

May 28 – 29, 2008 • Rio All-Suite Hotel and Casino
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Join us at ACI's 21st Corporate Counsel Forum on

Advertising Law

- Featuring the latest developments in progressive, innovative, and aggressive advertising on a global scale
- Staying on top of legal and regulatory trends in social networking and user generated content
- The MOST practical, take-away advice from attorneys and executives on the front lines

Get up close and personal in the Ad Lounge, sponsored by: **manatt**

Media Partners:



Featuring speakers from companies who are revolutionizing the industry:

Boost Mobile
Brand Anywhere
Coca-Cola
Current TV
DIRECTV
Euro RSCG Life Worldwide
Gateway
Guitar Center
Home Depot
imc²
J.M. Smucker Company
Madwood/ Brand-Aide Entertainment
McDonald's
National Advertising Division, BBB
NCAA
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Pepsi
Toyota
Turner Broadcasting System, Inc.
Sam's Club/Wal-Mart Stores
Sony Pictures Entertainment
Warner Home Entertainment
Wieden + Kennedy



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Proceed with caution —Results of attending ACI's Advertising Law Forum not typical

At ACI's 21st Corporate Counsel Forum on Advertising Law, you are bound to run into top attorneys and business executives from revolutionary brands at every turn. The unparalleled networking opportunities alone are enough to provide you with an invaluable experience—but it's the panelists, what they will discuss, and your access to them that makes all the difference.

When was the last time you were face to face with corporate counsel on the cutting edge of media and wireless technology such as **Boost Mobile, Current TV, DIRECTV, Sony Pictures, and Warner Home Entertainment?** Have you ever had the opportunity to share lunch or cocktails with top brands such as **Coca-Cola, McDonald's, Wal-Mart, Gateway, Guitar Center, Home Depot, J.M. Smucker, Pepsi, and Toyota?**

NOW IS YOUR CHANCE!

As you know, at ACI we spend months doing research, surveying our delegates and people practicing in the advertising industry to uncover exactly what you need to enhance your overall experience at the conference. We've devised a series of panels based on the topics that affect your daily practice, and designed them in such a way that will offer the most practical, hands-on skills.

In our team's research, you told us that you want better networking opportunities and more in-house counsel for top brands. You also want practical discussions on user generated contests, social networking, and online sweepstakes. As you look through the following pages, you'll see all of this and more. Never before has such an incredible faculty been brought together under one roof, and we've gone to great lengths to ensure that you benefit from all this conference has to offer. Hear how marketing trends such as adware and spyware are prompting regulators and lawmakers to take a closer look at consumer protection, and learn how to use these tools effectively without triggering government scrutiny. Hear true examples of how top in-house counsel have dealt with the exact situations you see at your companies—particularly in the areas of user generated content, sweepstakes and promotions, and talent/endorsement deals.

After you've had a chance to experience the series of panels on the topics you encounter daily, be sure to attend our interactive workshop, **Intensive Study on User Generated Content and Promotions – Incorporating all aspects of your role as an advertising lawyer in the 21st century**, where you will have the opportunity to simulate an interactive marketing plan, complete with its own user generated contest, from inception to execution.

Register now to ensure your place at what is sure to be a sold-out event! Call **1-888-224-2480**, fax your registration form to **1-877-927-1563**, or register online at www.americanconference.com/advertisinglaw

I look forward to seeing you in Las Vegas in May.

