

Ad Law News and Views - June 5, 2021

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LATEST UPDATES

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Energy and Commerce Committee Democrats Advance 13(b) Reform Legislation through Subcommittee

On May 27, the House Energy and Commerce Committee's Subcommittee on Consumer Protection and Commerce [advanced](#) by voice vote [H.R. 2668](#), legislation to clarify the Federal Trade Commission's authority under Section 13(b) of the Federal Trade Act, just five weeks after the Supreme Court gutted that authority in *AMG Capital Management, LLC v. FTC*. The subcommittee vote followed hours of political sparring, with Republicans accusing Democrats of pursuing a rushed, partisan process and Democrats accusing Republicans of ignoring the pleas of the FTC and refusing to engage on the issue.

CPRA Update: What is a "Contractor?"

The California Privacy Rights Act (CPRA), effective January 1, 2023, adds "contractors" to the list of entities that a business may entrust with customer data. So what is a "contractor?" And how are "contractors" different from other entities described by California privacy law, such as "service providers" or "third parties?"

As it turns out, the answer is surprising. Contractors are nearly identical to service providers, with just two differences: contractors are not data processors; and contractors must make a contractual certification in CCPA contracts. Moreover, contractors are not even new entities, and were already described in existing California privacy law.

Food Industry Regulatory and Litigation Highlights - April and May 2021

The California Privacy Rights Act (CPRA), effective January 1, 2023, adds "contractors" to the list of entities that a business may entrust with customer data. So what is a "contractor?" And how are "contractors" different from other entities described by California privacy law, such as "service providers" or "third parties?"

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PODCAST

Ad Law Access Podcast

Deepfake Best Practices Amid Developing Legal Practices

In April, [Law360](#) published the article “[Deepfake Best Practices Amid Developing Legal Practices](#),” co-authored by partner [John Villafranco](#). The article provides an analysis of deepfake use cases, describes legal tools available to protect against harmful uses of the technology, and suggests some best practices for responsible use of deepfake technology.

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NEW KELLEY DRYE PRACTICE

[Kelley Drye Launches Environmental, Social and Governance Practice](#)

Kelley Drye & Warren LLP today announced the launch of a new [Environmental, Social and Governance practice](#) to help clients meet the evolving legal, business and political challenges related to environmental, social, and governance (ESG) issues. The multi-disciplinary practices offers clients a range of counseling as they face increasing demands from consumers, investors, and regulators, as well as within their own organizations, to proactively address ESG issues across their value chain.

“In essence, ESG issues are reducible to two questions—how should a company meet its own individual challenges of extended responsibility, and what should (or must) it say about what it does, We want to help clients answer those questions in a way that safeguards their reputations, minimizes risk, and leverages opportunity.”

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- [Seventh Circuit Reminds Insurance Policyholders to Shop Carefully for TCPA Coverage](#)
- [Post-AMG Scorecard: The FTC is Required to Pay Receiver’s fees in Cardiff](#)

- **Privacy Litigation Trend: The Latest on Session Replay Lawsuits, and Practical Considerations for Risk Mitigation**
- **Smart (CA) TVs Are Listening: California Assembly Passes Voice Recognition Device Bill Headed to Senate**
- **Supreme Court Defines ATDS Under The TCPA**
- **Second Circuit Limits Copyright Damages To Those Incurred Within Three Years Prior to Suit**
- **Fashion Sustainability Claims Can't Shake Scrutiny**
- **eHarmony Agrees to Pay up to \$2.2 Million to End Auto-Renewal Suit**
- **Peloton Faces Uphill Ride on "Ever-Growing" Claims**
- **Amazon Pays \$2 Million to Settle Reference Price Allegations**
- **Earth Day = Green Guides**
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UPCOMING EVENTS

Consumer Protection Conference

American Bar Association

July 12 - 13, 2021,"Virtual Conference

John Villafranco