



American Conference Institute's 4th Annual Summit on

Digital Advertising Compliance:

Social Media, Sweepstakes & Promotions



Practical tools for maintaining legal and regulatory compliance for all your social media and promotional practices

October 20–21, 2015 | The Carlton Hotel | New York, NY

Earn
CLE
Credits

Conference Co-Chairs:



Jim Dudukovich
Senior Marketing, Digital & Social Media Counsel
The Coca-Cola Company



Ryan Garcia
Legal Director
Dell Inc.

Gain Valuable Industry Insights From:

U.S. Federal Trade Commission
National Advertising Division
Children's Advertising Review Unit
360i
A+E Networks
aimClear
American Express Company
CBS Sports Digital

Creative Zing Promotions
Dell Inc.
Google Inc.
Guthy-Renker LLC
Kellogg Company
Marden-Kane Digital Promotions
Nationwide Mutual Insurance Company
Nestlé USA

Network Advertising Initiative
PrizeLogic
Shannon Tulloss Investigations
The Sun Products Corporation
TransUnion LLC
Thrillist Media Group
Unilever United States, Inc.
World Wrestling Entertainment, Inc.

Frame the details of your brand's promotional and digital advertising activities at this event designed to help you comply with the FTC's guidelines while engaging consumers and minimizing PR challenges. Return to the office with a comprehensive knowledge of the best practices on:

- Knowing when you can retweet or repost user generated content without infringing on copyright or IP rights
- Understanding the legal impact of the newest trends in digital advertising
- Complying with the FTC guidelines for sweepstakes and promotions

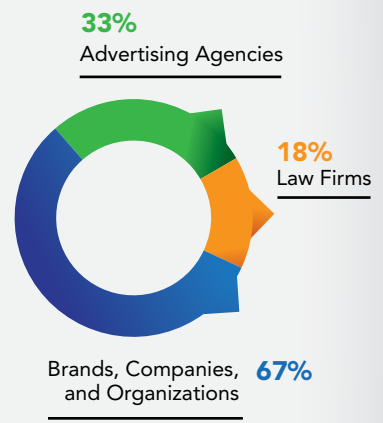
Delve into how you design a successful sweepstakes and promotion by drafting clear and enforceable rules at the pre-conference workshop:

"Many Will Enter, Few Will Win:" Developing Best Practices for Sweepstakes and Promotions Rule Drafting

Here are just some of the companies and brands that have attended our past Digital Advertising Compliance conferences:

