

# Advertising & Marketing training brochure



We have been advising clients in the advertising sector since the early 1970s. We advised the founders of advertising agencies which went on to become icons of the British advertising industry, and key components of the world's leading agency networks. Today, we also act for some of the most famous brands from around the world.

We know how important it is for your account managers and executives to be kept up to date and upskilled on changes in the law and best practice. Therefore we have put together the following programme based on what the most common training needs are for account managers.

Our courses are practical, engaging and commercial, incorporating discussion and case study examples. Each course can be run as a single session. Alternatively, two or more of our courses can be combined to create a course to your specifications. They are all standard courses, but we can include references to your own policies and procedures to ensure that the session is fully relevant to your business.

## For Account Teams, Creatives and Marketing Teams

### Advertising Prices to Consumers

In this session we will cover:

- Consumer Protection from Unfair Trading Regulations 2008
- New CTSi Pricing Practices Guidelines
  - Do's and Don'ts
  - Reference Pricing
  - General Savings Claims
- Key Prosecutions
- Relevant ASA adjudications

### Talent agreements

In this session we will look to demystify the contracting process and a lot of the jargon used. We will cover:

- What to consider when engaging with talent?
- Contracting basics
- Key provisions in agreements
- Understanding liability and indemnities

### Introduction to Intellectual Property issues in Advertising

How to deal with an infringement claim, this training will look at:

- Copyright and infringement
- Moral rights
- Trade Marks, when is a trade mark infringed?
- Passing Off, Personality Rights and Defamation

### Social media and native advertising

Social media continues to disrupt and provide challenges and opportunities across advertising. In this session we will cover:

- Key legal and regulatory issues concerning social media
- Latest CAP guidance on vlogging and blogging
- Native advertising - What it is and what it is not
- Online endorsements and reviews
- Recent issues in User Generated Content
- Review of significant decisions in the U.S.
- Can you use third party IP on social media?

### What you need to know about the ASA

We have a deep understanding of the ASA procedure and have put together this session to share this knowledge. In the session we will cover:

- ASA: background & history
- How the ASA system works
- What content is regulated by the ASA?
- What are the main rules and principles of the CAP & BCAP codes?
- Misleadingness - what does it really mean?

### Data and Privacy

This session will cover some of the key impacts of the new General Data Protection Regulation (GDPR) for advertisers and marketers:

- Basic legal concepts and definitions (existing law and new law)
- Data protection compliance and the agency
- Data protection aspects of email marketing
- Data protection aspects of social media campaigns
- Data protection aspects of online behavioural advertising

### Bribery Act and what does it mean for advertising?

This session will give some background to the Bribery Act 2010 as well as delivering training on:

- The four types of offences
- When does a facilitation payment become a bribe?



- The Adequate Procedures Defence through Failure to Prevent Corruption
- What is the SFO and DPP guidance on prosecution?

We will illustrate what you need to know through interesting case studies highlighting mistakes others have made so you can avoid them.

## For Finance and Management

### Client/agency contracts

You have won the bid, now what do you do? In this session we will cover:

- Why have a client/agency contract?
- What sort of contract do you need?
- What makes a good contract?
- Key issues and how to avoid them

### Getting out of a contract

A talk focusing on termination of contractual dealings: how and when you can terminate a fixed term contract without fault, termination for breach, how to terminate rolling contracts which are not limited in time. This interactive session would look at common scenarios, discuss strategies and risks and advise on best practice.

This session covers:

- Is there even a contract in place?
- Dealing with break clauses
- Reasonable notice provisions
- Terminating where contract has a rolling/unlimited term
- Terminating for breach
- Meaning of material breach
- Meaning of remedial breach
- Remediation notices
- Repudiation and common law rights to terminate

### Issues and trends in M&A structuring for buyers

What are the issues and trends which are shaping the structures for independent agency acquisition?

