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**News****FTC Proposes COPPA Changes, Seeks Public Comment**

Last week, the FTC released proposed changes to the Children's Online Privacy Protection Rule (COPPA), which gives parents control over what personal information websites may collect from children under 13. Among the FTC's proposals are updating the definition of "personal information" to include geolocation data and some persistent identifiers used in behavioral advertising. In addition, the FTC wants to update the definition of "collection" as it pertains to children's participation in online communities.

The FTC also proposes that website operators provide parents with a succinct, easy to read notice of the site's information practices. The proposed changes call for developing more robust ways to verify parental consent and for website operators to adopt a number of confidentiality and security procedures the Commission has recommended in other contexts. Examples of such measures include holding onto data only as long as it is needed, deleting data that is no longer needed and ensuring third parties with whom the data is shared have sufficient privacy and security safeguards in place to protect the data.

Lastly, the FTC is proposing increased oversight of self-regulatory safe harbor programs to include requiring programs to perform annual audits of their members and report the results. The FTC is accepting comments until November 28, 2011.

[Go here](#) to read the FTC's press release and proposed changes to COPPA.

Michaels Settles Reference Pricing Case

The New York Attorney General's office announced a significant reference pricing settlement with the retail chain Michaels on Monday. Under the settlement, the craft retailer will pay \$1.8 million to settle claims that its advertising of a custom framing sale allegedly had no end date, and that Michaels promoted its custom framing as either 50 percent off or as sold at a certain discount for at least 104 consecutive weeks.

The arts and crafts supplier will pay an \$800,000 civil penalty and give \$1 million worth of Michaels gift certificates to hundreds of the state's public school districts. Michaels also agreed to stop its purportedly deceptive advertising practices.

The settlement ends an investigation that reportedly began in 2009.

[Go here](#) to read coverage of the settlement.

SAS Group Settles Over "Free Items" Case

On Tuesday, New York-based direct marketer SAS Group settled a case with the Pennsylvania Attorney General's office alleging that the company promoted supplemental "free" products to consumers making purchases, but charged shipping and handling fees that far exceeded actual shipping and handling costs and, in some cases, reflected actual cost of the "free" item.

In addition, the Attorney General alleged that the company's automated phone system took consumers' credit card information before providing them with a total purchase price and disclosing additional shipping and handling fees.

Under the settlement, SAS will pay restitution to consumers who filed complaints with the AG's Bureau of Consumer Protection, pay civil penalties and fines and comply with Pennsylvania's Consumer Protection Law in the future.

[Go here](#) to read the Attorney General's press release.

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Upcoming Events

IQPC Anti-Counterfeiting & Brand Protection - New York City

September 26-28, 2011

Marcella Ballard will be speaking on the panel Protecting your Brand Globally through IP Best Practices.

NAD Annual Conference 2011 - New York City

October 3-4, 2011

Thomas A. Cohn will be speaking on social media issues including burgeoning issues such as publicity rights, blogs, branded entertainment, endorsements and testimonials as well as providing guidance on understanding regulatory developments and best practices.

ACC Annual Meeting - Denver

October 23-26, 2011

Emilio W. Civitanes, Stuart P. Ingis, James E. Nelson, Melissa L. Steinman and Jeffrey S. Tenenbaum will present sessions at the meeting.

33rd Annual PMA Marketing Law Conference - Chicago

November 15-16, 2011

Thomas A. Cohn, Claudia A. Lewis, Roger A. Colaizzi and Melissa L. Steinman will present sessions at the conference.

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