

Samantha G. Rothaus

Partner

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Areas of Focus

Advertising + Marketing | Advertising Review,
Production and Media | Digital and Social
Media Marketing and Advertising | Intellectual
Property + Media | Content Creation and Use |
Entertainment and Sports

“My aim is to understand what the client is ultimately hoping to achieve, and to help ensure that every piece of the puzzle fits together to reach that goal.”

Overview

Agencies and brands exploring innovative ways to produce and use marketing content trust Samantha Rothaus to balance legal risk with business objectives. She helps clients launch collaborative projects, understand their contract rights, and negotiate talent deals and production agreements.

Often involved at the earliest stages of a client's project, Samantha brings an attentive and practical approach to avoiding problems and crafting solutions. Her thoughtful and individualized guidance supports brands, creative agencies, and communications firms launching marketing campaigns in traditional and emerging media, in addition to sponsored influencer content and branded entertainment produced by media partners.

Samantha routinely counsels clients seeking to explore new technologies such as Web3 and generative artificial intelligence. She is also well-versed in guiding clients through legal requirements and best practices in running contests, sweepstakes and other prize-related promotions. Whether companies are collaborating through co-branded promotions or sponsored events, or engaging influencers, celebrity spokespeople or content production vendors, Samantha helps them find strategies to achieve their goals and serve their best interests, even during contentious, high-pressure negotiations.

Samantha maintains a particular focus on production and talent agreements, and often assists advertisers and agencies in identifying and understanding complex SAG-AFTRA union obligations. She also regularly counsels independent film and television producers in connection with the development and production of entertainment and documentary projects.

With a background in intellectual property litigation and trademark prosecution, Samantha recognizes the value companies place on protecting their IP rights. She evaluates potential benefits and consequences of sharing or promoting content so clients can make sound business decisions. When companies seek to understand or expand upon their scope of use for a particular piece of content, they benefit from her contract analyses of their legal rights, obligations and required permissions, and the practical solutions she offers.

Representative Experience

- Negotiated with a major streaming platform on behalf of a creative studio engaged in producing digital videos promoting the streamer's live sports programming, and negotiated talent agreements and team licensing agreements for the celebrity athletes and mascots appearing in the videos. Advised client and streamer's legal team regarding SAG-AFTRA union obligations and provided guidance in negotiating with celebrity talent.
- Advised a leading advertising agency in conducting unique experiential activations featuring high profile celebrity talent, including an interactive animation project with a leading Hollywood actor, and an immersive, augmented reality experience with a leading Hollywood director.
- Represented a luxury jewelry brand in negotiating a multi-year endorsement agreement with an A-list celebrity actor to serve as the face of the brand in a global, multimedia advertising campaign.
- Advised an advertising agency in connection with a campaign involving a high-value worldwide contest. Counseled client and sponsor regarding contest rules, operational guidelines, and marketing strategies. Negotiated agreements with contest developers and with celebrity spokespeople appearing in online commercials promoting the contest.
- Advised a leading children's publisher on the development and production of a 3D CGI television series based on a best-selling children's book series. Advised and negotiated production agreements, writer agreements, producer agreements, and voiceover talent agreements and helped navigate the demands of both the Screen Actors Guild – American Federation of Television and Radio Artists and the Writers Guild of America.
- Represented a major advertising agency in negotiating licenses for existing film footage and rights to a featured celebrity's likeness in connection with a Super Bowl advertising campaign.
- Advised a major automobile company in developing and implementing a marketing strategy for online pre-sale and reservation programs to promote the launch of new product lines. Routinely provided guidance for structuring and marketing retail sales events, including financing, lease, and cash-back offers, and special promotional programs, including limited offers, cash-back initiatives, contests and sweepstakes, to ensure compliance with appropriate state and federal laws.
- Advised a top advertising agency and its clients on handling last-minute shoot cancellations or postponements due to COVID-19. Ensured production vendors implement and adhere to health and safety protocols consistent with laws and regulations where the production shoot occurs and helped clients re-start commercial production with a greater sense of certainty.

Insights + Events

Event

PRSA Counselors Academy 2024 Section Conference – Oasis in the Desert: Refreshing Your Agency in 2024 and Beyond | Counselors 202: Top Legal Action Items to Reduce Risk and Enhance the Value of PR Firms in 2024

April 9, 2024

Event

The PR Council | Davis+Gilbert Entrepreneur Master Class Series | Session 1: Securing Success: Mastering Client Contracts

March 27, 2024

Event

Media Law Resource Center | Impact of Generative AI on Media and Advertising Law

March 19, 2024

Publication

O'Dwyer's Public Relations | The Use of Generative Artificial Intelligence in Political Campaigns

February 14, 2024

Alert

2024 Top 10 Advertising + Marketing Trends: Balancing Risks & Rewards

January 24, 2024

Event

New York State Bar Association | Annual Meeting, Intellectual Property Law Section | Artificial Intelligence

January 17, 2024

Event

IPREX | Americas Regional Conference | Legal Considerations for PR Firms Using Generative AI

October 26, 2023

Alert, Emerging Issues

Will the Hot Bot Summer Cool Off This Fall?

October 17, 2023

Checklist

Preparing for 2024: Top 12 Ways to Protect Your Firm

October 16, 2023

Alert, The Fine Print: Stay in Compliance without Losing Your Edge

Exposing the Truth Behind Deepfakes in Political Ads

September 25, 2023

Event

PR Council | "Best Practices for Contracts and Addendums"

September 14, 2023

Event

PROI Worldwide | Frank Tank | A.I. and the Law
August 15, 2023

Event

Institute for Public Relations | Intellectual Property and Contract Considerations for Public Relations Firms Using Generative AI
June 27, 2023

Event

Association of Independent Commercial Producers (AICP) Week 2023 | Lawyers on the Clock – Round X
June 6, 2023

Alert

Unions Reach Agreement with Advertising Industry to End Mandatory COVID-19 Protocols for Commercial Productions
May 11, 2023

Publication

Practising Law Institute | Working with Brand Ambassadors: Why Brands Should Endorse Morals Clauses
April 28, 2023

Emerging Issues, Event, Exploring the Metaverse and Web 3.0 – More than Crypto and NFTs

Worldcom | Intellectual Property and Contract Considerations for Public Relations Firms Using Generative AI
April 26, 2023

Event

Public Relations Society of America – New York Chapter | Intellectual Property and Contract Considerations for Public Relations Firms Using Generative AI
April 18, 2023

Alert, Emerging Issues

The Risks and Rewards of Generative AI
March 31, 2023

Checklist

Preparing for 2023: Top Ways to Protect Your Firm
November 30, 2022

Credentials

Education

University of California, Los Angeles School of Law (L.L.M., 2011)
Boston University School of Law (J.D., 2010)
Boston University (B.A., *magna cum laude*, 2007)

Distinctions

- *Best Lawyers®** “Ones to Watch” 2021-2024, Intellectual Property Law
- *New York Metro Super Lawyers®* “Rising Stars” 2016-2023, Media and Advertising
- *The Legal 500 United States®* “Recommended Attorney” 2023, Advertising and Marketing: Transactional and Regulatory

Bar Admissions

New York

Court Admissions

U.S. District Court Southern District of New York

U.S. District Court Eastern District of New York

U.S. District Court District of Massachusetts

U.S. District Court Eastern District of Michigan

U.S. District Court Western District of Michigan

U.S. Court of Appeals Second Circuit

U.S. Court of Appeals Third Circuit

Associations

Member, New York State Bar Association

Member, New York City Bar Association