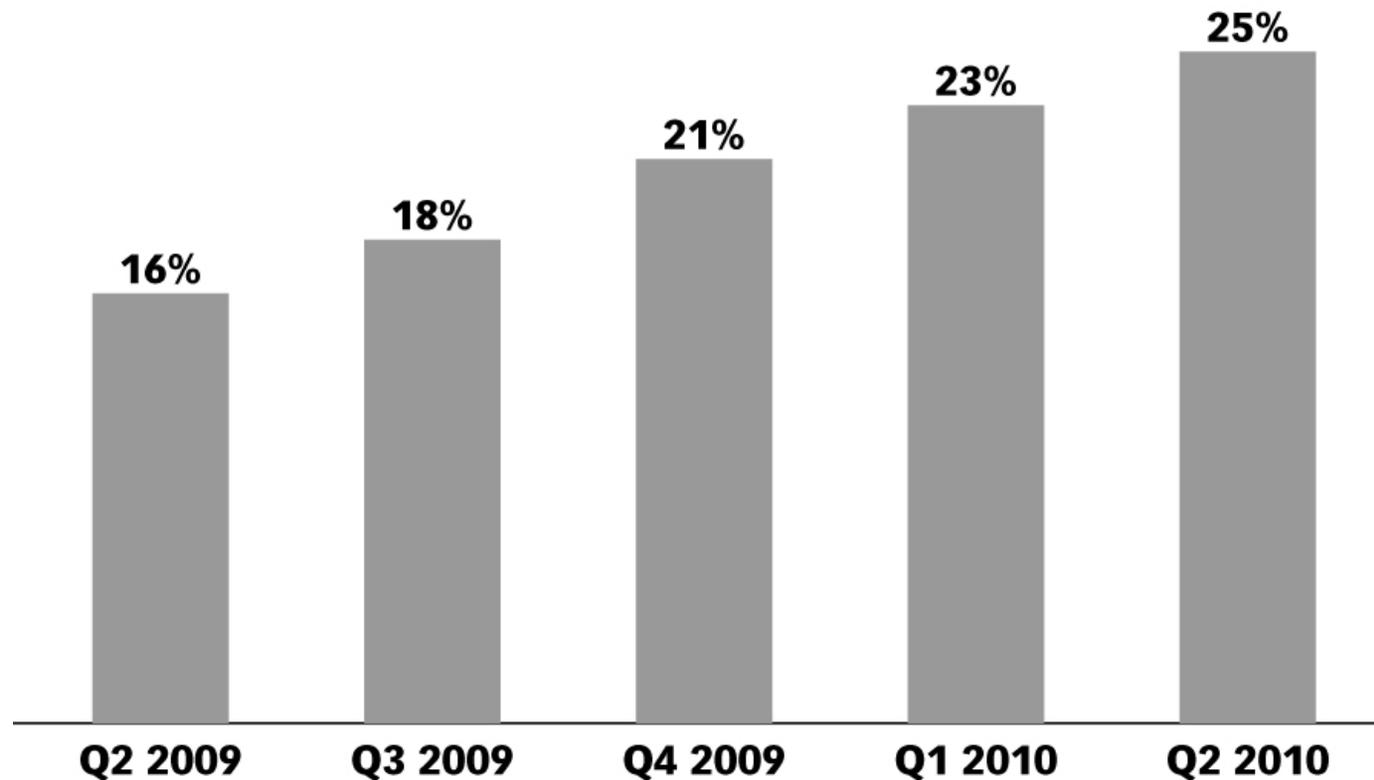
eMarketer.com

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## US Smartphone Penetration, Q2 2009-Q2 2010