Sincerely

Andra Dallas
Industry Manager, Advertising & IP Group

FACULTY LIST



Penelope Barnett
Senior Counsel, Pernod Ricard USA (Purchase, NY)

Eric Baum
Associate General Counsel, Sony Pictures Entertainment
(Los Angeles, CA)



Scott Bearby
Associate General Counsel, NCAA (Indianapolis, IN)

Tamara Brandt
Managing Counsel, Toyota Motor Sales USA, Inc.
(Torrance, CA)

Annemarie Cullen
Business Affairs Director, Wieden + Kennedy (New York, NY)



James Dudukovich
Marketing Counsel, Coca-Cola (Atlanta, GA)

Adam Ekonomon
Assistant General Counsel, The J.M. Smucker Company
(Orville, OH)



Stephen Feingold
Partner
Day Pitney LLP (New York, NY)

Dan Flanagan
Founder & CEO, Brand Anywhere (Carlsbad, CA)



Alan Friel
Partner, Kaye Scholer LLP (Los Angeles, CA)



Peter Glass
General Counsel, Euro RSCG Life Worldwide (New York, NY)



Linda Goldstein
Partner, Manatt Phelps & Phillips (New York, NY)



Roger Goode
Associate General Counsel
Sam's Club/Wal-Mart Stores, Inc. (Bentonville, AR)



Anne Guinan
Associate General Counsel, IMC2 (Dallas, TX)

David Harleston
General Counsel, Current TV (San Francisco, CA)

Michael D. Hauser
Assistant General Counsel
Turner Broadcasting System, Inc. (Atlanta, GA)



Brian Heidelberger
Partner
Winston & Strawn LLP (Chicago, IL)

Dana Lira
Vice President, Business and Legal Affairs
Warner Home Video, a division of Warner Bros. Home
Entertainment Inc. (Burbank, CA)



JoAnn Magno
Senior Counsel, Boost Mobile – Sprint Nextel Legal Department
(Irvine, CA)



David Mallen
Assistant Director, National Advertising Division, BBB
(New York, NY)



Cate McGinn
Managing Counsel, Global Nutrition
McDonald's Corporation (Oak Brook, IL)



Brian Murphy
Partner, Frankfurt Kurnit Klein & Selz (New York, NY)



Brian Nurse
Senior Legal Counsel, PepsiCo, Inc. (Purchase, New York)



John Salloum
Lawyer
Heenan Blaikie LLP (Toronto, ONT)



Chas Salmore
CEO, Marketingworks, Inc. (Los Angeles, CA)

Albert Shelden
Deputy Attorney General
Office of the California Attorney General (San Diego, CA)

H. L. Silets
Vice President, Legal Affairs, Warner Bros. Pictures (Burbank, CA)



Daniel Smith
Counsel, Guitar Center, Inc. (Westlake Village, CA)

Ted Suzuki
Associate General Counsel, DIRECTV, Inc. (El Segundo, CA)



Teigue Thomas
Vice President & Deputy General Counsel, Gateway, Inc. (Irvine CA)



Candace Thurmond
Director – Legal, Home Depot U.S.A., Inc. (Atlanta, GA)



Ronald Urbach
Partner
Davis & Gilbert LLP (New York, NY)



Douglas Winthrop
Director, Litigation Department, Howard Rice (San Francisco, CA)

Jordan Yospe
President, MADWOOD/Brand-Aide Entertainment (Los Angeles, CA)

WHO SHOULD ATTEND

- In-house counsel in any company involved in advertising or marketing its products or services
- Attorneys who specialize in the following practice areas:
 - Advertising
 - Marketing
 - Promotions
 - Entertainment/media
 - Consumer protection
 - E-commerce/Internet
 - Trademarks
 - Privacy
 - IP
 - Licensing
 - Marketing & Advertising Directors
 - Brand Managers



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Each year more than 21,000 in-house counsel, attorneys in private practice and other senior executives participate in ACI events – and the numbers keep growing.

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ACI's highly trained team of attorney-producers are dedicated, full-time, to developing the content and scope of our conferences based on comprehensive research with you and others facing similar challenges. We speak your language, ensuring that our programs provide strategic, cutting edge guidance on practical issues.

Unparalleled Learning and Networking

ACI understands that gaining perspectives from – and building relationships with – your fellow delegates during the breaks can be just as valuable as the structured conference sessions. ACI strives to make both the formal and informal aspects of your conference as productive as possible.



