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An Advanced Two-Day Conference

eHavioral, Peer-to-Peer and New Media Marketing

Current regulatory, legal, technological and business developments

October 6 & 7, 2008

New York, New York

New York Marriott Marquis Hotel

Credits: NY CLE 15.5 inc 1 ethics (nontransitional) Call about others
Quick when/where: 8:30 a.m., 1535 Broadway

eHavioral, Peer-to-Peer, & New Media Marketing Conference

October 6 & 7, 2008 | New York, New York
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8:00 Registration and Continental Breakfast

8:30 Introduction and Overview

Bruce E. H. Johnson, Esq., Program Co-Chair
Davis Wright Tremaine LLP ~ Seattle, WA

Kristen J. Mathews, Esq., Program Co-Chair
Proskauer Rose LLP ~ New York, NY

8:45 **Opening Special Address: A Business Perspective on the Potential for New Media Advertising**

Stepping carefully into the world of behavioral advertising

Mozelle W. Thompson, Esq., CEO
Thompson Strategic Consulting ~ Washington, DC

9:30 **Special Address: Federal Regulatory Concerns Arising From the Growth of eHavioral and Other New Approaches to Marketing**

The FTC's proposed Online Behavioral Advertising Privacy Principles; other policy concerns and policy initiatives relating to online advertising

Leonard L. Gordon, Esq., Director, Northeast Region
Federal Trade Commission ~ New York, NY

10:15 Break

10:30 **State Regulatory Developments**

New York: Update including Assembly Bill A09275 which was introduced in response to the Google/DoubleClick controversy; Amazon.com tax case

Andrew B. Lustigman, Esq.
The Lustigman Firm, P.C. ~ New York, NY

Trends in other parts of the country

Stephen Durchslag, Esq.
Winston & Strawn LLP ~ Chicago, IL

12:00 Lunch (on your own)

1:15 **Behavioral Targeting: The Changing Regulatory Landscape**

Industry responses to the evolving FTC and industry requirements and best practices regarding behavioral targeting

Gregory Ritts, Esq., Moderator
Vice President, Business Affairs and Corporate Development
Avenue A | Razorfish ~ Seattle, WA

Robert Gratchner, Director of Privacy
aQuantive, Inc. ~ Seattle, WA

Katherine Hendricks, Esq.
Hendricks & Lewis ~ Seattle, WA

Dave Morgan
Dave Morgan, Entrepreneur ~ New York, NY

Jason D. Ryning, Esq., Attorney
Microsoft Corporation ~ Redmond, WA

Justin Weiss, Esq., Associate Counsel
Digital Policy Group ~ York, ME

3:15 Break

3:30 **Peer-to-Peer Endorsements; Viral Marketing; Word of Mouth Advertising; Buzz Marketing**

Tell-a-friend, send-to-a-friend, sock-puppetry and other forms of marketing based on social networking on the Internet; update on the FTC Endorsement Guidelines

Jeffrey A. Greenbaum, Esq.
Frankfurt Kurnit Klein & Selz PC ~ New York, NY

4:15 **Special Issues for User-Generated Advertising**

Liability and immunity defense issues under section 230 of the Communications Decency Act; rights of publicity issues; Subway v. Quiznos; Perfect 10 v. Google & v. CCBill; Roommates and Craigslist cases; other cases

Jeffrey D. Neuburger, Esq.
Proskauer Rose LLP ~ New York, NY

5:00 **Wireless Promotional Messaging**

SMS text message promotions; Mobile Marketing Association standards; carrier guidelines and requirements for mobile messaging

Ronald G. London, Esq.
Davis Wright Tremaine LLP ~ Washington, DC

5:30 **Continue the Exchange of Ideas: Reception for Faculty and Attendees Sponsored by Proskauer Rose LLP and Davis Wright Tremaine LLP**



About the Conference

LAW SEMINARS INTERNATIONAL

We dedicate all of our efforts to producing high-quality professional education programs.

Our seminars provide an opportunity for lawyers to learn about their clients' businesses and for the clients to learn about the legal issues impacting their business.

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Today's comprehensive advertising campaigns almost certainly make use of new forms of media, such as behavioral marketing, peer-to-peer endorsements, wireless or geo-targeted messaging and user-generated content. To do it right, lawyers and business people need to understand the industry, the applicable laws and industry standards, and the public's expectations and boundaries.

This conference will feature speakers presenting business and legal perspectives on advertising using new media, and will impart the most important information and insights a practitioner needs in order to add value for a company that is entering this new arena.

~ Program Co-Chairs: Bruce E. H. Johnson, Esq. and Kristen J. Mathews, Esq.