- | | | |
|----------------------------------|---------------------------------|-------------------------------------|
| 02 Media Inc. | H&R Block | Pep Promotions |
| 360i | Hasbro Inc. | Pernod Ricard |
| 3M Company | HCC Specialty Underwriters Inc. | PMA Media Group Inc. |
| ACORD | Hilton Worldwide | Post Foods LLC |
| AimClear LLC | Hofstra University | PrizeLogic |
| Alticor Inc. | Holiday Group Inc. | Procter & Gamble |
| American Eagle Outfitters Inc. | Home Depot Inc. | RAI Services |
| American Express | Horizon Media | Saatchi & Saatchi |
| American Sweepstakes Co. Inc. | Hotwire Inc. | Samsung Electronics America |
| Arrowhead Promotion | I4C Innovations Inc. | SanDisk Corporation |
| Ashurst Australia | Intel Corporation | Sapient Nitro |
| AT Cross | InterContinental Hotels Group | SCA Promotions |
| Bayer Corporation | Interpublic Group of Companies | Sony Computer Entertainment America |
| Belk Inc. | Intersections Inc. | Subaru |
| BlitzLocal | JetBlue Airways | Sun Products Corporation |
| Capital One | Kao Brands | Sutter Home Winery |
| CBS Interactive | LPGA | Talent Direct |
| Chick-Fil-A Inc. | Lancaster Colony Corporation | Target |
| CARU | LD Products Inc. | Taubman Company |
| Choice Hotels International Inc. | Liberty Mutual Group | Texas Instruments |
| The Coca-Cola Company | LiquidThread | theAudience |
| Colgate Palmolive Company | Luxottica Group | The Clorox Company |
| Creata Promotion | Mall of America | The Marketing Store LP |
| Crown Imports LLC | Manwin Canada | The Nature Conservancy |
| Deckers Outdoor Corporation | Marden-Kane | T-Mobile Inc. |
| Dell | Mark Anthony Services Inc. | Turner Broadcasting System |
| Dicks Sporting Goods Inc. | Mars Advertising | Twitter |
| DIRECTV | Marvel Entertainment Inc. | Tyson Foods Inc. |
| Ditto Labs Inc. | MasterCard Worldwide | Under Armour |
| Dunkin' Brands Inc. | McDonalds Corporation | United States Golf Association |
| Interactive Solutions Group Inc. | Mercedes-Benz | University of Ibadan |
| ES3 | MLB Advanced Media | US Olympic Committee |
| Estee Lauder Companies | Moet Hennessy | Visit Florida |
| Esurance | Monsanto Company | Wal-Mart Stores |
| Facebook | MRY | Weber Shandwick |
| FTC | NASCAR | Western Digital Technologies |
| Feld Entertainment Inc. | NCAA | White Castle |
| Ferrero USA Inc. | Nature Conservancy | Wildfire Interactive |
| Fisher Price Inc. | NBCUniversal | Zynga |
| Ford Motor Company | Nestle | Purina PetCare |
| Frito-Lay Inc. | Netflix Inc. | |
| GAF Materials Corporation | North American Breweries | |
| Genentech | Omnicom Group | |
| Gilt Groupe Inc. | Online Convergence | |
| GoDaddy.com Inc. | Orlando Magic | |
| Google Inc. | Palm Bay International | |

**Benchmarking with Industry Experts:
Prior Attendee Analysis**



Who You Will Meet:

In-house counsel and business executives responsible for:

- + Social Media
- + Digital Marketing/Communications
- + Sweepstakes, Contests, Promotions
- + Corporate Communications
- + Interactive Marketing
- + Entertainment/Sports/Media
- + Emerging Technologies
- + Brand Management and Development
- + Crisis Communications
- + Public Relations
- + Intellectual Property
- + Privacy

Outside counsel who specialize in:

- + Advertising
- + Marketing
- + Retail Law
- + Entertainment/Sports/Media
- + Privacy
- + Intellectual Property
- + Technology and Digital Media

What previous attendees have said about this annual event:

- " Great as always "*
- " My favorite event of the year "*
- " Very useful and relevant information "*
- " Great way of keeping current "*
- " Very helpful discussion "*
- " Good interaction and thorough "*

- " Showed respect for the laws and gave a good presentation aimed at helping understanding laws and ways to comply with laws "*
- " Thank you for a well thought out presentation "*
- " Great learning experience. Thank you. "*

Continuing Legal Education Credits

CLE Credits Accreditation will be sought in those jurisdictions requested by the registrants which have continuing education requirements. This course is identified as nontransitional for the purposes of CLE accreditation.

ACI certifies that the activity has been approved for CLE credit by the New York State Continuing Legal Education Board.

ACI certifies that this activity has been approved for CLE credit by the State Bar of California.

You are required to bring your state bar number to complete the appropriate state forms during the conference. CLE credits are processed in 4-8 weeks after a conference is held.

ACI has a dedicated team which processes requests for state approval. Please note that event accreditation varies by state and ACI will make every effort to process your request.