8:00 Registration & Continental Breakfast 

8:30 **Co-Chairs' Opening Remarks**



Peter Glass
General Counsel
Euro RSCG Life Worldwide (New York, NY)



Linda Goldstein
Partner
Manatt Phelps & Phillips (New York, NY)

8:45 **Avoiding Third-Party Liability While Continuing to Reap the Benefits of User Generated Content and Social Networking Sites**

David Harleston
General Counsel
Current TV (San Francisco, CA)



Peter Glass
General Counsel
Euro RSCG Life Worldwide (New York, NY)



Alan Friel
Partner
Kaye Scholer LLP (Los Angeles, CA)



Chas Salmore
CEO
Marketingworks, Inc.

H. L. Silets
Vice President, Legal Affairs
Warner Bros. Pictures (Burbank, CA)

- Applying real world federal and state regulations to cyber-world social networking practices
- Ensuring optimal exposure and protection for the company when structuring deals in this space
- How online communities are driving commerce; identifying what the risks are
- Assessing whether obtaining online immunity under the Communications Decency Act is an appropriate business/legal decision
- Obtaining proper intellectual property clearances
- Policing social networking sites to find instances of being trashed by competitors
- Being mindful of social landmines (and regulatory scrutiny) when engaging in online practices that might lure underage users
- How to implement controls but still obtain safe harbor protection under the DMCA
- Implementing effective disclaimers to shield the company from liability

10:00 Coffee Break 

10:15 **2008 Spotlight on Federal and State Government Enforcement**



Linda Goldstein
Partner
Manatt Phelps & Phillips (New York, NY)

Albert Shelden

Deputy Attorney General
Office of the California Attorney General (San Diego, CA)

This special session will address what the regulators are focusing on now, which outcomes the FTC's workshops have yielded (particularly the behavioral targeting workshop), which states have become active in regulating advertising and promotional practices, and why. Once you've heard how the regulatory landscape is shaping up for the rest of the year and for 2009, you'll be able to advise your advertising and marketing teams how to avoid hefty fines and sanctions for noncompliance.

11:30 **Sponsorship and Promotional Marketing — Managing Rights and Expectations in a Volatile Environment**



James Dudukovich
Marketing Counsel
Coca-Cola (Atlanta, GA)

Dana Lira

Vice President, Business and Legal Affairs
Warner Home Video, a division of Warner Bros. Home Entertainment Inc. (Burbank, CA)



Scott Bearby
Associate General Counsel
NCAA (Indianapolis, IN)



JoAnn Magno
Senior Counsel
Boost Mobile – Sprint Nextel Legal Department (Irvine, CA)

- Special points to consider before the negotiation commences
 - clarifying which goals the company must accomplish
 - anticipating what is important to the other side
- Clarifying key contract provisions, and what it means for either side (including: scope, exclusivity, term, indemnity, insurance, and more)
- Anticipating key concerns that may not be clear at the outset of the deal
 - ambush marketing
 - new media and “brand new” media
 - change of business and parties by corporate action
 - talent and union issues
 - global v. domestic issues
- New issues and hot regulatory concerns
- Impact of digital and user generated content
- Grappling with the ultimate variable – people and emotion

12:45 **Networking Luncheon for Speakers and Delegates** 

2:00 **Engaging in New Platforms for Sweepstakes and Contests Methods Without Running Afoul of Federal and State Laws**



Daniel Smith
Counsel
Guitar Center, Inc. (Westlake Village, CA)

Dan Flanagan

Founder & CEO
Brand Anywhere (Carlsbad, CA)

- Text message sweepstakes—will the multi-million dollar class action lawsuits close the door on these types of promotions?
- Ensuring that sweepstakes online, and through new media devices comply with federal and state law
 - making required disclosures
 - implementing rules about copyrighted works and trademarks
 - special issues with inviting consumer judges
 - federal and state contest law compliance
 - setting up a fraud-proof system
- Counseling the marketing department on the logistical and legal challenges associated with how submissions will be received, posted, and made available to the public
- Implementing a monitoring and review process to prevent inappropriate content
- Obtaining all the necessary rights clearances associated with the winning entry
 - celebrity images and personalities
 - music
 - copyrighted works
- Complying with differing gaming statutes when engaging in a multistate promotion
 - ensuring that the rules encompass the correct language
 - making the right reps and warranties
 - determining who is responsible for meeting state bonding requirements, and ensuring it gets done
 - setting up internal compliance controls for executing and governing sweepstakes rules

