

Advertising & E-Commerce

RELATED SERVICES

- Consumer Financial Services
- Cyber, Privacy & Data Security
- Intellectual Property Litigation
- Privacy & Data Protection
- Technology Litigation
- Unfair Competition

CONTACTS

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OVERVIEW

We serve clients across the online advertising and e-commerce ecosystem. We understand the host of unique business, legal and regulatory issues facing e-commerce retailers, online advertisers, lead generators, advertising agencies, payment processors, and other industry service providers. We help strengthen our clients to avoid or overcome disruption, whether the Federal Trade Commission (FTC), state attorneys general, class actions, competitors or counterfeiters. We represent some of the most successful dietary supplement, cosmetic, telemedicine, food and beverage, home goods, electronics, fitness, clothing, people search, financial publishing, business coaching, and education brands in the country. We take pride in guiding our clients toward smart and sustainable growth.

OUR SERVICES

- We act as outside general counsel on advertising, regulatory compliance, intellectual property, contract, corporate, tax, employment and other legal areas
- We review website funnel and advertising claims for compliance with federal and state consumer protection laws, including the Restore Online Shoppers' Confidence Act (ROSCA), Section 5 of the FTC Act, the FTC's Endorsement and Testimonial Guides, the FTC's Business Opportunity Rule, and

Cal. Bus. & Prof. Code §§ 17200 and 17500

- We prepare website terms of sale, website privacy policies, intellectual property license agreements and service provider agreements, including advertiser, affiliate network, fulfillment services and social influencer agreements
- We prosecute and defend clients in trademark infringement, UDRP domain transfer actions, copyright infringement, DMCA takedown notices, Lanham Act false advertising, product disparagement and trade secret misappropriation litigation
- We work with GRSM's Privacy, Data & Cybersecurity group to address compliance, management, and incident response with the EU General Data Protection Regulation (GDPR), California Consumer Privacy Act (CCPA) and other consumer data privacy laws, as well as compliance with email, SMS, and telemarketing laws
- We help clients avoid and defend them against consumer class actions, FTC and state attorney general civil investigative demands and enforcement actions, consumer complaints, right-of-publicity claims and unfavorable news media coverage
- We negotiate and litigate business disputes, including between e-commerce retailers, lead generators, traffic providers, payment processors and other service providers
- We provide strategic advice and counsel to improve customer experience, increase customer lifetime value and strengthen business reputation and goodwill

OUR APPROACH

Because advertising and e-commerce law is evolving in real time, like the Internet itself, effective legal representation requires substantial experience as well as a commitment to continue learning. We surf social media platforms and content marketing websites to study the latest online advertising techniques. We examine the latest FTC complaints to identify new liability theories, enforcement priorities, and how they may expand in the future. Perhaps most important, we listen to our clients about what is important to them so we can share our knowledge, overcome challenges, and enable their growth.

An e-commerce retailer who focuses only on aggressive advertising and short-term customer acquisition will not succeed. Nor will an e-commerce retailer who follows overly cautious and restrictive legal advice to avoid the slightest risk of potential liability. Whether marketing health and beauty products, electronics, home furnishings, informational products, clothing, or coaching, our clients are driven, dynamic, and entrepreneurial. These qualities are maximized with effective counsel who knows the client's business issues, anticipates and protects them from legal and regulatory challenges, and cares about their success.