



1 Coming Street, Charleston, SC, 29403 rosannascoffee.com 843-112-6789

To: Rosanna Rosay, Rosanna's President
From: Derek Del Core, Corporate Communication Vice President
Date: February 1, 2012
RE: Promotion and Marketing Concerns

Ms. Rosay,

We have just received your suggestions for some of your new ideas to promote the "Rosanna's" brand. They are creative and interesting but we might run into some legal hassles if we do not handle these campaigns correctly.

- Establishing a website that includes photos of celebrities drinking a cup of our coffee would require the permission of any and all celebrities involved. Improper acquisition of a celebrity's image can result in misappropriation of personality, which is a form of trademark infringement.
- Developing ads that portray real customers enjoying coffee at our locations can lead to the same types of penalties that we run into with celebrities. To be able to actually show real customers, we must make them sign a release to allow us to use their image in our campaign.
- If we hire a freelance writer to write feature stories, we must make sure we have him under contract. A "work for hire" contract would ensure that we own all rights to these works and entitles us to censorship if need be. If this writer were to report falsely or try to defame any parties, we would be able to save ourselves a libel lawsuit by having right of first refusal written in a contract.
- Distribution of a news release regarding a company survey highlighting coffee drinkers' preference of our product to Starbucks could lead to a libel suit if released. A malicious attack on another specific company could be seen as negligent and could ruin our reputation as well as have financial ramifications. A libel suit can be avoided if we word the release as to not identify Starbucks directly, but I would suggest erring on the side of caution to avoid potential a libel suit.
- Posting reprints of articles about us on the company website comes with all kinds of legal perils. These articles could be considered slanderous, infringe on trademark or copyright, and may or may not be bias opinions. Any user generated content, especially from blogs, can be seen as unregulated and therefore subject to a possible lawsuit from any number of offended parties.

The Quizno's/Subway lawsuit over user generated content is a good indication of the current legal climate regarding fair use and what is acceptable. It would be wise to suspend all of these campaigns until the legal counsel figure out how to best accommodate consumer interest and protect our brand.

If you have any questions feel free to contact me at Derek@rosannascoffee.com.

Sincerely,



Derek Del Core
Corporate Communication Vice President
843-112-6789