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**Honors and Awards**

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## Register Now and Join Us at ERA D2C Convention

Venable is a proud sponsor of the Electronic Retailing Association's D2C Convention on September 24-26, 2013 in Las Vegas. Please join our attorneys as they host the Pre-Moxie Awards reception, honor Venable partner **Jeffrey D. Knowles**, recipient of the 2013 ERA Lifetime Achievement Award, and present two educational sessions. Venable partner **Gregory J. Sater** will present "Beauty and Fitness: Making Your Marketing Dollars Count!" on Tuesday, September 24 from 10:30 a.m. to 11:30 a.m. PT. In addition, Venable partner Jeffrey D. Knowles will moderate a panel titled "Don't Risk Revenue: Three R's Every Marketer Must Know" on Tuesday, September 24 from 3:45 p.m. to 4:45 p.m. PT.

To obtain a discounted exhibit hall pass that will allow you access to the expo as a Venable guest, [click here](#) and register using the code **EI320D26**.

If you are attending ERA D2C and are interested in scheduling a conversation with a Venable attorney, please [click here](#) to send us an email.

## Analysis

### Patent Troll's Gift Card Suits Come Up Short

There is good news for retailers who offer gift cards to their customers for use in stores, write Venable attorneys **Melissa Landau Steinman** and **Christopher S. Crook** in a recent post to Venable's advertising law blog, [www.allaboutadvertisinglaw.com](http://www.allaboutadvertisinglaw.com). The jury in a lawsuit (*Alexsam Inc. v. The Gap Inc., et al.*) brought by a "patent troll" has found that a major retailer has not infringed patents related to prepaid gift cards. This victory for The Gap follows a similar non-infringement determination for Barnes & Noble.

Steinman and Crook write that "gift cards" face extraordinarily heavy state and federal regulation and that burden is expanding with the Consumer Financial Protection Bureau (CFPB) expected to issue new rules for gift cards before December 2013. This regulatory burden, as well as the relatively new threat of litigation, makes the fast-growing gift card space a potentially tricky one for marketers.

[Click here](#) to read the full text of the blog post, which provides more details on the litigation and outlines the regulatory issues facing marketers of gift cards.

### Cooperation Drives Positive Developments in Bilateral Brand Protection

China is often considered the world's most prolific violator of intellectual property rights, write Venable attorneys **Marcella Ballard**, **Lindsay B. Meyer**, **Justin E. Pierce**, and **Amanda C. Blunt** in a recent client alert. However, they say, there are encouraging signs of American and Chinese cooperation on brand protection issues less than two months after the publication of the *2013 Joint Strategic Plan on Intellectual Property Enforcement*.

The authors write that these developments signal much-needed improvement in global supply chain security and brand protection. Annually, G20 countries lose more than \$120 billion to counterfeiting and piracy, and approximately 70 percent of all counterfeits seized in the U.S. between 2008 and 2010 came from China.



Law Firm of the Year, National Advertising, *U.S. News and World Report*, 2011-2012



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[Click here](#) to read the full text of the client alert, which provides context on bilateral brand protection activities and details recent promising Chinese court rulings and cooperation on counterfeit product seizures.

[Click here](#) to read the full text of the *2013 Joint Strategic Plan on Intellectual Property Enforcement*.

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## News

### FTC Sees Tips for all Mobile Marketers in Jamster Enforcement Action

This week the FTC announced a settlement with Jesta Digital (Jamster). The FTC alleges the company served "scareware" mobile ads to consumers playing the free version of the popular game Angry Birds. When clicked, the ads, which claimed to have identified a virus on the consumer's smartphone, captured a consumer's phone number and placed recurring charges on that consumer's mobile phone bill.

In a post to the FTC's Business Center Blog, Commission attorney Lesley Fair outlines lessons legitimate mobile marketers should take from the Jamster enforcement action. Those tips include that truth in advertising applies to mobile marketing, disclosures must be clear and prominent, and mobile missteps can be costly for marketers.

[Click here](#) to read the full text of the FTC's Business Center Blog post.

[Click here](#) to read the FTC's press release announcing the Jesta Digital settlement and access a copy of the FTC's complaint.

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## Upcoming Events

### Webinar: "The Mobile Payment Phenomenon: Legal and Regulatory Issues" for ALI CLE

August 29, 2013 | 1:00 p.m. - 2:30 p.m. ET

Mobile payments are growing in popularity and the trend is likely to accelerate as more consumers use smartphones and tablets to transfer funds to people and businesses. If you missed the first CLE webinar on mobile payments, register for this fast-paced, 90-minute replay with Venable partners [John B. Beaty](#), [Frederick "Rick" Joyce](#), and representatives from the U.S. Department of Treasury and Electronic Transactions Association, who will explain the risks and supervisory issues associated with this new financial service.

[Click here](#) to learn more and register.

### Teleconference: "ABA Antitrust Section Corporate Counseling Update"

September 10, 2013 | 12:00 p.m. - 1:00 p.m. ET

Join Venable attorneys at the ABA Antitrust Section Corporate Counseling Committee for its monthly Antitrust Update for In-house Counsel, a telephonic committee program. This program continues the ABA's popular monthly brown bag series in which antitrust practitioners report on the most recent developments around the world at antitrust agencies and in the courts.

[Click here](#) to learn more and register.

### Council for Responsible Nutrition Workshop and Conference 2013 - Park City, UT

September 18-21, 2013

The Council for Responsible Nutrition (CRN) is the leading trade association representing dietary supplement manufacturers and ingredient suppliers. During CRN's dietary supplements conference, Venable partner [Claudia A. Lewis](#) will join a panel to discuss "How Non-compliance with FDA

Regulations Can Result in a Private Cause of Action for Consumers." Venable is also a proud sponsor of the invitation-only Board of Directors dinner.

[Click here](#) to learn more.

### **NAD/CARU/ERSP Annual Conferences - New York City**

September 30-October 2, 2013

The Advertising Self-Regulatory Council establishes the policies and procedures for advertising industry self-regulation, including the National Advertising Division (NAD), Electronic Retailing Self-Regulation Program (ERSP), and Children's Advertising Review Unit (CARU). Venable attorney **Mikhia E. Hawkins** will join a panel during the ERSP Summit titled "Direct Response: A Year in Review & What's to Come." Timely topics that will be discussed include recent developments and issues in direct response advertising and marketing, various considerations of claim substantiation, and self-regulation's role in the evolving electronic retailing industry.

[Click here](#) to learn more.

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

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