- Significance of entrepreneurs' relief / tax treatment of sellers
- Earn-outs – opportunities and pitfalls
- Shares and debt as consideration
- Managing tax risk on M&A

### Share and share alike

A primer for independent agencies on incentivising your staff, and how to structure employee share and option plans. This will cover:

- Advantages of EMI options

- Growth shares
- Thinking ahead to potential sale
- Tax opportunities and pitfalls
- The employee ownership alternative

### How to assist directors in discharging their duties and responsibilities

This session covers why this issue is important, even in the smallest company. We will also cover repercussions for a breach as well as how to avoid being in breach. Answering some typical questions:

- Can one of our directors give me authority to sign on their behalf?
- Do we need a board meeting before entering into this contract?
- Can I sign for the company if I'm not a director?
- Can this contract be signed electronically?

### Agile working for advertising agencies

Work trends and patterns are constantly changing, particularly in the creative industries. In this session we will discuss the ways in which agencies in the post-Brexit era can reduce property costs by implementing smarter ways of working and getting the most from their properties.

The discussion will include:

- Examination of current occupational models from traditional leasing of core space
- Serviced offices, managed workspace, co-working and desk sharing arrangements
- The advantages of negotiating flexible lease provisions to allow for fluid working arrangements, such as desk sharing
- Agile working arrangements for third parties in order to reduce overheads
- The implications of extending such agile working arrangements to employees

### Further Real Estate topics

In addition, we can run sessions that cover a range of topics from entering into a new lease through the life cycle of your time in the property. Popular sessions have included:

- How a commercial property acquisition works
- Regulatory provisions affecting occupiers
- Repairing and maintenance obligations
- Tenant's obligations and liabilities in respect of the condition of a property at lease end
- Smart cities: connectivity, advertising, data privacy in the context of office space

## For Specific Sectors

We are happy to discuss tailoring any sessions for specific sectors not covered in this list.

### Advertising Regulation: Automotive

This session is specifically tailored for the automotive industry as it is under constant scrutiny. We will look further into the differences that the automotive industry faces the legal requirements and possible risks. We will use lots of practical examples and case studies throughout the course to discuss:

- Pricing and offers
- Comparative advertising
- The latest fuel economy and emission rules
- Environmental claims
- Motoring-specific rules in the CAP & BCAP codes
- Recent ASA decisions

### Advertising Regulation: Food and Soft Drinks

The law for food advertising is often changing and evolving, we understand that staying up to date can feel difficult at times. This session will discuss:

- Key changes in the law and any possible regulation changes that might be coming
- CAP Guidance
- Government Policy announcements
- Hot topics such as diets and detoxing

### Advertising Regulation: Alcohol

Exploring the legal and regulatory challenges to alcohol marketing.

- What is caught by the ASA's remit?
- Alcohol specific rules
- What are the key principles?
- How does the system work?
- What sanctions can the ASA apply?
- Recent ASA decisions

## Sponsorship

There is no such thing as a 'standard' sponsorship package, each package will be different and bring about different legal considerations. In this session we will cover:

- What are the key considerations when looking at a sponsorship?
- Tailoring your sponsorship needs
  - Naming rights
  - Kit branding
  - In venue advertising
- Sector specific issues

## Sports Marketing/Ambush Marketing

Every sports fan thinks they own a bit of 'their' sport but what is the reality? In this session we will aim to give an understanding about:

- What is different about Sports marketing?
- Who owns what?
- What is marketing by association?

## For HR Teams

### TUPE

The Transfer of Undertakings (Protection of Employment) Regulations (“TUPE”) protect the jobs of employees when a business is transferred and where services are contracted in or out. This overview course will help you to navigate this potentially complex topic that often comes up in the sector when client accounts change hands. This session includes identifying when TUPE applies, who it applies to, consultation obligations and legal risks. We will use practical case studies throughout the course to bring these points to life.

#### Course outline

- What TUPE does
- Business transfers
- Service provision changes
- Who transfers
- Changing terms and dismissals
- Information and consultation obligations

### Diversity +

Over the past two years, women's workplace issues have dominated the public conversation. The media shone a light on issues including unequal pay, sexual harassment and under-representation of women in senior roles. Campaign magazine has highlighted numerous times that sexual harassment in the advertising sector is commonplace. Responsibility for dealing with this problem lies with all of us.

