



Does the First Amendment Cover Online Impostors? David Barnard, Cameron Garrison Offer Potential Panel at South by Southwest Interactive Festival

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As brands continue to learn the intellectual property ramifications of engaging in constant dialogue with consumers via interactive media channels, a proposed panel at the 2011 South by Southwest Interactive Festival will look through the lens of market anthropology to examine the half-life of social media and the cultural fallout of connected social satire.

This proposed topic would be explored at the festival by Lathrop Gage attorneys David Barnard and Cameron Garrison (Intellectual Property - Kansas City), and by interactive agency Two West's Ethan Whitehill and Gavin Johnston. Mr. Whitehill is Two West's CEO and heads the agency's consulting services and agency solutions practices, having worked with several Fortune 1000 and Forbes 500 clients in this area. Mr. Johnston is Two West's Chief Anthropologist, holding advanced degrees in Cultural Anthropology and Human-Computer Interaction. He has done research worldwide for a diverse set of clients and research topics within legal, telecommunications, health care and consumer products industries. Messrs. Barnard and Garrison have both represented companies and interactive marketing agencies in this arena and have litigated numerous high-stakes IP disputes.

The proposed panel will examine the tools of global brand monitoring and discuss the manifest and latent social functions driving online comments and conversation, as well as the role of social punishment in our cultural ecology. The panel will also explore the legal implications of parody, satire and disparagement using the BP disaster as a backdrop. This discussion will address use and misuse of intellectual property and tactics available to take control of brand communications.

Questions answered by this presentation will include: What mistakes should owners of intellectual property avoid in engaging in interactive media? What are some of the newest tools brands should utilize for monitoring online conversation? What do the courts currently say about companies' ownership of their brand online? How can companies use market anthropology to maximize their share of conversation? How does the First Amendment affect disputes re online impostors?



Mr. Barnard's litigation work has included patent, trademark, copyright, trade secret and other commercial disputes in different courts throughout the nation. He has handled transactional matters as diverse as attracting venture capital, creating company-wide intellectual property identification and protection programs, noninfringement and freedom of operation opinions, creating comprehensive employee trade secret protection programs, licensing, assisting nationally-syndicated media clients with liability risk management and advising feature length film makers on intellectual property clearance, marketing and distribution rights.

Mr. Garrison is an intellectual property attorney whose practice focuses on defending clients' rights through litigation and alternative dispute resolution, as well as counseling clients on a wide variety of intellectual property and technology issues. His litigation practice has included patent, trademark, copyright and trade secret litigation in various federal and state courts throughout the nation, as well as both domestic and international arbitration forums. His business counseling practice has included assisting a wide range of intellectual property, entertainment, internet, marketing and media clients on diverse matters such as identification and valuation of intellectual property portfolios, licensing of intellectual property, resolution of domain name disputes, trademark and copyright prosecution, risk management, noninfringement opinions, and technological and operational issues.

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