3:15 Refreshment Break

3:30 Creating a True Branded Entertainment Experience from the Inception of the Deal to Execution

Eric Baum
Associate General Counsel
Sony Pictures Entertainment (Los Angeles, CA)

Jordan Yospe
President
MADWOOD/Brand-Aide Entertainment (Los Angeles, CA)



Tamara Brandt
Managing Counsel
Toyota Motor Sales USA, Inc. (Torrance, CA)

- Managing goals and expectations at the deal level
 - managing sponsorship within the program
 - maintaining exclusivity
 - working with talent
 - controls and guarantees
- Partnering with a network or production company to develop a branded concept
- Connecting with the consumer on an unobtrusive level while achieving intended goals
- Ensuring trademark protection for spin-off properties
- Partnering with a network or production company to develop a branded concept
 - connecting with the consumer on an unobtrusive level
- Ownership and other concerns when the product becomes a character or key creative element
 - ensuring trademark protection
 - spin-off properties
- Union/guild, FTC and other current and emerging legal issues

- Involving the consumer through participatory activity, contests, viral marketing and other user generated content
- Incorporating the placement with an advertising, Internet, and mobile media campaign

4:30 Welcome to the Ad Lounge Cocktail Party!
This is your chance to get “up close and personal” with in-house counsel from major companies in an intimate setting.

Sponsored by: **manatt**

In a world where virtual worlds have quickly melded with reality, and the most popular means of advertising yield nothing but blurry lines, it's important to stay abreast of the laws, regulations, and self regulatory practices that directly affect your industry. You've picked some key topics and we've secured experts in those respective fields to host roundtables and be ready to answer any questions you have.



Hot Topics for Retailers



Roger Goode
Associate General Counsel
Sam's Club/Wal-Mart Stores, Inc. (Bentonville, AR)

Alcohol Beverage Marketing

Penelope Barnett
Senior Counsel
Pernod Ricard USA (Purchase, NY)

Food Advertising



David Mallen
Assistant Director
National Advertising Division, BBB (New York, NY)

Dietary & Health Claims



Cate McGinn
Managing Counsel, Global Nutrition
McDonald's Corporation

Behavioral Marketing



Linda Goldstein
Partner
Manatt Phelps & Phillips (New York, NY)

6:00 Conference Adjourns to Day Two

Global Sponsorship Opportunities

ACI, along with our sister organization based in London, C5 Conferences, works closely with sponsors in order to create the perfect business development solution catered exclusively to the needs of any practice group, business line or corporation. With over 350 conferences in the United States, Europe, the Commonwealth of Independent States (CIS) and China, ACI/C5 Conferences provides a diverse portfolio of first-class events tailored to the senior level executive spanning multiple industries and geographies.

For more information about this program or our global portfolio of events, please contact:

Wendy Tyler
Group Leader & Business Development Executive
American Conference Institute

Tel: 212-352-3220 x242 • Fax: 212-220-4281
w.tyler@AmericanConference.com



8:00 Continental Breakfast

8:30 Co-Chairs' Opening Remarks

8:45 **Leveraging Rights and Maximizing Bargaining Power When Negotiating the Agency/Client Agreement**

Ted Suzuki

Associate General Counsel
DIRECTV, Inc. (El Segundo, CA)



Teigue Thomas

Vice President & Deputy General Counsel
Gateway, Inc. (Irvine CA)



Candace Thurmond

Director – Legal
Home Depot U.S.A., Inc. (Atlanta, GA)



Anne Guinan

Associate General Counsel
imc² (Dallas, TX)

