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**In This Issue**

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**Honors and Awards**

Law Firm of the Year, National Advertising, *U.S. News and World Report*, 2012 and 2014

**News**

## ERA, Amazon Announce Process to Report Counterfeit Goods

The sale of counterfeit goods via online marketplaces is a growing problem for product marketers. This week, the Electronic Retailing Association (ERA) and online retail giant Amazon announced a process for marketers to report fake goods advertised on the retailer's platform. In addition, the association announced that Julie Bainbridge, Amazon's Director of Product Quality, will be the keynote speaker at ERA's Government Affairs Fly-in, which will take place May 20-21 in Washington, DC.

[Click here](#) to read ERA's blog post about the new program.

[Click here](#) to learn more about the ERA Government Affairs Fly-in.

**Analysis**

## Ortiz/Obama Selfie Exposes Social Media's Blurred Lines

The recent "selfie" featuring Red Sox player and President Obama, and subsequently reposted by Samsung, manufacturer of the phone Ortiz used to take the photo, highlights just how complex content and rights of publicity can be in the social media environment. In a recent story published by the Lexblog Network, Venable partner **J. Douglas Baldridge** points out that while the president consented to having his photo taken with David Ortiz he didn't consent to use of his likeness to market Samsung products. This blurring of the scope of the consent is common in social media, and, Baldridge says, there is often little celebrities can do once an item has "gone viral."

"Do businesses know that they're pushing the line? Absolutely," Baldridge told Lexblog, "and [for them] there's nothing better than free publicity."

[Click here](#) to read the full text of the Lexblog Network story.

## DMCA Takedown? Not Without a Registration

One of the most effective ways of protecting copyrights online is a takedown under the **Digital Millennium Copyright Act** (DMCA). According to Venable partner **Joshua J. Kaufman**, a recent court decision demonstrates why organizations who may take advantage of DMCA should register copyrights sooner than later.

[Click here](#) to read Kaufman's client alert, which outlines the requirements, costs, and benefits of copyright registration in relation to the DMCA.

## Let It Go: A Tale of Assets Unfrozen

In some cases of alleged serious misconduct by marketers, the Federal Trade Commission (FTC) will secure a temporary restraining order (TRO) against a company, and sometimes the company's principals, which freezes assets to preserve them for consumer redress. Venable partners **Amy Ralph Mudge** and **Randal M. Shaheen** write about just such a case in a recent post to Venable's advertising law blog.

In the case, the federal court granted the FTC's request for a TRO and imposed a freeze on assets



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directly traceable to the businesses named in the complaint, as well as the unrelated businesses and assets of the named individuals. This deprived the individuals of access to any funds, including those for basic living expenses, and froze funds the businesses required to maintain operations.

Rather than settle, several of the defendants fought the TROs, which resulted in an affirmation of the freeze but also a significant narrowing of its scope. This fight, write Mudge and Shaheen, is far from over, and it will be interesting to see how much of the judge's reasoning is preserved should the FTC ultimately prevail.

[Click here](#) to read the full text of the blog post by Mudge and Shaheen.

[Click here](#) to read the FTC's complaint and original TRO request.

[Click here](#) to read the court's opinion narrowing the scope of the TRO.

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## Upcoming Events

### [ANA Advertising Law & Public Policy Conference – Washington, DC](#)

April 23-24, 2014

Venable is a proud sponsor of the Association of National Advertisers' Advertising Law and Public Policy Conference. This two-day program convenes regulators who influence the legal and political climate for advertising and marketing, as well as top legal professionals and marketers, to share the latest insights into how to succeed in the modern media world. Venable partner [Amy Ralph Mudge](#) will speak on the panel "What's Next on Native Advertising?" on Wednesday, April 23 at 3:35 p.m. ET. This panel will explore native advertising issues beyond the "to disclose or not to disclose" questions and best practices to avoid enforcement.

[Click here](#) to learn more and register.

### [Response Expo – San Diego, CA](#)

April 29-May 1, 2014

Please join Venable at the Response Expo 2014, which brings together key decision-makers and direct response industry leaders. Visit us at **booth #212** and meet attorneys in our [Advertising and Marketing Practice Group](#). Also, be sure to join us at the "Venable Justice League" networking reception on Wednesday, April 30 from 4:30 - 6:00 p.m. PT on the Aqua Patio.

To obtain a complimentary show floor pass that will allow you access to the expo as a Venable guest, [click here](#) and register using the promotion code **EXH2014**.

[Click here](#) to learn more and register.

### [CARU West Coast Conference 2014 – Los Angeles, CA](#)

May 6-7, 2014

The fourth annual Children's Advertising Review Unit (CARU) West Coast Conference boasts practical information to enhance legal professionals' and marketers' ability to navigate CARU's Self-Regulatory Program for children's advertising. Venable partner [Gregory J. Sater](#) will present "Hot Button Roundup: Advanced Claim Substantiation, Sensitive Issues, and Special Considerations for Advertising and Marketing Within CARU Guidelines" on Wednesday, May 7 at 2:15 p.m. PT. Join him for an advanced discussion on complying with advertising guidelines with an eye toward optimizing creativity.

[Click here](#) to learn more and register.

### [New York City Bar Association – New York, NY](#)

May 16, 2014

Venable partner [Melissa Landau Steinman](#) will participate in the New York Bar Association's "Sweepstakes, Promotions & Marketing Laws: Comprehension & Compliance in a Digital/Mobile Environment" program. Join Ms. Steinman as she presents "Loyalty Programs and Gift Cards" on Friday, May 16 at 11:25 a.m. ET.

[Click here](#) to learn more and register.

#### **Media Finance Focus 2014 – Miami, FL**

May 19-21, 2014

Venable is a proud sponsor of Media Financial Management Association's Media Finance Focus 2014, an annual conference that convenes media, financial, and business executives. Venable partner **Stephanie M. Loughlin** will present "Federal Tax Update" on Monday, May 19 at 2:40 p.m. ET. Venable partners **Melissa Landau Steinman** and Stephanie M. Loughlin will present "Gift Cards, Coupons, and Loyalty Programs" on Tuesday, May 20 at 2:00 p.m. ET. Also, be sure to join Venable partners **Po Yi** and Melissa L. Steinman for "Advertising and Marketing on Social Media: Staying Ahead of the Curve" on Tuesday, May 20 at 3:00 p.m. ET.

[Click here](#) to learn more and register.

#### **ERSP 10th Anniversary and ERA Government Affairs Fly-in – Washington, DC**

May 20-21, 2014

Venable is a proud sponsor of the Electronic Retailing Self-Regulation Program's (ERSP) 10th anniversary program celebrating a decade of self-regulation. On Tuesday, May 20, Venable partner **Jeffrey D. Knowles** will present "Broadening the Scope: Self-Regulation in the Telemarketing Industry and Beyond" as part of an afternoon of panel discussions on advertising self-regulation in the direct response industry. Venable is also a sponsor of the ERA Government Affairs Fly-in on May 21, which brings together direct retailing industry leaders to discuss the current political landscape and what to expect in the year ahead.

[Click here](#) to learn more and register.

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Visit Venable's advertising law blog at [www.allaboutadvertisinglaw.com](http://www.allaboutadvertisinglaw.com).

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