- 8:00 Registration and Continental Breakfast**
- 8:30 Introduction and Overview**
Bruce E. H. Johnson, Esq., *Program Co-Chair*
Kristen J. Mathews, Esq., *Program Co-Chair*
- 8:45 New Era of Product Placement**
 Online advertising and privacy issues; behavioral target advertising; FCC proposed rulemaking on "embedded advertising"
Scott D. Dailard, Esq.
 Dow Lohnes PLLC ~ Washington, DC
 In-game advertising
Daniel O'Connell Offner, Esq.
 Nixon Peabody LLP ~ Los Angeles, CA
- 10:00 Break**
- 10:15 Privacy in Advertising**
 Behavioral/targeted marketing; FTC's new behavioral marketing guidelines; data protection
George V. Pappachen, Esq.
Director of Privacy and Public Policy
 Safecount ~ New York, NY
 Geo-location advertising: CTIA's new guidelines for location-based marketing
Michael Altschul, Esq., Sr. Vice President and General Counsel
 Cellular Telecommunications Industry Association
 Washington, DC
 Data security: Breach of security; data breach notification laws; enforcement priorities and mechanisms; FTC and state enforcement of data security
Tanya L. Forsheit, Esq.
 Proskauer Rose LLP ~ Los Angeles, CA
- 12:00 Lunch (on your own)**

- 1:15 First Amendment and Advertising**
 The right to spam; anonymous blogging; bloggers as journalists; prescription drug targeted marketing
Theodore J. Angelis, Esq.
 Kirkpatrick & Lockhart Preston Gates Ellis LLP ~ Seattle, WA
- 2:00 Blogging and Social Media Marketing**
 Legal issues surrounding the growing use of blogs and social media for marketing purposes
Lisa T. Oratz, Esq.
 Perkins Coie LLP ~ Seattle, WA
- 2:45 Break**
- 3:00 Where is the Technology Heading? What are the Implications for Marketing?**
Kristen J. Mathews, Esq., *Program Co-Chair, Moderator*
Alan L. Friel, Esq.
 Wildman, Harrold, Allen & Dixon LLP ~ Chicago, IL
James Walker, Chief Creative Officer
 TM Advertising, LP ~ Dallas, TX
- 4:00 Ethics in New Media Advertising**
 Lawyer advertising and lawyer blogs; state bar ad labeling requirements for blogs and legal newsletters; online legal advice (attorney-client relationships); Second Life legal representation
Kevin O'Keefe, Esq., President and Founder
 lexBlog, Inc. ~ Seattle, WA
- 5:00 Evaluations and Adjourn**

Upcoming Seminars:

Current Issues in Complex IP Licensing	September 10-11, 2008	Philadelphia, PA
Spectrum Management	September 18-19, 2008	Arlington, VA

See more at www.lawseminars.com



Registration & Other Conference Information

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 Walk-ins are welcome, subject to space availability.
 Registration is complete when we receive payment or agree to later payment.

Tuition: Regular tuition for this program is \$1245 with a group rate of \$1145 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$1045. For students and people in their job for less than a year, our rate is \$622.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Make checks payable to Law Seminars International. Financial aid is available to those who qualify. Contact our office for more information.

Substitution & Cancellation: You may substitute another person at any time. We will refund tuition, less

a \$50 cancellation fee, if we receive your cancellation by 5:00 p.m. on Tuesday, September 30, 2008. After that time, we will credit your tuition toward attendance at another program or the purchase of a Homestudy. There is a \$25 cancellation fee for Course Materials orders and \$50 for Homestudy orders.

Seminar Location: The conference will be held at the New York Marriott Marquis Hotel at 1535 Broadway in New York, NY 10036. Call the hotel directly at (800) 843-4898 for reservations and mention that you are attending a Law Seminars International conference.

Rooms are on a first come, first served basis.

Continuing Education Credits: This program qualifies for 15.5 (non-transitional) NY CLE credits including 1 ethics. Upon request, we will apply for CLE credits in other states and other types of credits.

If You Cannot Attend: Our complete Homestudy Course, consisting of a DVD recording and the written course materials, is available for \$1255. The written course materials alone are available for \$100. We will ship your Homestudy order via UPS ground within two weeks after the seminar or the date we receive payment (whichever is later).

Faculty: eHavioral, Peer-to-Peer, & New Media Marketing Conference

Bruce E. H. Johnson, *Program Co-Chair*, partner at Davis Wright Tremaine LLP and chair of its Privacy and Security Group, focuses on constitutional and commercial litigation and provides legal advice for newspapers, broadcasters and Internet sites. He co-wrote *Advertising and Commercial Speech: A First Amendment Guide*.

Kristen J. Mathews, *Program Co-Chair*, partner at Proskauer Rose LLP, specializes in technology, e-commerce and media-related transactions and advice, with concentrations in data privacy, data security, direct marketing and online advertising.

Gregory Ritts, *Moderator*, Vice President of Business Affairs and Corporate Development at Avenue A | Razorfish, leads the team providing legal support for the digital agency. Previously he was a Senior Attorney in Microsoft LCA, supporting MSN and Xbox.

Michael Altschul, Senior Vice President and General Counsel at Cellular Telecommunications Industry Association, focuses on the Association's legal advocacy, compliance with antitrust and other applicable laws and development of the Association's public policy positions.