- Incorporating points from the initial handshake deal into a comprehensive agency/client agreement
- Identifying common sticking points and being armed with creative negotiation tactics
- determining how the agency should be compensated
- deciding who retains ownership of rejected materials
 - being prepared for burgeoning issues that may be unanticipated at the outset of the deal
 - non-advertising use of advertising concepts and other materials that are atypical for creation by advertising agencies
 - determining who will derive revenue
- indemnification, particularly for union-related claims
- determining what the parties need/expect out of the exclusivity provision

9:45 **Pop Star Divas, Their Entourages, and 700 Cases of Evian—Maintaining Control, Bargaining Power, and Sanity When Negotiating Talent and Endorsement Deals**



Brian Nurse

Senior Legal Counsel
PepsiCo, Inc. (Purchase, New York)

Annemarie Cullen

Business Affairs Director
Wieden + Kennedy (New York, NY)



Brian Murphy

Partner
Frankfurt Kurnit Klein & Selz (New York, NY)

- Identifying the parties' roles in negotiating the business terms of a talent or endorsement agreement
- Update on revisions to the FTC endorsement guides
 - determining whether the endorser has to have an actual relationship with the product
- Knowing how endorser's activities that are unrelated to the deal coincide with marketing dollars
- Negotiating through common sticking points that arise when dealing with high profile talent

- anticipating certain terms that celebrities will want or expect
- structuring special clauses to deal with "divas" and other difficult clients
- Anticipating the union's involvement in talent contracts
- Making sure you know who really represents the artist you want to sign
- Negotiating contracts with children's representatives and special issues to flag

11:00 Coffee Break

11:15 **Becoming a Mean, Green, Advertising & Marketing Machine – New Challenges and Increased Corporate Responsibilities When Federal and State Guidelines Evolve to Become Laws**

Adam Ekonomon

Assistant General Counsel
The J.M. Smucker Company (Orville, OH)



David Mallen

Assistant Director
National Advertising Division, BBB (New York, NY)



Ronald Urbach

Partner
Davis & Gilbert LLP (New York, NY)

- Understanding what prompted the FTC to hold a green marketing workshop, and what this means for the way green claims are made
- Incorporating the Green Guides into your advertising and marketing practices and developing a checklist to ensure that the company avoids claims that will trigger regulatory scrutiny
- What types of complaints are the FTC receiving in this area, and what is being done at the enforcement level?
- Ensuring full knowledge of specific state laws and their environmental claims requirements
- Reviewing claim substantiation processes for green-related claims (carbon offset, recyclability, sustainability)
- Why big retailers have been taking sustainability claims very seriously and what this means for the future of the advertising industry
- Determining whether other companies are making green claims and whether their claims can be substantiated

12:30 Networking Luncheon for Speakers & Delegates

1:30 **Succeeding in Cross-Border Advertising and Promotions in Light of Recent Developments in Canada, the EU, and Asia**



Douglas Winthrop

Director, Litigation Department
Howard Rice (San Francisco, CA)



John Salloum

Lawyer
Heenan Blaikie LLP (Toronto, ONT)

- Helpful guidance for companies engaging in international sponsorships and ad campaigns
- What companies have done from the creative side to comply with multi-jurisdictional requirements

- Avoiding counterfeiting and other IP infringement overseas
- Global perspectives on obtaining releases from talent
- Advertising in Asia and beyond – what to expect in coming years
 - developing a global corporate compliance strategy
 - China's treatment towards advertisers
 - enforcing intellectual property rights overseas
 - new IP concerns arising out of the 2008 Olympics in Beijing
 - recognizing Olympic ownership, enforcement, and the power of Olympic brand
 - why ambush marketing is a continuous hurdle for Olympic sponsors to overcome
 - drawing the line between free speech and ambush marketing
- Canada's new legislation to deal with IP concerns and ambush marketing for the Vancouver 2010 Olympics
- New Canadian organic food legislation
- Changes regarding advertising food to children in Canada
- How the UK's Office of Communications efforts to strictly regulate branded content affect US advertisers overseas
- Ensuring protection against ambush marketing overseas
 - Different countries' initiatives to afford extra protection to certain events
 - the UK's legislation for the 2012 Olympic Games

