

[REDACTED]
New FTC Case on Secondary Liability

All –

The FTC announced yesterday that LeadClick was responsible for the allegedly deceptive marketing of its affiliates because LeadClick recruited the affiliates, had the power to approve or reject their marketing websites, paid the affiliates, purchased advertising space for them, and gave them feedback about the content of their allegedly deceptive websites. The court also rejected LeadClick's claim that it was immune from liability under Section 230 of the Communications Decency Act because it was responsible in part for the allegedly deceptive sites at issue.

How does this apply to you?

- It appears that the FTC and the courts will look at your overall involvement in your customers' marketing efforts and weigh the extent of your involvement if those marketing efforts prove deceptive in determining whether you are responsible for any deception created by those marketing efforts.

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Let me know if you have any questions.

Best regards

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