Drawing together our unique experience of advising the advertising sector for many years on HR issues, we are able to deliver tailored sessions focusing on specific aspects of business culture including:

- **Leadership workshops** - to create awareness of the issues, understand the law and risks and provide practical advice on how to handle complaints.
- **Speak up seminars** - Designed for up to 40 participants to be run after the workshop events and encourage employees to Speak Up when they themselves experience unacceptable behaviour or support a colleague who has experienced poor behaviour.
- **Diversity training** - This training is key to helping your business avoid costly and damaging claims of discrimination and harassment. It enables everyone to understand their obligations and how to avoid breaching the law.
- **Unconscious bias** - This course will introduce participants to the concept of unconscious bias and provide practical guidance on how to ensure everyone is treated fairly at work.

### Employment law update

Employment law is always changing, and staying up to date with new legislation and case law is a constant battle. We can run an employment law update course for your HR team at your own premises. We can also run a version of this course for in-house legal teams.

The course outlines will depend on what is happening at the time! But we will always cover recent developments, forthcoming changes, and key cases on all areas of employment law. Let us know in advance if you are interested in a particular topic and we can cover this in a bit more detail.

### Brexit and immigration

Our ever evolving Brexit session is popular with UK employers trying to understand the potential effects of Brexit on their businesses. We can provide training for large or small groups on the Government's Brexit plans. We can tailor this for HR staff who need to understand the latest on how they will be able to lawfully employ EU staff in the future and for employees who are directly affected by the new arrangements.

We offer a presentation or a roundtable discussion depending on your preference. We are flexible regarding length, but we recommend a session of two hours to give employees a comprehensive understanding of their rights, the available documentation and an opportunity to take questions from the group.

### Immigration update

UK immigration requirements change on a daily basis and we can run an immigration update course for you at your premises. At these information-packed sessions you will learn how your organisation is affected by the latest changes and what you can do to ensure fitness for the future. This course is delivered as an interactive session and relevant guides are provided to take away, along with a copy of the slides.

This course looks at the changes to Tier 2, the UK immigration category for sponsored skilled workers. We will explain the legislation, policies and practices in sponsor compliance and prevention of illegal working. Your organisation's EU migrant employees might be interested in how they are affected by Brexit, and we can address their concerns. Immigration update topics will vary, depending on what is happening at the time.

We offer an extensive range of employment training for HR, in-house legal and managers. If you would like to hear about our other courses please contact Emma Richardson [emma.richardson@lewissilkin.com](mailto:emma.richardson@lewissilkin.com).



## For more information



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## Are you following our adlaw blog?

Visit [adlaw.lewissilkin.net](http://adlaw.lewissilkin.net) to keep up with the latest advertising news, and enjoy insights from the experts here at Lewis Silkin. To stay up to date, you can either register to follow the blog, or email [info@lewissilkin.com](mailto:info@lewissilkin.com) to be added to the mailing list for our monthly update of latest stories.

Alex Meloy  
13 Nov 2019

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Car ads can be tricky to get right. When advertising vehicles, it is easy to inadvertently make an implied, unsubstantiated claim about...

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Geraint Lloyd-Taylor  
12 Nov 2019

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### Tesco told to 'STOP RIGHT NOW' by Mel B

I'll tell you what celebrities don't want, what they really, really don't want, and that is for their image to be exploited commercially...

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### Mulberry bags a victory in unusual copyright claim

When Anna Gray joined Mulberry as a Market Support Assistant, she was asked to sign a 'Confidentiality and Copyright Form'. The wording...

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### Operation Full Disclosure, Continued: FTC Releases Disclosure Guides for Influencers

By Annie Lee and Alexandra Megaris  
Influencers, if you ever wished you had a

Susie Jarrold  
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### Fimalac cause splash with Jellyfish investment. But what's the future for digital independents?

French group Fimalac is investing in digital services agency Jellyfish in the

Alex Meloy  
6 Nov 2019

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### ASA causes panda-monium for biscuit brand's prize promotion