

## Marketing, Advertising & Digital

The sale of branded goods and services around the world, both in the physical space and via the internet, raises many legal issues- some that are connected to intellectual property, others that are managed by independent regulators. Rouse provides all forms of legal services to support the marketing and sale of products and services in both the online and offline environments in our many jurisdictions around the world.

“Digital and interactive marketing, programmatic buying and big data” now account for most of WPP’s revenues – Martin Sorrell, 2014

## Campaign Clearance

Marketers run many different types of campaigns, such as advertisements, promotions and competitions, most of which require some kind of clearance. Competitions and prize giveaways are often specifically regulated too, including the need for compliance with betting and gaming laws. Detailed terms and conditions for participation may be required too. Cultural considerations in advertising can also be a concern for companies not used to marketing in certain jurisdictions. Our local knowledge and experience, often from people who have grown up in the country, makes us well placed to give guidance on these issues.

## Marketing Agreements

The business of marketing usually means the creation of numerous agreements with third parties such as design agencies, advertising and promotional agencies, as well as artist or performer agreements with talent agencies to cover endorsements and appearances. All of them need reviewing to make sure your interests are well covered. The increased use of online tools such as photo libraries and new social marketing channels, as well as the rise of consumer generated content, bring a host of issues around creation, ownership and exploitation of rights, including personality and image rights, moral rights, privacy rights and reputation management. We can work with you to review your marketing agreements and ensure you have adequate protection.

## Brand Creation & Management

Brand creation and management can be a minefield for legal issues. Special types of agreements are needed for initial brand development and ensuing copyright ownership, design records and the ability to register your brand as a trade mark, through to ongoing legal management around your brand via

sponsorship deals, endorsements and co-branding. Merchandising, point of sale materials and marketing collateral often need review too. The online space for brand management is becoming even more complicated. Online marketing can have special rules too, while defamation laws, unfair competition and ambush marketing regulations may restrict how you can talk about third party brands and products/services. Certain types of products are also subject to special regimes, and we frequently advise on Geographical Indications, collective and certification marks and their licensing, co-branding and other brand orientated marketing structures. We can advise you on all your brand creation and management issues and ensure that the commercial side of this works seamlessly with your trade mark portfolio management.

## Digital/Online

The internet has a multitude of jurisdictions complexities and has its own rules. Digital marketing is a complex field, with tools such as websites, apps, social media and content delivery mechanisms all needing specialist legal advice. Website agreements, digital publishing agreements, T&Cs, clearance, interactive technology such as computer games and interactive entertainment, consumer-generated content as well as on-line retail activities, all need legal review. More recently, app commissioning, design and distribution agreements are becoming increasingly prevalent and important, as are cross-platform media deals. Social media sites also have their own rules and systems, as well as local laws, that must be taken into consideration. In some jurisdictions, online rules are still developing and we can help make sure you have a practical understanding of what you can and can't do. We can also advise on the establishment of internet businesses,

such as online gambling or content delivery, and ensure compliance with local laws including electronic transaction regulations.

## Data Privacy

Data collection and data ownership is driving many companies into the data law space. New data privacy regimes are constantly being established around the world to regulate how companies collect and store data about their customers. Privacy rules may be built on similar principles, but local details can vary considerably, which means international campaigns can be complex and require careful planning to ensure they run smoothly and that no data privacy rules are breached.

## Regulatory Advice

Many products and services are sold in a complex regulatory environment where consideration has to be given to areas such as the labelling of products, advertising and promotional restrictions and import/export rules. We can guide you through the regulatory and/or marketing approvals required in these areas, often from specific government departments, to make sure your products and services are marketed and sold legally. Working with us means you don't have to be concerned about keeping up with issues and changes – we'll manage that on your behalf.

## Brand Protection

Domain name systems are now proliferating, so companies need to decide upon protection and enforcement strategies. Social media usernames are a further area that also needs consideration. Online content and product sales may create secondary liability for internet intermediaries so require complex digital enforcement programmes.

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