

Attorney  
Biography

## Gonzalo E. Mon



**Practice Areas:**

Advertising and Marketing  
- Promotions  
- NAD Proceedings  
- Privacy and Information Security  
- New Media Marketing  
Privacy and Information Security

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Gonzalo Mon is an associate in the firm's Washington, D.C. office. His practice focuses on advertising and promotions law.

As an advertising attorney, Mr. Mon works closely with clients who are creative and he understands that these clients need creative solutions to their problems. As such, he assists clients in designing advertising campaigns, promotions and offers that advance his clients' business goals in a manner that complies with laws and provides as much protection as possible.

Mr. Mon reviews advertisements in television, print, internet and other media to determine compliance with relevant regulations as well as risk of challenge from competitors and regulators. He has both challenged advertisements on behalf of his clients as well as represented his clients when their own advertisements have been challenged by competitors and regulators.

Mr. Mon has extensive experience in a variety of promotions including sweepstakes, contests, gift cards and loyalty programs. For example, he has worked on instant-win games, text-to-win promotions and contests with user-generated content. In addition to domestic promotions, he has assisted clients with clearing promotions in more than 25 countries worldwide.

Mr. Mon regularly drafts and negotiates various types of promotional agreements. For example, Mr. Mon recently assisted the sponsor of high-profile sweepstakes negotiate agreements with a promotions agency and various prize providers. He has also assisted clients in drafting sponsorship agreements for various sports teams and leagues, including baseball, football, hockey, soccer and even professional bull riding.

Mr. Mon writes extensively on advertising and promotion law issues. His articles have appeared in national publications, such as *PROMO*, *Entertainment Law & Finance*, *Internet Law & Strategy*, *Mobile Marketer*, *Direct Marketing News*, *Journal of Payment Systems Law*, *Internet Retailer*, *ABA Consumer Protection Update*, and *Intellectual Property Today*. Mr. Mon is also frequently invited to speak at events hosted by groups such as the Promotion Marketing Association, the Sales & Marketing Executives International, and various bar associations.

**Representative Experience:**

Assisted a quick-service restaurant in structuring and advertising an instant win game offered in conjunction with the release of a major motion picture. Assisted in drafting the official rules, reviewed all advertisements, and negotiated agreements with various prize providers.

Assisted a technology company in developing a contest in which participants were invited to film a commercial for the chance to win a prize. Drafted rules for the promotion, helped protect the company from problematic user-generated content and secured rights to the winning submissions.

Assisted a wireless provider in the design of a sweepstakes in which consumers could enter by sending text messages via their mobile phones. Helped structure the promotions in such a way as to avoid the lawsuits that have recently plagued other companies that have offered text-to-win sweepstakes.

Counseled a retailer regarding the structure of a gift card program, including what terms and conditions could be imposed on card holders. Advised the retailer about its obligations under escheat laws.

Spent more than three years working on-site in a leading internet company's legal department. Reviewed the majority of the company's advertisements, drafted various agreements, advised on product launches, and assisted with various sweepstakes and contests.

### **Memberships and Associations:**

Promotion Marketing Association

### **Publications:**

"Expect Additional Legal Challenges as Mobile Matures," *Mobile Marketer's Mobile Outlook*, February 2010.

"Facebook Issues New Guidelines For Running Promotions On Its Platform," *Metropolitan Corporate Counsel*, January 2010.

"New FTC Guides Raise Stakes for Companies that Advertise Through Social Media," *Marketing Times*, December 2009.

"The Ninth Circuit Holds That Text Messages Are Subject to a Telemarketing Law," *Intellectual Property & Technology Law Journal*, December 2009.

"Mobile Advertisers Continue to Face Legal Challenges," *Mobile Marketer's Classic Guide to Mobile Advertising*, August 2009.

"Rebaters Face More Laws, Enforcement," *DMNews*, August 2009.

"Focus on Retailers and Rebates," *ANA Advertiser Online Magazine*, April 2009.

"Contests With Consumer-Generated Content Pose Risks as Well as Rewards," *Marketing Times*, March 2009.

