

Advertising Law

We handle a wide variety of legal issues in advertising law in Kenya including, but not limited to, representing clients in the following:

- Registration of advertising companies and businesses;
- We review advertising content and marketing programs to ensure compliance with advertising laws and regulations;
- Advertising in regulated industries including tobacco and alcoholic beverages;
- Consumer protection;
- Intellectual property;
- Celebrity endorsements, publicity and image rights;
- E-commerce;
- Prize promotions, sweepstakes, lotteries, competitions and contests, coupons and gift certificates, sales promotions, event management, sponsorships, product placement;
- Licensing;
- Defamation;
- Invasion of privacy;
- Drafting and enforcement of advertising contracts;
- Mergers and acquisitions, joint ventures in the advertising industry;
- Trade association regulation;
- Television clearance procedures;
- We represent clients in deceptive or misleading advertising claims;
- Comparative advertising;
- Infomercials, home shopping,
- Telemarketing;
- Guerrilla or “ambush” marketing;
- We represent clients on competition issues in advertising, including pricing issues;

- We assist clients in dealing with media suppliers, production companies, telemarketing services, product suppliers and ancillary marketing channels.

Dispute Resolution

- Controversies between advertisers or between advertisers and agencies
- Deceptive or misleading advertising
- Prosecuting/Defending claims, including class actions
- Confidential information breaches
- Intellectual property infringements, including copyright, trademark and domain names, passing off and defamation
- Freedom of expression and Kenya Article 46 rights.

Transactions

- Advertiser-Agency contracts;
- Drafting and reviewing Advertising Collaboration Agreements;
- Television and film production contracts;
- Celebrity endorsement agreements;
- Licensing, including trademarks, logos, musical compositions and soundtracks, motion picture and television film clips, animated characters, literary works, and other entertainment properties
- Sponsorship and events including concert promotions, product placements, commercial tie-ins and sporting events
- National and global media buying agreements
- Collective bargaining agreements
- Mergers and acquisitions
- Drafting Advertising Joint Venture Agreements

Brand Protection

- Intellectual property management for trademarks, copyrights and proprietary information
- Protection and enforcement of rights
- Portfolio management

Government Regulators

- We assist clients in their dealings with regulators including regulators in the gambling industry, alcoholic beverages industry, tobacco industry, food and drugs industry, and Kenya Postal Corporation.

Advertising and Intellectual Property

- We review clients' advertising and marketing practices before implementation to avoid negative attention and the need to retract, alter, or defend promotional material.
- We counsel on and litigate matters involving false comparative or potentially misleading advertising, trade dress infringement—copying the packaging, product appearance, and/or colors used in marketing goods or services—business torts, and federal and state unfair competition claims.
- We advise clients pursuing claims through industry trade associations.
- We prepare and negotiate all types of sponsorship and endorsement agreements.