



Lawyers, Ads & Moneywith a shot of Sunny D®!

Sponsored by: Frost Brown Todd LLC

July 30, 2009

The Cintas Center
Xavier University
1624 Herald Avenue
Cincinnati, OH 45207-7510

8:00 – 8:30 a.m. *Registration*

8:30 – 9:30 a.m. *Breakfast featuring keynote speaker Rick Zimmerman, Sr. VP of Marketing and Innovation, Sunny Delight Beverages Co.*

9:30 – 10:30 a.m. Track 1 – “It’s Not Easy Bein’ Green...or Charitable”

Jill Meyer, FBT

100% Recyclable, Bio-Degradable, Carbon Neutral, Sustainable, Energy Efficient....When can you make these “green” claims? What are the rules that need to be followed? This session will focus on the current trends in environmental marketing claims, along with the relevant laws, regulations and best practices.

Neal Patel, FBT

Looking for a great pink bag? Well did you know eBags donates 10% of the retail sales price of any pink product purchased on their site to Susan G. Komen for the Cure? The second half of this session will focus on the rules of the road when working with non-profit entities to promote products and service.

Track 2 – “Advertising 101”

Kevin Shook, FBT & Shelley Samel, Gowlings

Want a primer on the basics of advertising law? Or, perhaps you are new to this area and are wondering why disclaimers are necessary. This session will focus on general fair advertising principals and what information is needed to support advertising claims.


Monica Dias, FBT & Nikki Hudson, FBT

The second half of this session will cover what you need to know about trademarks and copyrights. What’s the difference between ® and ™, do you really need the ©, and is there a difference between filing a trademark at a state and federal level? All of this and more will be covered in this session.

10:30 – 11:30 a.m. Track 1 – “The Obama Factor & FTC Update”

Dick Goehler, FBT

What kind of changes and threats are looming with the new



administration? Is the threat to eliminate or amortize the business tax deduction for advertising real? This session will focus on this question and other potential changes on the horizon.

Neal Patel, FBT & Emily Meyer, FBT

Plus, come to this session for an update on the FTC's activities in the context of endorsements, behavioral advertising, food & beverage marketing to children, and privacy. We will give you the information on the important changes that will impact how you market and promote products and services.

Track 2 – “No Purchase Necessary. Liability Assumed.

Jill Meyer, FBT & Shelley Samel, Gowlings

Sweepstakes! So common yet always so complicated. Does it have to be that way? Come to this session to obtain an overview of the rules associated with sweepstakes, state registration & bonding requirements, necessary disclosures, and areas of risk. We will break it down for you and provide a fail proof, easy to follow process for making sure you get it right.

11:30 – 12:30 p.m. Track 1 – “2 Tweet, or Not 2 Tweet?”

Nikki Hudson, FBT & Patti Foster, FBT

Have a Facebook group? Are you Twittering with customers? Or, perhaps, you just want the consumer to come up with a commercial about your product and give it to you. This session will cover everything you need to know about using social networking, consumer generated content and other interactive media as marketing tools. It's a new world, but are there any rules?

Track 2 – “BBB Advertising Review: A Quick Primer”

Jason McGlone, BBB & Erika Lehman, BBB

Since its inception in 1912, the Better Business Bureau has been conducting advertising review. In short, “Advertising Review” might be best described as monitoring and challenging advertising according to a defined set of principles. In this presentation, Jason McGlone, Ad Review Specialist at Cincinnati's BBB will delve into the ins and outs of BBB's Code of Advertising and what the day-to-day work of an Ad Reviewer looks like.

12:30 p.m.

Conclusion with boxed lunches provided.

SunnyD® is a registered trademark of the Sunny Delight Beverages Co.

Jill P. Meyer

Member

Jill Meyer concentrates her practice on counseling and litigating advertising & media law issues. Ms. Meyer represents a wide variety of clients - corporations, advertising agencies, and media outlets - on an array of issues, including advertising review and clearance, sweepstakes and promotions, viral marketing and interactive media, compliance with COPPA and FTC requirements for advertising and websites, intellectual property, right of publicity, advertising-related litigation and regulatory challenges. She also represents media clients in all aspects of First Amendment and newsroom-related matters, including pre-publication/pre-broadcast review, issues related to access to courtrooms, public meetings and public documents, and defamation and privacy related litigation.

Ms. Meyer is Member-in-Charge of the Cincinnati office. She also oversees the Firm's advertising practice and is a member of the Firm's Strategic Planning Committee.



Nilesh (Neal) Patel

Counsel

Neal is an advertising and intellectual property attorney who focuses his practice on helping clients design and implement marketing and advertising initiatives to meet their business objectives, while ensuring compliance with all applicable laws and regulations. Neal's practice covers the full gamut of issues that companies and advertising agencies face, including negotiating, drafting, and counseling on a wide variety of intellectual property opportunities, advertising and marketing related agreements, content and IP licensing, naming rights, product placement, sponsorship, and endorsement agreements. He also performs advertising review, claim substantiation analysis, sweepstakes and promotions review. Neal spends a great deal of time analyzing online programs and helping to structure user-generative content sites with appropriate registration processes, Terms of Use and Privacy Policy documents, and for compliance with the Children's Online Privacy Protection Act (COPPA), Digital Millennium Copyright Act (DMCA), Communications Decency Act (CDA), and related laws.

