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**Issue Editors****Jeffrey D. Knowles**

jdknowles@Venable.com

202.344.4860

**Roger A. Colaizzi**

racolaizzi@Venable.com

202.344.8051

**Gary D. Hailey**

gghailey@Venable.com

202.344.4997

**Gregory J. Sater**

gjsater@Venable.com

310.229.0377

**In This Issue****Jeffrey D. Knowles**

jdknowles@Venable.com

202.344.4860

**Jamie Barnett, Rear Admiral  
(Ret.)**

jbarnett@Venable.com

202.344.4695

**Leonard L. Gordon**

lgordon@Venable.com

212.370.6252

**Frederick M. Joyce**

rjoyce@Venable.com

202.344.4653

**Kishka F. McClain**

kfmccclain@Venable.com

202.344.4462

**Douglas B. Mishkin**

dbmishkin@Venable.com

202.344.4491

**Gregory J. Sater**

gjsater@Venable.com

310.229.0377

**Announcement:**

## Join Venable at the Second Annual NY Advertising Law Symposium

Please join Venable's advertising lawyers at the Princeton Club in New York on April 29 for a full-day symposium focused on the challenges and opportunities advertisers face as they grow their brands. Hear from seasoned litigators and top representatives from key regulatory enforcement bodies, including the National Advertising Division (NAD) of the Advertising Self-Regulatory Council (ASRC) and the Office of the Attorney General of the State of New York. Interact with advertising and marketing executives from ABC, Inc., NBC Universal, and Verizon Wireless.

This MCLE-accredited program promises to be a stimulating educational forum to exchange ideas, engage in strategic thinking, and network with regulatory insiders and top advertising law thought leaders.

[Click here for more information and to register for this complimentary Venable event.](#)

**Analysis:**

## It Pays to Understand the Difference Between "terms" and "Terms"

Last month, a federal judge's ruling in a putative class action lawsuit against a prominent direct response marketer shed some light on when class action waiver clauses in online terms and conditions are—or are not—enforceable against consumers, writes Venable partner **Gregory J. Sater** in the May edition of the *DRMA Voice*.

An enforceable class action waiver can be a tremendous tool for marketers, Sater writes, mitigating the risk of class action lawsuits on behalf of all consumers who purchased a product and compelling individual plaintiffs to enter into an arbitration based on the merits of the consumer's individual claim.

In this two-plaintiff case, the judge ruled in favor of one plaintiff while dismissing the other plaintiff's claims because of changes the marketer had made to its website that resulted in different experiences for the two plaintiffs.

Read Sater's column to [learn which small tweaks to the website caused the judge to rule the marketer's class action waiver was enforceable.](#)

## A Lesson in Compliant Online Ads, Courtesy of the FTC & iWorks

Last week, the United States District Court for the District of Nevada granted partial summary judgment for

**Ronald W. Taylor**  
rwtaylor@Venable.com  
410.244.7654

**Jessica Borowick**  
jborowick@Venable.com  
212.503.0658

**Mark S. Goodrich**  
msgoodrich@Venable.com  
202.344.4715

## Honors and Awards

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



Top ranked in *Chambers USA* 2014



Top-Tier Firm *Legal 500*



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the Federal Trade Commission (FTC) against Jeremy Johnson and a number of related corporate entities collectively referred to as "iWorks." The decision, write Venable attorneys [Leonard L. Gordon](#) and [Mark S. Goodrich](#) in a recent post to Venable's advertising law blog, offers a glimpse into how the FTC and the courts analyze certain online advertising issues.

The iWorks case provides further evidence that online advertising is, and will continue to be, a priority for the FTC. However, the authors write, the court's opinion highlights the difference between alleging deception and proving it, as the court refused to imply that all of the thousands of websites that iWorks operated were deceptive based on the selected sample that the FTC provided.

Read the full text of the blog to [learn the online advertising issues highlighted by the FTC and the court's decision](#).

[Read the full text of the court's decision here.](#)

## What Does the Open Internet Order Mean for Your Business?

Last month, the Federal Communications Commission (FCC) released the full text of its Open Internet Order, which they adopted on February 26, 2015. Absent a "stay" of the Order, write Venable attorneys [Frederick M. Joyce](#), [Jamie Barnett](#), and [Jessica Borowick](#) in a recent client alert, these new regulatory requirements will become effective in the coming weeks.

Read the client alert to [learn more about the Order and how the FCC is likely to enforce it](#).

[Click here to read the full text of the Order.](#)

## What Hillary Clinton's Use of BYOD Means for Protecting Your Trade Secrets

During the uproar over former Secretary of State Hillary Rodham Clinton's work-related use of her personal email account and server, almost no one spoke about what such use means for private employers. In a recent client alert, Venable attorneys [Douglas B. Mishkin](#), [Kiska F. McClain](#), and [Ronald W. Taylor](#) write that the Clinton controversy underscores many of the challenges employers face when they allow employees to use personal devices for work purposes.

Read the client alert to [learn more about the issues and how to develop an effective Bring Your Own Device \(BYOD\) policy](#).

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### Response Expo

April 21-23, 2015 | San Diego, CA

Response Expo is the must-attend event for businesses and marketing professionals that currently engage in—or are looking to learn more about the benefits of—direct, digital, and data-driven marketing. With a diverse attendee base among the 3,300 elite players who regularly attend Response Expo, you're sure to connect with other leaders in the vibrant, business-focused setting.

[Click here to learn more about Response Expo and to register to attend.](#)

### The Practitioner Channel Forum

April 22-24, 2015 | San Diego, CA

The Practitioner Channel Forum is an annual executive gathering focused on strategies to capitalize on the rapidly expanding healthcare practitioner market for dietary supplements, nutraceuticals, medical foods, and natural products.

[Click here for more information and to register.](#) Use code "CRN200" to receive a \$200 discount.

### **Advertising Law Symposium New York**

April 29, 2015 | The Princeton Club, New York, NY

Join Venable's advertising lawyers for a full-day symposium focused on the challenges and opportunities advertisers face as they grow their valuable brands. Companies are turning to cutting edge or comparative claims, native advertising, social and digital media, celebrity endorsements, and other creative channels to engage with consumers, build brand awareness, and drive the bottom line. However, these efforts can just as quickly turn into a legal quagmire, with competitor or class action litigation or regulatory investigations all threatening to undo your hard-earned marketplace success.

Hear from seasoned litigators and top representatives from key regulatory enforcement bodies, including the National Advertising Division (NAD) of the Advertising Self-Regulatory Council (ASRC) and the Office of the Attorney General of the State of New York. Interact with advertising and marketing executives from ABC, Inc., NBC Universal, and Verizon Wireless.

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[Click here for more information and to register for this complimentary Venable event.](#)

### **ERA Government Affairs Fly-In**

May 12 -13, 2015 | Washington, DC

Join the Electronic Retailing industry's leaders as they gather in Washington to learn about the current political landscape and what to expect in the year ahead. This unique opportunity allows you to network with the electronic retailing industry's executive leadership, play a vital role in molding the industry's future, and protect your business in today's uncertain regulatory environment.

[Click here to learn more about the Fly-In and register to attend.](#)

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

CALIFORNIA DELAWARE MARYLAND NEW YORK VIRGINIA WASHINGTON, DC

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