Theodore J. Angelis, partner at Kirkpatrick & Lockhart Preston Gates Ellis LLP, is a trial lawyer who focuses on cyber and technology law and intellectual property litigation with emphasis on constitutional law and appellate matters.

Scott D. Dailard, member at Dow Lohnes PLLC, focuses on advertising, consumer trade regulation, antitrust and unfair competition law including planning and design of national comparative advertising campaigns.

Stephen Durchslag, partner at Winston & Strawn LLP and chair of their Intellectual Property Practice Group, focuses on intellectual property law in advertising, promotions, entertainment and e-commerce. He was named a "Super Lawyer" by *The Best Lawyers in America*.

Tanya L. Forsheit, partner at Proskauer Rose LLP in the Litigation and Dispute Resolution Department and member of the Privacy and Data Security Practice Group, counsels on developing policies addressing legal requirements and best practices for information protection.

Alan L. Friel, partner in the Intellectual Property Department of Wildman, Harrold, Allen & Dixon LLP, focuses on contractual transactions, intellectual property, regulatory compliance, financing, licensing, distribution, acquisitions, joint ventures and strategic alliances for clients in advertising, media and technology industries.

Leonard L. Gordon, Director of the Northeast Regional Office of the Federal Trade Commission, supervises investigation and litigation of consumer protection and antitrust matters. Previously he practiced law at DLA Piper Rudnick.

Robert Gratchner, Director of Privacy at aQuantive, Inc., a Microsoft Corporation subsidiary, is responsible for overseeing the creation and implementation of worldwide privacy and legislative strategy. He is a board member for the Network Advertising Initiative.

Jeffrey A. Greenbaum, partner in the Advertising, Marketing and Public Relations Group at Frankfurt Kurnit Klein & Selz PC and member of the Management Committee, counsels on advertising, branded entertainment and intellectual property. He is a member and former chair of the New York City Bar's Committee on Consumer Affairs.

Katherine Hendricks, partner at Hendricks & Lewis, focuses on copyright, trademark, unfair trade practices, licenses, advertising and packaging.

Ronald G. London, of counsel at Davis Wright Tremaine LLP, focuses on mass media, advertising, and privacy and security. He counsels on communications, media and direct consumer contact by sellers of goods and services.

Andrew B. Lustigman, principal at The Lustigman Firm, P.C., represents direct marketers, advertisers, media and Internet companies in their advertising and promotional marketing business.

Dave Morgan is an Internet entrepreneur, having founded online advertising companies, Real Media, Inc. and TACODA and was AOL's Executive Vice President for Global Advertising Strategy.

Jeffrey D. Neuburger, partner at Proskauer Rose LLP and head of the Technology Media and Communications Practice Group,

counsels on complex technology and intellectual property acquisitions, technology transfer and licensing arrangements, joint ventures and digital distribution of content.

Kevin O'Keefe is President of lexBlog, Inc., a leading source of information and commentary on the use of blogs, RSS and social media for the marketing of law firms.

Daniel O'Connell Offner, partner at Nixon Peabody LLP, focuses on corporate and intellectual property representing clients in video game, new media, digital content, wireless and merchandise licensing industries.

Lisa T. Oratz, of counsel at Perkins Coie LLP, focuses on technology, intellectual property and entertainment law. She counsels on Internet and new media issues, including content liability, privacy, intellectual property rights, site terms and the drafting and negotiation of licensing, distribution, marketing and other agreements.

George V. Pappachen, Director of Privacy and Public Policy for Safecount, oversees processes to identify solutions for safe, reliable and accountable data collection within emerging media platforms.

Jason D. Ryning, Attorney at Microsoft Corporation, supports the United States online display and keyword search advertising sales team. His practice includes providing counsel regarding advertising, original content production, Internet, First Amendment, international and rights of publicity matters.

Mozelle W. Thompson, CEO of Thompson Strategic Consulting, provides legal, policy and business advice to Fortune 50 and high technology companies. Previously he was Commissioner on the Federal Trade Commission.

James Walker, Chief Creative Officer at TM Advertising, LP, brings aesthetic sensibility to business problems with his painting, drawing and art direction experience. Previously he led the Sedgwick Rd. agency and was their creative director.

Justin Weiss, Associate Counsel of the Digital Policy Group, focuses on domestic and international e-commerce, privacy and technology law.

October 6 & 7, 2008

New York, New York

**New York Marriott
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1535 Broadway
(212) 398-1900

Who Should Attend:

Attorneys and business executives involved in marketing and advertising online and in new media

You Will Learn About:

- *FTC's proposed policies on new media advertising*
- *State regulatory developments*
- *New opportunities in eHavioral marketing, peer-to-peer endorsements, viral and buzz marketing*
- *Wireless promotional messaging and promotional blogging*
- *Product placement in a new era*
- *Privacy in advertising and data security*
- *First amendment issues*
- *Liability and immunity defense*
- *Where technology is heading and implications for marketing*
- *Ethics in new media advertising*

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