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Honors and Awards

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

Analysis

Copyright: The Often-Overlooked Brand Protection Tool

Certain characters in literature and in film have long enjoyed copyright protection, but marketers often overlook copyright protection for the "characters" and brand elements that distinguish their advertising campaigns, writes Venable partner **Joshua J. Kaufman** in a recent post to Venable's advertising law blog. Although copyright protection is not available for all brand elements in marketers' advertisements, it can be a powerful brand protection tool in the right circumstances.

Read the blog post to [learn what conditions must be met to secure copyright protection](#).

Ninth Circuit Frees Taco Bell from TCPA Suit

Although many areas of the Federal Communications Commission's Telephone Consumer Protection Act (TCPA) still require clarification, the law developing around vicarious liability under the Act appears to be trending toward a consistent view shared by the courts and the FCC, write Venable attorneys **Ian D. Volner** and **Mark S. Goodrich** in a recent post to Venable's advertising law blog.

Volner and Goodrich cite the Ninth Circuit's recent unpublished decision in *Thomas v. Taco Bell Corp.* as a roadmap for successful defense of TCPA claims based on vicarious liability.

Read the full post to [learn why Taco Bell was not liable for the alleged TCPA violations](#).

Read Venable's latest roundup of [recent TCPA class actions](#).

Operation Choke Point's Unintended Consequences

The Department of Justice and other federal agencies have adopted a new strategy to combat mass consumer fraud: cutting off fraudulent merchants from the banking system by targeting the banks and payment processors that deal with the merchants. While no one supports consumer fraud, the unintended consequences of the government targeting whole industry sectors instead of individual companies are far-reaching and potentially devastating, Venable partner **Jeffrey D. Knowles** said in a story in the July edition of *Electronic Retailer* magazine.

"Merchants could be cut off, wind up paying a lot more, or having a lot more of their money held on a regular basis," he said. "...It's going to drive up the costs of doing business and may hurt the economy by cutting access to payment processing services by legitimate marketers."

Read the full story to [learn why Knowles believes direct response marketers need to be concerned and what the industry can do to defend itself](#).

FTC Chops Plastic Lumber Claims

In the past month, the Federal Trade Commission (FTC) has reached settlements with two marketers of plastic lumber over allegedly deceptive advertising claims that overstated the amount of recycled material in the products. The cases confirm that three years after the revision of the FTC's "Green Guides," so-called "Green" advertising claims are still very much on the FTC's radar, write Venable partner **Leonard L. Gordon** and summer associate **Michael Isselin*** in a recent post to Venable's advertising law blog.

Learn more about the settlements by [reading the blog post](#).

Read the FTC's press release and complaint to [learn more about the Engineered Plastics Systems settlement](#).



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Read the FTC's press release and complaint to [learn more about the American Plastic Lumber settlement](#).

* *Michael Isselin is a Venable summer associate and not admitted to practice law.*

Upcoming Events

[Direct Response Forum – The Renaissance Hotel, Washington, DC](#)

August 11-13, 2014

The Direct Response Forum is the annual event for payment executives and managers from many of the largest merchants in the world to gather and discuss best practices in credit card operations, fraud detection, cost containment, chargebacks, and risk management. Venable Partner [Ellen Traupman Berge](#) will participate in a panel session, "[Mastering the Regulatory Maze](#)," on Wednesday, August 13 at 10 a.m. ET.

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

[LeadsCon – Marriott Marquis, New York, NY](#)

August 14-15, 2014

Venable attorneys [Jonathan L. Pompan](#) and [Alexandra Megaris](#) will participate in a panel discussion, "[Staying Current with Consumer Protection: Practical Lessons from Recent Enforcement Actions](#)," on August 14 at 4:00 p.m. ET. Given today's regulatory environment, meeting consumer protection-related obligations has never been more crucial. Current investigations are zeroing in on the advertising practices of lead generators and their customers, and enforcement actions have shown how costly violations can be. This session will be a lively point / counterpoint with a Q & A.

[For more information or to register for LeadsCon New York, click here.](#)

[Legal Issues in Running Social Media and Mobile Sweepstakes and Contest – Webinar](#)

August 19, 2014

Venable partner [Melissa Landau Steinman](#) will host this webinar presented by Lorman from 1:00 p.m. to 2:30 p.m. ET on Tuesday, August 19. The live webinar will provide an in-depth review of the legal issues relating to conducting prize promotion through social and/or mobile media.

Registered attendees will receive continuing education credits. [Click here for more information and to register.](#)

[ERA's D2C Conference – Las Vegas, NV](#)

September 16-18, 2014

Venable is a proud sponsor of the Electronic Retailing Association's D2C Convention taking place September 16-18 in Las Vegas. Please join our attorneys at Venable's booth in the exhibit hall and at the Venable-hosted Pre-Moxie Awards reception.

To obtain a discounted exhibit hall pass that will allow you access to the expo as a Venable guest, [click here](#) and register using the code **EX11775**.

[Click here](#) to subscribe to Venable's Advertising and Marketing RSS feed and receive the Venable team's insight and analysis as soon as it is posted.

Visit Venable's advertising law blog at www.allaboutadvertisinglaw.com.

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