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Honors and Awards

Top ranked in *Chambers USA*

News

FTC Reopens Comment Period on Proposed Changes to EnergyGuide Labels

On March 21, the Federal Trade Commission (FTC) announced that it was reopening the public comment period on its recent proposal to update EnergyGuide label information and issue special labels for refrigerators and clothes washers. The proposed updates are intended to make it easier for consumers to compare products subject to new Department of Energy tests for measuring energy costs. *Advertising Law News and Analysis* covered the FTC's original notice of the comment period [here](#).

The comment period will remain open until April 1.

[Click here](#) to read the FTC's March press release and submit comments on the proposed rule changes.

[Click here](#) to read the text of the FTC's proposed rule changes.

Venable's Advertising Practice Named to *Chambers USA* Shortlist

Chambers USA, a leading publisher of legal rankings, earlier this week announced the short list for the 2013 *Chambers USA* Awards for Excellence. Each year, only one firm in each area of practice receives an award, which recognizes pre-eminence in key practice areas and reflects the firms' outstanding work, impressive strategic growth and excellence in client service.

This year marks the fourth consecutive year Venable has been named to the Chambers shortlist in the Advertising category. Venable, which received the Advertising Award for Excellence in 2010 and 2011, is also the only law firm named to the shortlist every year since the creation of the Advertising category. The winners of the 2013 Chambers Awards will be named May 23 in New York City.

[Click here](#) to see the full list of firms named to the Chambers shortlist.

Analysis

Protect Your Brand Against New Top-Level Domain Names

Today, there are only a handful of top-level domains such as .com, .net, .org, .gov, .mil, .edu, .mobi, and .jobs, write Venable partners [Janet F. Satterthwaite](#) and [Jacqueline Levasseur Patt](#) in a recent client alert. However, later this year, the number of top-level domains will explode to more than 1,000 with the introduction of generic top-level domains (gTLDs).

In the past, there have been sunrise periods for certain top-level domains to give trademark owners the first opportunity to register their brands before the new domain is open to the public. Because the cost and effort of complying with more than 1,000 different sunrise and objection processes would be overwhelming for even the largest brands, ICANN has launched a central trademark clearinghouse (TMCH) so that one set of paperwork can be submitted to create a single database of authenticated



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



Top-Tier Firm *Legal 500*



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trademark rights. The TMCH provides a central, one-stop process for registrations and/or objections to registrations that conflict with the registered brands for all gTLD sunrises. Although some questions remained unresolved, the TMCH went live on March 26, 2013.

All trademark owners should be prepared to register their key brands in the TMCH in order to prepare for the vast expansion of domains across the gTLD space.

[Click here](#) to read the full text of the client alert by Satterthwaite and Patt.

Attention, Telemarketers: NY TCPA Class Action Dismissed...For Now

On March 12, a judge in the Eastern District Court of New York state entered a memorandum and order in *Bank v. Independence Energy Group LLC*, which dismissed claims arising under the Telephone Consumer Protection Act and its accompanying rules and regulations (collectively, the TCPA), for lack of subject matter jurisdiction. Citing Second Circuit precedents, the judge held that state courts have exclusive jurisdiction over private actions brought under the TCPA and that the New York Civil Practice Law and Rules (CPLR) bars TCPA class actions in the federal courts. This is because TCPA creates a private right of action only "if otherwise permitted by the laws or rules of a State," but New York's CPLR prohibits class actions predicated on statutory damages, write Venable attorneys [Edward P. Boyle](#), [Emilio W. Cividanes](#), [Stuart P. Ingis](#), and [Michael C. Hartmere](#) in a recent client alert.

However, the attorneys write, New York telemarketers should not rev up their dialers just yet because the decision lacks any discussion of the Supreme Court's decision in *Mims v. Arrow Financial Services, LLC*, which held that federal and state courts have concurrent jurisdiction over private actions brought under the TCPA.

[Click here](#) to read the full text of the client alert covering the *Bank* decision.

Upcoming Events

Response Expo - San Diego

April 2-4, 2013

Please join Venable at the Response Expo 2013, which brings together key decisionmakers and industry leaders from the corporate marketing arena and direct response spectrum. Please stop by booth #212 and meet Venable's [Advertising and Marketing attorneys](#). Venable is the proud sponsor of the Tiki Party networking event, which will occur on April 3 from 4:30 - 6:00 p.m. PT.

To receive a free Expo Hall badge to attend Response Expo, [click here](#) and enter the promo code SOCAL13.

ad:tech - San Francisco

April 9-10, 2013

ad:tech spans the full ecosystem of advertising, digital marketing, and technology that moves business forward. Please join Venable attorneys at our booth on the show floor, #2551.

To schedule a meeting with one of our attorneys, please [click here](#).

To register, please [click here](#).

Children's Advertising Review Unit's 3rd Annual Children's Advertising & Online Privacy Conference - Beverly Hills, CA

April 10, 2013

Hear experts provide a timely and in-depth review of the legal and practical mobile challenges posed by implementing the FTC's new Children's Privacy regulations as they apply to apps, social media, websites, and more. Venable partner [Gregory J. Sater](#) will join officials from the FTC and CARU to present "Claim Substantiation: It's Not Just For Adults Anymore."

[Click here](#) to register.

American Bar Association 2013 Antitrust Law Spring Meeting - Washington, DC

April 10-12, 2013

This year's 3-day program features more than 50 substantive sessions across a wide range of hot topics

in antitrust and consumer protection law, both here in the U.S. and abroad. CLE credit will be available for all sessions. Venable partner [Amy Ralph Mudge](#) will moderate a panel addressing the fundamentals of consumer protection, and Venable partner [Jonathan L. Pompan](#) will present "Navigating Consumer Financial Protection Bureau Enforcement Actions." Venable attorney [Robert P. Davis](#) will discuss the intersection of consumer protection and antitrust in one panel and chair another panel providing an update from the FTC Bureau Directors.

[Click here](#) to register.

Electronic Retailing Association Hong Kong Conference 2013: Building Business in Asia

April 20, 2013

This event will improve your knowledge of conducting business in Asia. Venable partner [Roger A. Colaizzi](#) will present "China Culture of Counterfeit," highlighting recent developments in industry's efforts to combat the counterfeiting epidemic. This lively panel discussion will explore intelligent strategies in countering counterfeiting and review the latest developments from Mainland China in 2012.

[Click here](#) to register.

Electronic Transactions Association Annual Conference - New Orleans

April 30 - May 2, 2013

The ETA Annual Conference and Expo is a premier business and networking event for the payments industry. This event is the largest in ETA history, reflecting the rapid growth in the \$3.6 trillion payments business. Venable partner [Jamie Barnett](#) will speak on the intersection of electronic payments and cybersecurity. Come meet our attorneys on the show floor at booth #1117.

[Click here](#) to register.

Understanding the Consumer Financial Protection Bureau - George Mason University School of Law, Arlington, VA

May 2, 2013

Please join the GMU Law School's Law & Economics Center for a full day of informative sessions about the CFPB. Panels will include prominent practitioners, academics, and CFPB representatives. Venable partner [Jonathan L. Pompan](#) will speak on "CFPB Enforcement Activities" from 4:45 p.m. - 6:00 p.m. ET. Application for approval for this program is pending with the Virginia Mandatory Continuing Legal Education Board for 7 CLE hours (0 ethics).

[Click here](#) to register.

[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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