2:00 Refreshment Break

2:15 Protecting IP in Advertising and Marketing Given New and Unanticipated Online Platforms



Stephen Feingold
Partner
Day Pitney LLP (New York, NY)

Michael D. Hauser
Assistant General Counsel
Turner Broadcasting System, Inc. (Atlanta, GA)

- Implementing the fair use defense in trademark and copyright infringement suits
- Using competitors' trademarks and logos without being subject to a fair use claim
- Determining whether a work is in the public domain – how far is far enough when searching for a copyright?
- Striking a balance between stifling artistic expression and First Amendment free speech protection
- Teaching the creative team how to handle preliminary materials
- When, how, and when not to ask for licenses
- Indemnification and responsibility for repurposing of marketing materials
- Risk assessment and risk tolerance in changing times

3:15 Conference Concludes

Continuing Legal Education Credits



Accreditation will be sought in those jurisdictions requested by the registrants which have continuing education requirements. This *transitional* course is appropriate for both experienced and newly admitted attorneys.

ACI certifies that the activity has been approved for CLE credit by the New York State Continuing Legal Education Board in the amount of the 14.0 hours. An additional 3.5 credit hours will apply to workshop participation.

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ACI has a dedicated team who process requests for state approval. Please note that event accreditation varies by state and ACI will make every effort to process your request.

Friday, May 30, 2008

Workshop: 9:00 a.m. – 1:00 p.m.
(45 minute lunch/brainstorming break)

Intensive Study on User Generated Content and Promotions – Incorporating all aspects of your role as an advertising lawyer in the 21st Century



Brian Murphy
Partner
Frankfurt Kurnit Klein & Selz
(New York, NY)



Brian Heidelberger
Partner
Winston & Strawn LLP
(Chicago, IL)

WORKSHOP HYPOTHETICAL:

You are the senior advertising counsel for an international company, which is launching a product that will start a new dietary craze around the world. Svelte for men and Svelte for women are new fragrances that penetrate pores and boost metabolism. Your progressive advertising and marketing team is very excited about Svelte and has begun some early promotional activity to get the word out. Each of their endeavors has yielded problematic results that need your immediate attention.

This workshop will give you the opportunity to work with a team of other attorneys. Through a series of hypothetical situations which will be presented by the workshop leaders, you will focus on current topics that arise during all phases of a product's promotional timeline. Tackle all the potential issues that can occur from pre-launch of a campaign to all the endless possibilities that can arise out of a successful product's introduction into the market. Specific highlights of this workshop include:

- Special considerations for launching an international online contest
 - complying with federal, state, and international privacy requirements
 - bonding requirements
 - tailoring language in the rules to comply with varying (and sometimes conflicting) laws
- Implementing guidelines for setting up a user generated contest
 - determining how much "control" the company should have over reviewing submissions
 - staying within DMCA safe harbor protection
- What to consider when creating a branded spot or when integrating a brand into a specific media platform
 - talent/union considerations
 - complying with FTC endorsement guides
 - allowing for unanticipated new media platforms at the deal-making phase
- Knowing how, when, and whether to obtain intellectual property clearances
- Educating the marketing team on proper claim substantiation practices
 - implementing heightened review processes for implied claims and comparative claims
 - special concerns that arise when making dietary and health claims
 - using scientists, survey specialists, and other experts to assist you in making proper claims or challenges to competitors

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Join us at ACI's 21st Corporate Counsel Forum on

Advertising Law

Interactive Workshop:

Friday, May 30, 2008

Intensive Study on User Generated Content and Promotions – Incorporating all aspects of your role as an advertising lawyer in the 21st Century

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On behalf of **Manatt, Phelps & Phillips LLP**, you will receive **\$250** off registration for this event. Please use the following discount code upon registration
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