*% of total mobile phone subscribers*

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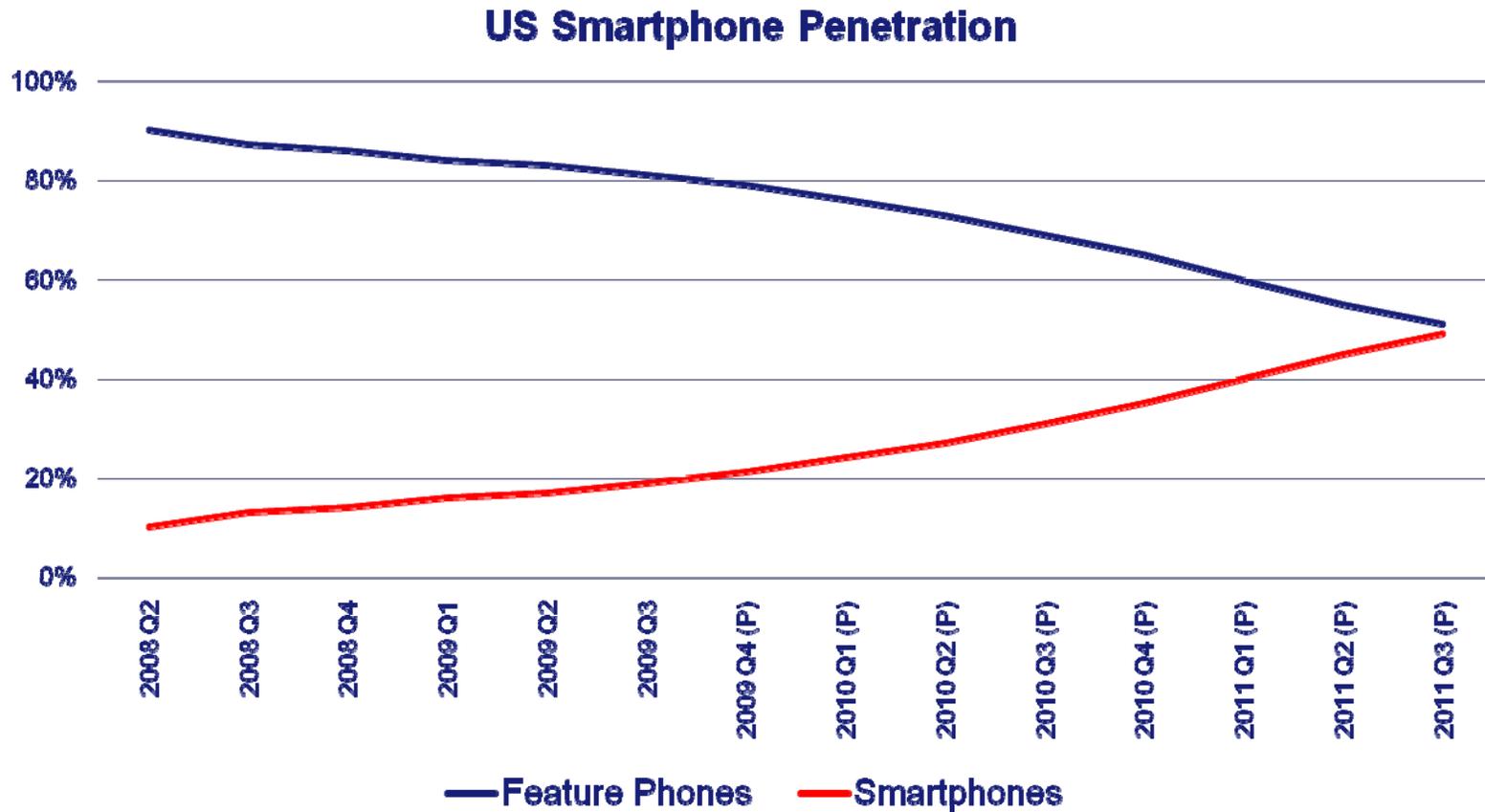
*Source: The Nielsen Company as cited in company blog, Aug 2, 2010*

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[www.eMarketer.com](http://www.eMarketer.com)

