

BUSINESS SPEECH

OVERVIEW

Gone are the days when a business communicated with its customers and clients only through traditional advertising. These days, good business means social media, blogs and other forms of thought leadership, corporate-branded newsletters and magazines, and various other platforms for communication. Like any other speech, business speech can sometimes lead to legal claims, and when it does, early advice from counsel experienced in the First Amendment as well as state and federal statutes relating to speech claims can make the difference between early dismissal and a prolonged dispute.

On the flip side, businesses frequently find themselves dealing with reputational or employee safety issues arising from untruthful or harassing consumer comments on personal blogs, social media posts, and other online platforms, and an attorney experienced in handling such matters, with deep knowledge of the relevant law, can help businesses navigate this challenging territory.

Our Media and First Amendment team leverages its many years of experience representing the media in cases and matters involving content-related issues – along with BCLP’s experience across a variety of industries and geographies – to provide our clients with a one-stop shop for resolving legal issues that arise from online and offline speech activities. Our depth and breadth of experience in this area is unique among large full-service, multinational law firms, and includes:

- Advising clients on a variety of issues relating to their use of social media, including FTC issues
- Defense against claims for false advertising, misappropriation, and other similar claims arising from advertising and other commercial speech
- Counseling and litigation defense of claims involving defamation, trade libel/business disparagement, and similar claims arising from content across a variety of online and offline platforms
- Copyright and trademark counseling and litigation
- Navigating, and litigating, issues involving third-party content under the Digital Millennium Copyright Act (DMCA) and Section 230 of the Communications Decency Act

- Extensive experience using state anti-SLAPP statutes, now enacted in most U.S. states, which affect strategic decisions from the very outset of content-related and other kinds of lawsuits.
- Assistance with virtually any other issue pertaining to a content-related law

MEET THE TEAM



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RELATED CAPABILITIES

- Media & First Amendment