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202.344.4488**Honors and Awards**2011 *Chambers USA* Award for
Excellence WinnerLaw Firm of the Year, National
Advertising, *U.S. News and World
Report*, 2011**News****FTC Amends Franchise Rule Disclosure Thresholds**

The Federal Trade Commission (FTC) announced on June 13 that it would amend the Franchise Rule to adjust the monetary thresholds used to determine whether a franchiser must make certain disclosures to prospective buyers. In 2007, the FTC amended the Franchise Rule to require that the disclosure thresholds be adjusted every four years based on the Consumer Price Index. The adjustments, which will be the first made under the 2007 amendments, will take effect on July 1, 2012 and exempt:

- Sales where the buyer's initial payment is less than \$540 (currently \$500);
- Sales where the initial investment is at least \$1,084,900 (now \$1 million), excluding the cost of unimproved land and any franchisor (or affiliate) financing; and
- Sales to large entities, such as airports, hospitals and universities, that have been in business for at least five years and have a net worth of at least \$5,424,500 (now \$5 million).

[Click here](#) to read the FTC's press release and *Federal Register* notice.

Analysis**Ben Stein / Kyocera Suit Latest Front in Endorsement Contract Wars**

In a recent post on Venable's advertising law blog, www.allaboutadvertisinglaw.com, Venable partners [Amy Ralph Mudge](#) and [Randal M. Shaheen](#) discuss the most recent decisions in a spate of lawsuits concerning celebrity endorsements cancelled by marketers after the celebrities made allegedly offensive statements.

In this most recent case, a California court ruled in a suit involving Ferris Bueller's economics teacher, a/k/a Ben Stein. The actor/lawyer/economist/public commentator had argued that the printer company Kyocera breached its endorsement agreement with him after learning of his view that global warming is not a man-made phenomenon. The court found that Kyocera had a First Amendment right to not associate itself with Stein and his alleged views on global warming.

The California court did not address the recent North Carolina Court ruling that a company needed to make a factual showing that the public had actually been offended or shocked by the endorser's conduct (read a blog post about that case [here](#)). However, Mudge and Shaheen write, the Stein case illustrates how difficult the standard proposed by the North Carolina Court - objectively measuring the effect of the endorser's statements on the public - would likely be to administer.

Despite siding with Kyocera on the termination of the contract, the judge did allow one claim to go forward - the allegation that Kyocera replaced Ben Stein with a look-alike, infringing his right to publicity. If Stein prevails on that claim, this will no doubt undercut Kyocera's argument that it was worried about the public's reaction to Stein's views on global warming.

[Click here](#) to read the full post on Venable's advertising law blog, www.allaboutadvertisinglaw.com.

ICANN Unveils List of gTLD Applications



Top-Tier Firm *Legal 500*



For more information about Venable's award-winning Advertising and Marketing practice, please visit our website at www.Venable.com/Advertising-and-Marketing

This week, the Internet Corporation for Assigned Names and Numbers (ICANN) introduced the list of new, generic top-level domain names (gTLD), writes Venable partner [Jacqueline Levasseur Patt](#) in a recent post on Venable's advertising law blog, www.allaboutadvertisinglaw.com.

ICANN, Patt writes, announced that it received over 1900 applications for gTLDs, the "extension" to the right of the dot in an internet address (for example, ".com"). Because of the overwhelming number of applications, ICANN will divide the applications into "batches" for initial evaluation.

ICANN's initial evaluation will review, among other things, each gTLD's string for similarity to other new gTLDs or existing gTLDs; the applicant, to determine if it has demonstrated the appropriate technical, operational, and financial capabilities to run a registry; and the applicant's proposed registry services, to determine DNS stability. The evaluation of the first batch is set to begin on July 12 and end sometime in December 2012 or January 2013; the schedule for subsequent batches has not yet been announced.

In addition to the many well-known brands that applied for new gTLDs, several of the generic name gTLD strings, including .love, .music, .news, and .shop, are the subject of applications submitted by multiple parties. These multiple applications will be managed in a separate process where attempts to resolve the contention will begin and could end in an auction for the string.

The new gTLDs will present extra burdens on brand owners to protect and enforce their brands. Brand owners should review the Reveal Day list to confirm that none of the proposed gTLD applications violate any of their existing trademark rights, consider registering their trademarks in ICANN's Trademark Clearinghouse, and monitor the new extensions when they go live in or around 2013 for potentially infringing domain names.

[Click here](#) to read the full post on Venable's advertising law blog, www.allaboutadvertisinglaw.com.

[Click here](#) to read the ICANN gTLD Reveal Day list.

Upcoming Events

[ACI Litigating & Resolving Advertising Disputes - New York](#)

June 19-20, 2012

Venable is a proud sponsor of the ACI Litigation & Resolving Advertising Disputes Conference. Please join Venable's [Thomas E. Gilbertsen](#) and [Amy Ralph Mudge](#). Gilbertsen will speak on the explosion of class action lawsuits, and Mudge will moderate a panel of judges providing the judicial perspective on advertising litigation.

For registration information, please [click here](#).

[ACI Hatch-Waxman Boot Camp - San Diego](#)

June 25-26, 2012

Attend this essential event to understand the interplay of intellectual property and FDA regulation relative to pharma/biotech patents in light of Hatch-Waxman and recently released biosimilars guidance. Additionally, ensure that you are aware of the intersection of the America Invents Act with Hatch-Waxman. Please join Venable partner [David G. Adams](#) when he presents "An In-Depth Look at 180-Day Exclusivity" on June 26, 2012 from 11:15 a.m. - 12:15 p.m. PDT.

For registration information, please [click here](#).

[Engredea Asia Market Quickstart - Shanghai and Xi'an, China](#)

June 29-30 and July 3-4, 2012

Developed by Engredea, the Market Quickstart is a teaching program that helps companies in the healthy and natural products industry prepare for international business, especially in the United States. Venable partner [Claudia A. Lewis-Eng](#) will address the attendees in Shanghai and Xi'an.

[LeadsCon East 2012 - New York](#)

July 24-25, 2012

LeadsCon is the pioneering conference and summit for the online lead generation and broader customer acquisition industry. Please join Venable attorney [Jonathan L. Pompan](#) when he moderates a discussion entitled "Co-reg, Destination sites, and Up-sells, 'Oh My!'" on Wednesday, July 25 from 11:30 a.m. - 12:00 p.m. EDT. A panel of leading advertisers will discuss the challenges of online and telephonic lead

generation.

For registration information, please [click here](#).

15th Annual NBJ Summit - Dana Point, CA

July 24-27, 2012

Venable is a proud sponsor of the 2012 NBJ Summit, hosted by *Nutrition Business Journal* and New Hope Natural Media. Please join Venable partner **Jeffrey D. Knowles** and Venable partner and former FDA Chief Counsel **Ralph S. Tyler** on Friday, July 27 at 9:15 - 10:35 a.m. PDT and at 11:00 - 11:40 a.m. PDT. Their session and panel discussion will provide insiders' views of regulatory activity by the FDA and FTC as well as predictions for the future.

3rd Annual DRMA Summer Bash - Irvine, CA

July 26, 2012

Venable is a proud sponsor of the Direct Response Marketing Alliance's Summer Bash. Please join the attorneys of Venable's **Advertising and Marketing Group** for an evening of wine tasting and networking, held at the Shady Canyon Country Club in Irvine, CA.

[Click here](#) to subscribe to Venable's Advertising and Marketing RSS feed and receive the Venable team's insight and analysis as soon as it is posted.

Visit Venable's advertising law blog at www.allaboutadvertisinglaw.com.

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