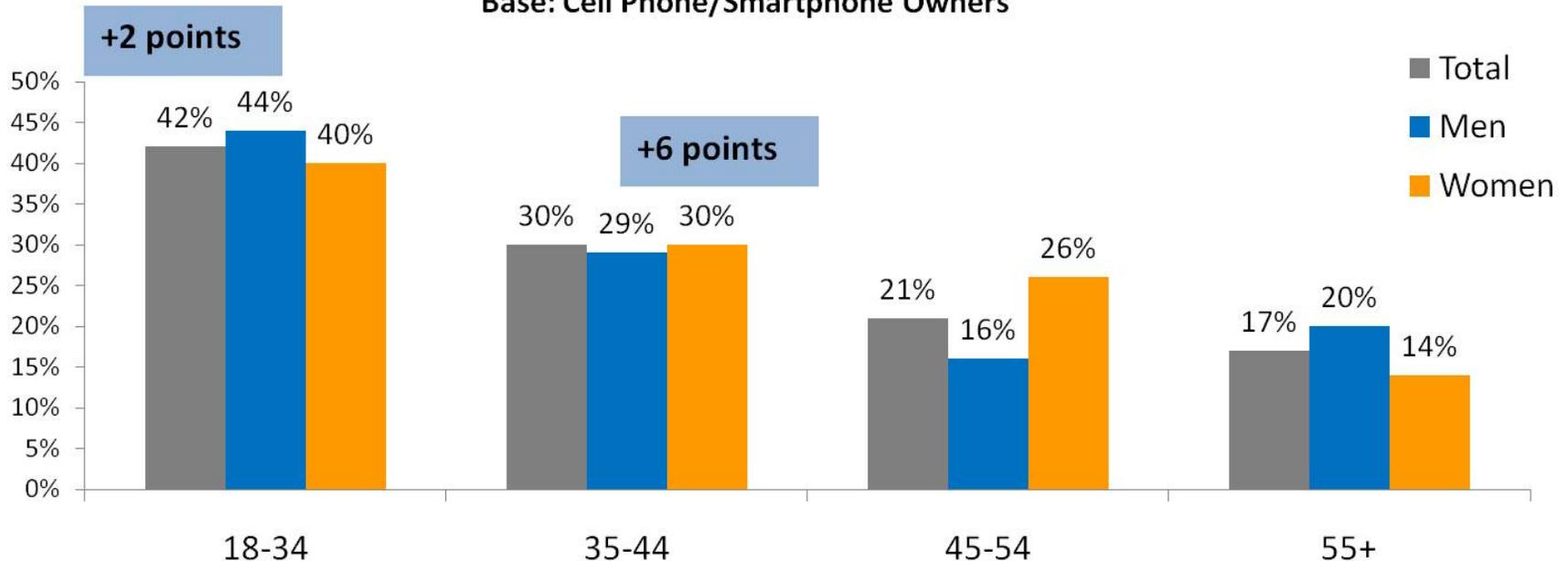
# Smartphone to Exceed Feature Phones



Source: The Nielsen Company, Smartphones to Overtake Feature Phones in US by 2011, Mar. 2010. Note Nielsen's numbers include Blackberry.