Prior to joining Frost Brown Todd LLC, Neal was lead advertising counsel for Sprint Nextel Corporation and an associate with Bryan Cave LLP in Kansas City, Missouri.



Monica L. Dias

Senior Associate

Monica L. Dias is a litigation attorney and intellectual property attorney who focuses her practice on First Amendment and media law issues, including defamation, invasion of privacy, access to courts, open records and open meetings issues, pre-publication and pre-broadcast review of news stories, and confidential sources. She also counsels clients regarding trademark and copyright issues, and her practice involves trademark registrations and prosecutions with the U.S. Patent and Trademark Office, as well as trademark litigation. In addition, she counsels and represents clients on advertising review issues, including food labeling review. Her practice also includes counseling clients on telecommunications and cable television issues, school law, and general business litigation. Ms. Dias is a former reporter for *The Kentucky Post/The Cincinnati Post* and a former legal fellow for the Reporters Committee for Freedom of the Press in Arlington, Virginia.



Patricia A. Foster

Senior Associate

Patricia Foster is a litigation attorney who focuses her practice on First Amendment, media, advertising, and branding issues. Prior to entering the legal profession Mrs. Foster worked as a consultant to the hospitality industry in Europe, Australia, and North Africa. In that capacity, she advised hoteliers and tourist boards, researched tourism markets, and predicted the financial feasibility of proposed hotel developments in Europe, Australia, and North Africa.



Jason W. McGlone

Advertising Review Specialist, Business Bureau of Cincinnati

Jason McGlone has been the Advertising Review Specialist at BBB in Cincinnati since 2004. Since that time, he has been among the most active BBB advertising reviewers in the country. He has assisted in utilizing current multimedia recording and editing technology for the purposes of digitally reviewing television, radio, and web advertising, has assisted other BBBs in training advertising review staff, and continues to provide consult to companies regarding the ethical content of their advertising. He lives in Bellevue, KY with his wife and daughter.

Erika L. Lehman

Director of BBB Foundation Services, Better Business Bureau of Cincinnati

Erika Lehman, Director of BBB Foundation Services, oversees the Cincinnati BBB Foundation's five major programs and fundraising goals. Prior to joining BBB five years ago, Erika co-oped at one of the largest grant-making foundations in Cincinnati while earning her B.A. in Communication Arts from the College of Mount St. Joseph. She has recently returned to school and is earning her J.D. from Salmon P. Chase College of Law at Northern Kentucky University. In addition, she is serving a one year term as President of Mayor Mallory's Young Professionals Kitchen Cabinet.

Kevin T. Shook

Senior Associate

Kevin Shook concentrates his practice in the areas of complex commercial litigation, media law, advertising law and banking law. Mr. Shook was recently named a Rising Star in the 2009 edition of Ohio Super Lawyers magazine. He regularly represents corporations, real estate investment firms and banks in a wide variety of complex litigation. He represents media clients in all aspects of First Amendment and newsroom-related matters, including defense of defamation and privacy claims and public records matters. He regularly defends false advertising cases, including claims brought under the Ohio Consumer sales practices Act. He also counsels on prepublication review of advertisements. Mr Shook serves on the Board of Directors for the American Red Cross of Greater Columbus and the Ohio Society for Prevention of Cruelty to Animals. He is also the Pro Bono Coordinator for the Frost Brown Todd, Columbus Office.



Nicolette R. Hudson

Member

Nicolette Hudson is a Member of Frost Brown Todd LLC and practices in the Intellectual Property Department. She represents domestic and international clients in a wide array of intellectual property matters, with particular emphasis on trademark and copyright prosecution, counseling and enforcement.

Ms. Hudson's practice involves trademark registrations and prosecutions with the U.S. Patent and Trademark Office, inter partes proceedings before the Trademark Trial and Appeal Board, foreign trademark applications and assignments, advertising review, license agreements, copyright registrations, resolution of domain name disputes, and trademark, unfair competition and copyright litigation.



Richard M. Goehler

Member

Dick Goehler's practice is concentrated in the areas of media law, including digital and interactive media, advertising law, copyright and trademark and complex intellectual property and business litigation. He represents media clients in all aspects of First Amendment and newsroom-related matters, including prebroadcast / prepublication review, newsgathering, defense of defamation and privacy claims, and access and freedom of information matters. He handles a wide variety of constantly evolving internet, digital and interactive media issues. He counsels and advises on advertising review, clearance issues, sweepstakes and promotions, and litigates advertising, copyright and trademark matters. He also regularly represents the Firm's corporate and business clients in a wide variety of complex business and commercial litigation matters.



Mr. Goehler is the Immediate Past Chair of the American Bar Association Forum on Communications Law.

Emily S. Meyer

Associate

Emily Meyer is an attorney in the firm's Intellectual Property Group. Ms. Meyer counsels and assists clients in matters involving intellectual property law including patent procurement, due diligence, licensing, IP portfolio management, and litigation.

Ms. Meyer obtained a bachelor of science degree in Materials Science & Engineering from The Ohio State University, where she specialized in biomaterials. Taking classes in anatomy, physiology, tissue mechanics, biopolymer function, and tissue engineering, Ms. Meyer also received a minor in Biomedical Engineering.

Ms. Meyer graduated *cum laude* from the University of Dayton School of Law, where she was Managing Editor of the Law Review. Prior to joining Frost Brown Todd, Ms. Meyer served as an extern for the Honorable Evelyn Lundberg Stratton of the Supreme Court of Ohio.

