



ALSTON & BIRD AND
BLACK ENTERTAINMENT & SPORTS LAWYERS
ASSOCIATION (BESLA) PRESENT

**A Captivating Ring:
The Current Regulatory
Climate of Mobile Marketing**

ALSTON
+ BIRD_{LLP}

BESLA
▲[®]



Let's Meet Our Client

Your client, the Michigan Mighties, is a struggling NFL football franchise. At the close of the 2009-2010 season, the Mighties earned the dubious honor of being the first team in NFL history to end their season 0-16.



In addition to the obvious blow to the Mighties pride, their poor performance has had a devastating impact thus far on 2010-2011 season ticket and merchandise sales.

ALSTON
+ BIRD_{LLP}

BESLA
▲[®]



Let's Meet Our Client

The Mighties need a major turnaround in their 2010-2011 season, for the sake of both the team's morale and the franchise's financial health.

The Mighties are hoping that University of Atlanta's star quarterback Brad Stratford, their first round pick in the 2010 NFL draft, will be part of the catalyst that gets the team's performance and its wallet back on track.

ALSTON
+ BIRD_{LLP}

BESLA
▲[®]





Marketing Team Goals

The marketing manager for the Mighties, Suzie Lawbreaker, is desperate to design a new marketing campaign in hopes of igniting interest in the team and Brad Stratford's debut NFL season. Suzie believes she is off to a great start as she was lucky enough to obtain a new version of the Mighties fight song recorded by Grammy winning, platinum selling country music artist Skylar Tift. Skylar was eager to help the Mighties as she is Brad Stratford's new girlfriend and wants to see Brad and the team do well.

Skylar recorded her version of the fight song in her personal home studio and sent a copy of the recording to Suzie via Brad.

ALSTON
+ BIRD_{LLP}

BESLA
▲[®]





Marketing Team Goals

Suzie decides to develop a mobile marketing campaign centered around the opportunity to download the Mighties new fight song as a ringtone. Suzie is set on using a mobile platform as the basis for the Mighties comeback marketing campaign because her primary objectives are to:

- Engage the consumer where the consumer is;
- Provide a “fun” experience for consumers; and
- Achieve maximum distribution through viral means.

ALSTON
+ BIRD_{LLP}

BESLA
▲[®]





Mighty Marketing Plan

1. A Sweepstakes promotion in which the winner will receive the grand prize of a fun-filled weekend with Brad Stratford and Skylar Tift as follows:
 - (a) Saturday afternoon spent with Skylar touring the Motown Museum in Detroit;
 - (b) Saturday evening spent watching Skylar's concert in Detroit from the front row with Brad; and
 - (c) Sunday afternoon spent watching the Michigan Mighties home opener from the sky booth with Skylar.

ALSTON
+ BIRD_{LLP}

BESLA
▲[®]





Mighty Marketing Plan

1. The sweepstakes will provide the following three entry methods:
 - (a) Free downloads of the Michigan Mighties new ringtone will be available on the Mighties website and each person who makes the download will automatically be entered to win;
 - (b) Entry on the Mighties website without downloading the ringtone will receive a bonus double entry if the “send to a friend” feature is utilized. Once the friend’s mobile number is entered a text message will be sent inviting them to participate in the sweepstakes; and
 - (c) Texting entry to the short code provided on the call to action collateral for the sweepstakes.

ALSTON
+ BIRD_{LLP}

BESLA
▲[®]





Mighty Marketing Plan

2. The Mighties will send a coupon to the mobile device of each sweepstakes entrant for \$25 off their next flight booked on Super Airlines, the Mighties official sponsor.

The mobile coupon will be sent via text by the Mighties; however, pursuant to the Mighties sponsorship contract with Super Airlines, the coupon must bear the Super Airlines branding alone and cannot include any trademarks or logos of the Mighties.

ALSTON
+ BIRD_{LLP}

BESLA
▲[®]





Mighty Marketing Plan

3. Advertising blast sent to all cell phones in the area at the Mighties home opener. The blast will provide each recipient with a coupon for a discount on Mighties team apparel. Suzie is particularly excited about this portion of the marketing plan as she understands the ad blast may reach some Canadian consumers coming across the bridge from Windsor for the game and the Mighties have long been trying to increase their Canadian fan base.



ALSTON
+ BIRD_{LLP}

BESLA
▲[®]



Mighty Marketing Plan

4. Complimenting the new young and hip version of the Mighties fight song, Suzie has commissioned a graphic artist to design a cartoon version of the Mighties mascot displayed in these materials. The Mighties plan to use cartoon Mighty Man in billboard advertisements for the “text in to win” sweepstakes as well as a series of 30-second cartoon advertisements to air on the Mighties website.



ALSTON
+ BIRD_{LLP}

BESLA
▲[®]



What To Do

As the Mighties legal counsel, Suzie has presented her marketing plan to you for preliminary legal approval of the activities. Suzie is not happy about having to involve the legal department as she feels the legal team constantly tries to quash her creativity; however, she has been previously reprimanded for providing late notice of marketing activities, rushing review and ignoring legal advice in favor of meeting deadlines. What do you tell Suzie about her plan?



ALSTON
+ BIRD_{LLP}

BESLA
▲[®]



Suzie's Marketing Tactics

- Sweepstakes promotion (w/ text entry)
- Ringtone download offer (w/ restrictions)
- Viral marketing (send to a friend)
- Social Media Integration and Implementation
- Mobile marketing (mobile distribution of promotional content)
- Coupon offers (distributed electronically)
- Location-based targeted marketing (ad blast)
- Sponsor Integration and Brand Placement
- Integration of Cartoon and Animation Elements
- Outdoor Advertising