

Advertising and Marketing

Advertising and marketing can drive a product's revenue. However, by going just a little too far, they can also result in disaster. The attorneys of Rothwell Figg's Advertising and Marketing practice are skilled in working with clients in a variety of industries to mitigate advertising and marketing risks and defend against competitive challenges that could be potentially damaging to our clients' brand reputation and goodwill.

With proper claims assessment and substantiation advice, we help make sure our clients can guard against competitive advertising threats or challenges with confidence. We have unique expertise in assessing scientific, medical and health, and technological advertising claims that require advanced knowledge and understanding of these sectors. When combined with our legal experience in advertising, we can provide clients with a high level of confidence about the claims they make about their products in the marketplace.

To do our work, we first understand our client's products and businesses, and its advertising and marketing goals. We then determine how to best help achieve those goals through rigorous evaluation of advertising claims and available proof for substantiation. We bring to this an exceptionally high, sophisticated technical expertise, which puts claims and potential pitfalls from advertising, in full context.

The key to our effectiveness in this specialized practice area is our technical knowledge. As STEM-related and STEM-adjacent products and services have become increasingly pivotal, so have our abilities in this area. For example, there have been rapid advances in new sectors such as NFTs, the Metaverse, and blockchain. Being up to date with client advancements in these areas and providing appropriate advertising claim support is what we do best.

The attorneys in our Advertising and Marketing practice work closely with colleagues at Rothwell Figg who, as a group, have exceptionally deep technical knowledge in a wide range of fields. Many have industry experience, advanced degrees, or both, as complements to their legal capabilities. As a result, in almost any technical discipline, we can call on colleagues with cutting-edge knowledge and experience.

This benefits our advertising and marketing clients in a variety of ways. First, it provides an at-hand, foundational source of knowledge about the subject matter of an advertising and marketing campaign. This enables us to often develop a factual evaluation of a campaign's contents in-house rapidly and seamlessly, and without the need for third-party experts.

Should challenges arise, it also gives us an informed, knowledgeable perspective from which to evaluate them. We can rapidly, and usually accurately, determine whether, in fact, a challenged claim or statement exceeds verification, or not, again, without the need for a third-party expert. This is true for even the most complex, arcane, or innovative technologies.

Our experience is particularly relevant to social media advertising and marketing. One illustrative challenge we managed, for example, was a social media campaign involving copyright, trademark, rights of publicity, and issues of paid endorser or influencer marketing.

Working closely with the client, we dissected and analyzed the campaign and helped to craft one which would avoid challenges and pitfalls. These were, in fact, successfully avoided, and an effective, multipart campaign was fielded without legal complications. This risk mitigation strategy has repeated itself for many nationally known brands in the restaurant and hospitality field, in sports and entertainment, as well as for industrial and scientific products. As always, by combining legal skills, technical knowledge, and old-fashioned strategic savvy, Rothwell Figg is the firm clients turn to with their Advertising and Marketing issues.