Advertising & Marketing

The complex laws regulating marketing presents serious challenges for companies. These regulations impact everything from loyalty programs to promotional contests to product labeling and packaging. Companies need professional expertise and experience to assist with the legal matters that could affect their bottom line and reputation.

Our multi-disciplinary team of professionals acts for businesses in a number of industries and sectors on a variety of advertising and marketing-related matters. Our lawyers have specialized expertise in competition, intellectual property, consumer protection, corporate and commercial law as well as product-specific and industry-specific laws (such as food, cosmetics, medical devices, drugs, alcohol, textiles, financial services, etc.). We have the knowledge to solve your advertising and marketing concerns, and mitigate potential risks.

We help our clients establish strategic alliances with exclusive marketing and supply agreements, joint promotions, co-branding, merchandising and promotion agreements, to name a few. With a collaborative approach, we work with our clients to achieve the results they need.

We work with organizations in a variety of legal areas regarding advertising and marketing law, including:

- product packaging and labeling
- logos
- brands
- promotional contests
- coupons
- gift cards
- loyalty programs
- trademark and copyright infringements
- French language

Our professionals also:

- review labeling and packaging
- review advertisements and promotional contest materials
- negotiate, draft and review marketing and sponsorship agreements
- address false or misleading advertising claims and comparative advertising
- advise on legal and ethical issues related to privacy, anti-spam, consumer protection and advertising to children arising within the context of various advertising and marketing campaigns
- address selling price and defamation issues

We represent clients before, and negotiate with, various federal and provincial government regulatory bodies and industry self-regulating bodies, such as *the Office québécois de la langue française* (OQLF), the *Régie des alcools, des courses et des jeux* (RACJ), and Advertising Standards Canada.

Experience

- Reviewed the packaging and labelling of various products offered for sale in Canada, and provided advice on compliance with Canadian laws for manufacturers and retailers as well as on issues relevant to trade between the United States and Canada.
- Reviewed and provided advice on contests, and assisted clients with their related filing obligations, where applicable.
- Advised and represented telecommunications and other firms in litigation concerning allegedly misleading advertisements, including bringing and responding to injunction applications and appeals.
- Assisted with the establishment of long-term multimillion dollar sponsorship and supply agreements between universities and colleges in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario and Québec, and cold beverage manufacturers and other suppliers.
- Developed loyalty program agreements, including between one of Canada's largest retailers and Canada's largest airline.
- Drafted joint marketing and promotion agreements between municipal and provincial tourism associations and their strategic corporate partners and members.
- Drafted conference centre and other naming rights agreements.
- Facilitated clients' strategic marketing alliances, supply and sponsorship agreements for Canada's premier resort owner/operator.
- Handled litigious files concerning gray marketing, passing-off, trademark and copyright infringement, and ambush marketing, including in connection with the 2010 Olympic and Paralympic Winter Games.
- Advised clients in connection with major events and event-based sponsorships, such as the Commonwealth Games, Les Jeux de la Francophonie, Expo '86 and the 2010 Olympic and Paralympic Winter Games.
- Provided ongoing representation of international, national and local sponsorship and advertising agencies.

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

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