# Mobile Users Interested in Text Offers

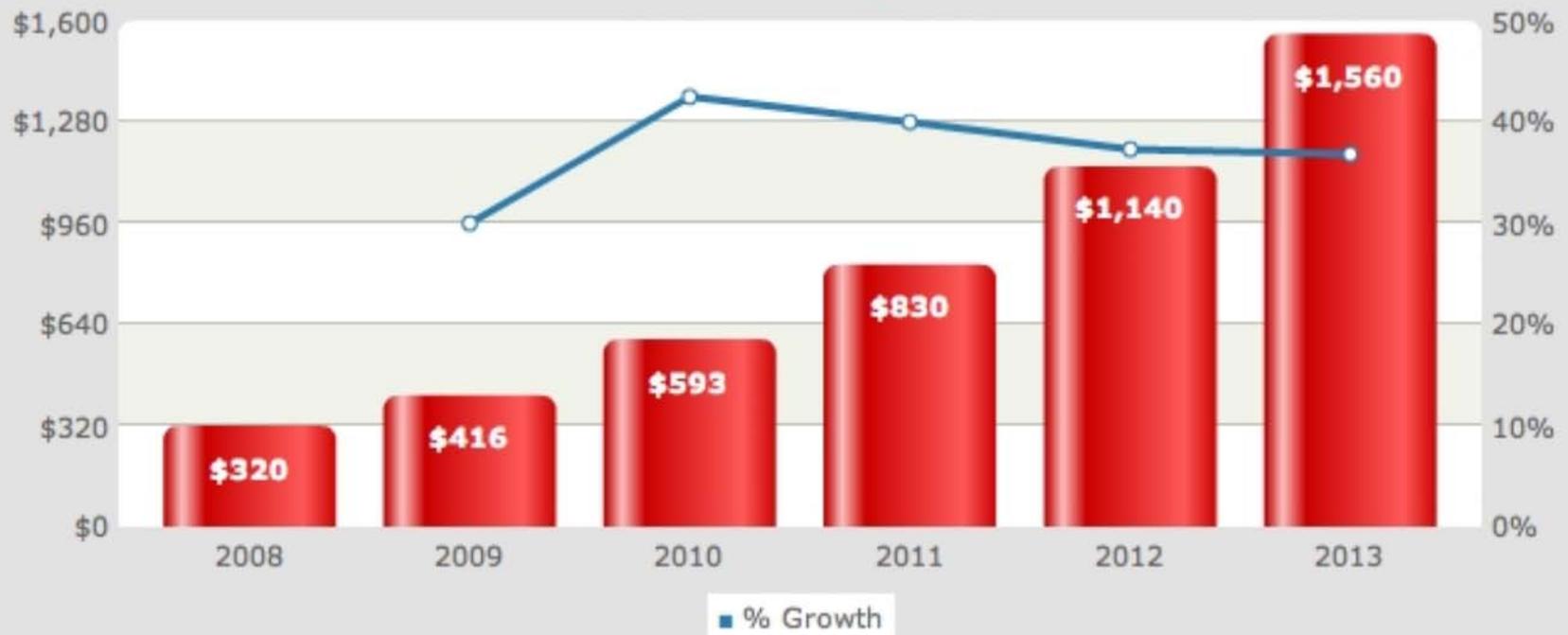
At least Somewhat Interested  
Base: Cell Phone/Smartphone Owners



n=1719

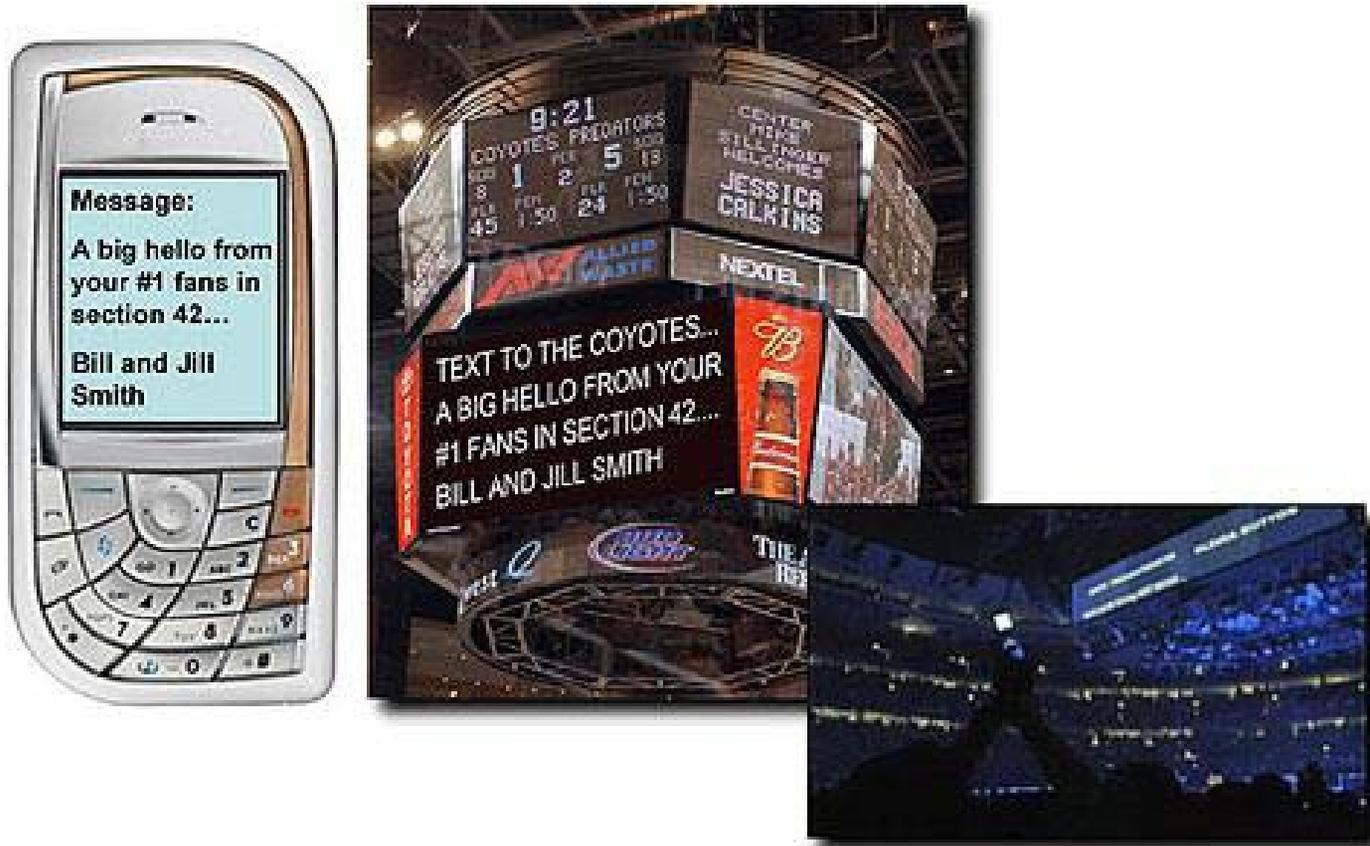
Assuming you gave permission, how interested, if at all, would you be in receiving text alerts about new products, sales and/or promotions from your favorite merchants, restaurants, or stores on your cell phone/Smartphone?