"The Legal Outlook for Mobile: Preparation Helps," *Mobile Marketer's Mobile Outlook*, March 2009.

"Contests With Consumer-Generated Content Pose Risks as Well as Rewards," *Marketing Watchdog Journal*, March 2009.

"New Settlements Suggest Online Retailers Should Focus on Web Site Accessibility," *E-Commerce Law & Strategy*, December 2008.

"Mobile Sellers Face Technological and Legal Challenges," *Classic Guide to Mobile Commerce*, November 2008.

"Legal Checkup," *PROMO Magazine*, September 2008.

"Wireless Wilderness," *PROMO Magazine*, July 2008.

"The Risky Business of Consumer-Generated Content," *Incentive*, May 2008.

"If You're Not Careful, Consumer Generated Content Can Lead to Risky Business," *OMMA*, May 2008.

"Navigating Gift Card Regulations: As Gift Card Sales Increase, So Do the Legal Hurdles," *Incentive Magazine*, April 2008.

"Handling Consumer-generated Content Without Getting Burned," *e-Commerce Law Report*, March 2008.

"Consumer-Generated Content Got You BURNED?" *ADOTAS*, March 2008.

"Consumer-Generated Content is Hot," *Entertainment Law & Finance*, May 2007, with David Ervin.

"Protect Yourself," *PROMO Magazine*, May 2007, with Alysa Zeltzer.

"New Laws Continue to Complicate Gift Card Programs," *The Metropolitan Corporate Counsel*, January 2007.

"Tangled Local Regs Dictate National Promotions," *PROMO Magazine Special Report*, October 2006.

"State Consumer Protection Laws Constrain Gift Card Issuers," *Journal of Payment Systems Law*, March/April 2006.

"Ins and Outs of Sweepstakes Law," *DM News Online*, March 6, 2006.

"CAN-SPAM's Effect on Viral Marketing," *DM News*, May 1, 2004 (co-authored with John P. Feldman).

"States Scrutinize Gift Certificates," *Promo Magazine*, November 2003 (co-authored with John P. Feldman).

"Headaches the Generic Brand Can't Relieve," *Intellectual Property Today*, October 2003 (co-authored with John P. Feldman).

"When Good Promotions Go Bad," *PROMO Magazine*, June 2003 (co-authored with John P. Feldman).

"FTC's Big-Bucks Children's Privacy Settlements Send a Message to all Online Marketers," *Internet Retailer*, May 2003 (co-authored with John P.

Feldman).

"Avoid the Pitfalls of Online Coupons," *DM News*, April 7, 2003 (co-authored with John P. Feldman).

"When the FTC Comes Calling, Retailers Have to be Aware of More than just Shipping Rules," *Internet Retailer*, February 2003.

"Marketing Sweepstakes Via the Mail," *DM News*, September 23, 2002.

"Listing Towards Privacy: List Brokers and Owners May Be the Government's Next Targets," *Promo Magazine*, May 2002 (co-authored with D. Reed Freeman Jr.).

"E-Mail Marketing Under UCE Statutes," *DM News*, May 13, 2002.

"No New Year's Celebration For Email Marketers," *ABA Consumer Protection Update*, Spring 2002.

"Buying from the Heart: Rules for Charitable Promotions," *ABA Consumer Protection Update*, Fall 2001.

"What You Need to Know About the Mail Order Rule," *National Mail Order Association Newsletter*, December 2001.

"New Trend in Interactive Ads Raises Legal Questions," *Sales and Marketing Strategies and News*, November 2001 (co-authored with John P. Feldman).

"Advertainment and Advergaming: Legal Considerations Concerning a New Trend in Online Advertising," *E-Commerce Law Report*, September 2001 (co-authored with John P. Feldman).

"Are E-Mail Referral Programs Spam?," *iMarketing News*, March 27, 2001 (co-authored with Adam Cramer).

"Running a COPPA-Compliant Sweepstakes," *E-Commerce Law Report*, March 2001 (co-authored with John P. Feldman).