## US Mobile Advertising Spending & Growth, 2008-2013 (millions and % growth)



eMarketer.com

# Mobile Marketing: Events



# Mobile Marketing: In Store



The image shows a promotional poster for Mandee. On the left, a woman with long brown hair, wearing a grey knit beanie, a pink top, and a grey cardigan, stands in front of a blurred background. The Mandee logo is at the top. A large red circle contains the text "GET A 20% OFF DISCOUNT SENT TO YOUR PHONE TO USE ON YOUR NEXT PURCHASE OF \$50 OR MORE!\*". A blue circle below it says "TEXT: FALL79 TO 45566". At the bottom of the poster, it reads "the HOTTEST FASHION DESTINATION is located on Level One in the Lord & Taylor Wing".

On the right, a Motorola flip phone is shown. The screen displays a text message from 45566: "You're in with Mandee Mobile Alerts. Take 20% off your purchase of \$50 or more today, 08/21/08. See a Mandee Associate for details." The phone's keypad and navigation pad are visible.

# Mobile Marketing: QR Codes

## Starbucks mobile coupon loyalty program in South America

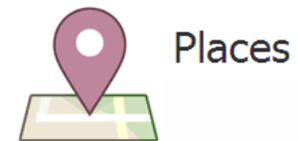
- Call-to-action urged consumers to text keyword STARBUCKS to short code 80080 to get a WAP link to download a buy-one-get-one-free 2D bar code mobile coupon.
- In-store signage: text keyword VENTI to short code 80080 to opt in to receive various discounts and offers for coffee-size upgrades.
- Every time you present your coupon, the offer would be modified, such as get a venti for the price of a tall, to make people come more often to the store.
- Approximately 60% redemption rate

Guarda este codigo en tus imagenes. Presentalo cada vez que vayas a Starbucks en GDLJ y SLP, para que sigas recibiendo excelentes promociones.



# Mobile Marketing: Location Based

- Location-based services (LBS) makes use of the GPS functionality available on smart phones to determine a consumer's location.
- With this information, marketers can motivate consumers to visit retail stores in the area and incent them to make purchases or play games incorporating their friends and participating brands.



# Mobile Optimized Websites