### **Client Advisories:**

"Facebook Issues New Guidelines for Running Promotions on its Platform," November 10, 2009

"Ninth Circuit Issues Opinion on a Mobile Marketing Campaign," June 23, 2009

"FCC Considers Whether to Regulate Product Placements," July 14, 2008

"Georgia Supreme Court Issues Important Decision for Mobile Marketers," April 23, 2008

"Federal Court Rules Gift Card Terms Disclosed After Purchase are not Enforceable," March 20, 2008

"Handling Consumer Generated Content Without Getting Burned," February 20, 2008

"TCPA Does Not Preempt State Telemarketing Statutes," May 09, 2007

"FTC's Workshop on Negative Option Marketing," February 02, 2007

"Endorsements and Testimonials in Advertising: FTC Request for Comments," January 19, 2007

"Novel Class Actions Seek Application of California Eavesdropping Law to Ordinary Course of Business Telephone Monitoring and Recording," November 10, 2006

"New State Privacy Laws: Regulating the Use of Social Security Numbers and Requiring Wireless Security Warnings," October 10, 2006

"House Judiciary Committee Passes Data Security Bill," May 30, 2006

"FTC Settles Privacy Case With Nations Title Agency," May 16, 2006

"House Energy and Commerce Committee Passes Data Security Bill," March 31, 2006

"Congressmen Stearns and Barton Release Draft Data Security Legislation," July 05, 2005

"FTC Settles Landmark Data Security Breach Case," June 21, 2005

"Rules of the Road: Following Unsolicited Commercial Email (UCE) Requirements," January 01, 2005

### **Speaking Engagements:**

*A New Legal Frontier for Social Media*, Kelley Drye Continuing Legal Education Seminar, New York, NY, March 10, 2010.

*A New Legal Frontier for Social Media*, Kelley Drye Continuing Legal Education Seminar, New York, NY, February 9, 2010.

*Mobile Marketing – The Third Screen*, 31st Annual Promotion Marketing Law Conference, Chicago, IL, November 5, 2009.

*Legal Do's and Don'ts with Mobile Marketing Campaigns*, Mobile Marketing for Agencies and Media Buyers, New York, NY, April 29, 2009.

*Handling Consumer-Generated Content Without Getting Burned*, Social Media Road Show Conference, Boston, MA, February 26, 2009.

*The Basics of Structuring Promotions and Integrated Marketing Campaigns*, 30th Annual Promotion Marketing Association Law Conference, Chicago, IL, November 20, 2008.

*How to Benefit from User-Generated Content While Reducing the Risks*, Kelley Drye Continuing Legal Education Seminar, New York, NY, October 7, 2008

*Avoiding a Promotion Commotion: Rebates, Gift Cards, and other Promotional Practices*, Conference on Advertising Law: FTC Rules of the Road, Colorado Bar Association, Denver, CO July 24, 2008.

*Mobile Marketing and Consumer Generated Content*, Technology and Marketing Committee of the Westchester/Fairfield (WESFACCA) Chapter of the American Corporate Counsel Association, Stamford, CT April 9, 2008.

*Marketing to Wireless Devices*, Promotion Marketing Association's Who's In Control Now Conference, Chicago, IL, December 15-16, 2007.

*Basic Legal Principles of Advertising and Billing for In-House Counsel*, Kelley Drye Continuing Legal Education Seminar, New York, NY, May 1, 2007.

*December 2006 Privacy Update*, Monthly Teleseminar Presented by ABA Privacy and Information Security and Corporate Counseling Committees, December 14, 2006.

*Just for Rookies: A Workshop for Beginners*, Promotion Marketing Association's Hitting the Target: Platforms & Protocols for Reaching Consumers, Chicago, IL, December 12-13, 2006.

*The Real World of Promotions*, Promotion Marketing Association's Reality Check, Chicago, IL, December 2-3, 2004.

*The Changing World of Advertising*, Promotion Marketing Association's Annual Conference, New York, NY March 2004.

**Bar Admissions:**

District of Columbia, 2001

Virginia, 2000

**Education:**

George Washington University Law School, J.D., 2000

College of New Jersey, B.A., *magna cum laude*, 1996

**Language Capability:**

Spanish

**Office Location:**

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