Questions about CLE credits for your state? Visit our online CLE Help Center at www.americanconference.com/CLE

Top 10 Reasons Why Anyone Involved in Sweepstakes, Promotions & Social Media Must Attend:

- 1 You will make connections and network with senior representatives from the most innovative brands in the nation and the top law firms and ad agencies representing them.
- 2 New sessions on fantasy sports, international social media and sweepstakes guidance, right of publicity and copyrights for social media and programmatic advertising will keep you up-to-date on recent developments impacting digital advertising.
- 3 Navigate the murky social media waters by learning from the top brands on what you can and cannot do on social media.
- 4 Receive practical guidance and develop hands-on strategies on how you can minimize the risk of PR crises and what you can do to manage a crisis when it occurs.
- 5 Maintain the integrity of the sweepstakes, promotion, or contest by ensuring the rules are clearly drafted.
- 6 Obtain ideas on innovative and creative options to develop brand loyalty while you adhere to the terms of use of the various social media platforms.
- 7 Understand how video streaming apps are transforming social media and mobile marketing.
- 8 Identify your options when a competitor makes false or misleading claims about you in their advertisements.
- 9 Explore how to comply with COPPA to launch kid-friendly promotions.
- 10 Implement clear guidelines on social media policies in and outside of the workplace, including whether you can conduct background checks on potential hires on social media.

Be sure to join us at **Women Leaders in Advertising and Marketing Law**, held directly after Digital Advertising Compliance. See page 7 for details.

Don't forget to join us for the interactive pre-conference workshop, **"Many Will Enter, Few Will Win:" Developing Best Practices for Sweepstakes and Promotions Rule Drafting**. Not only will you have an opportunity to delve into the specific language necessary for sweepstakes, promotions and contests, but you will also learn how to maintain the integrity of the campaign.

TUESDAY, OCTOBER 20, 2015 | PRE-CONFERENCE WORKSHOP
9:00 am – 12:00 pm (registration begins at 8:15 am)

"Many Will Enter, Few Will Win:" Developing Best Practices for Sweepstakes and Promotions Rule Drafting



Marty Glovin

Chief Product Officer
Marden-Kane Digital Promotions
(Woodbury, NY)



Shalom Stephens

Promotions & Advertising Counsel
Creative Zing Promotions
(Orlando, FL)



Gil Torres

Senior Director, Legal & Business Affairs,
Marketing & Promotions Counsel
A+E Networks
(New York, NY)



Shannon L. Tulloss

Owner
Shannon Tulloss Investigations
(Santa Clarita, CA)

A successful sweepstakes and promotion starts with clear, enforceable rules that entrants will read and be able to understand. In-house counsel and outside counsel face unprecedented challenges to rule drafting in the age of social media. From the call to action to voting and judging the entries, companies must ensure that the rules are unambiguously published in a tweet, a smartphone, a Facebook page, or in a hashtag. This workshop will analyze the specific language necessary in drafting the rules for a sweepstakes, promotion, or a contest. Speakers will provide examples of sample language used by various companies and address the following issues:

- Distinguishing between a sweepstakes, a contest and a lottery
- Drilling down the different terms of use for various social media platforms (e.g., Facebook, Twitter, Instagram, Pinterest, Vine, Snapchat)

- Analyzing with specificity what to include in the rules
- Exploring the factors to consider in reviewing submissions and preserving the integrity of the promotion
- Notifying entrants of the rules to a sweepstakes or promotion on a social media platform and making sure that entrants accept the rules
- Reviewing examples of rules leading to malcontent or legal action
 - o Printing errors
 - o Avoiding public relations backlash
 - Identifying how ambiguous rules can lead to a result contradictory to the brand's intentions
 - o Failure to state necessary disclosure language (e.g., no purchase necessary)
- Calculating the risks associated with modifying the rules after the sweepstakes or promotion has started
 - o Avoiding social media crises
 - o Breaching the contract by not obtaining consent
- Informing consumers on how to claim their prizes
- Keeping the rules current with new state or federal legislations
- Identifying the bonding, registration, and insurance triggers
- Understanding the company and consumer tax consequences for prizes over \$600 in value
- Comprehending your legal obligations when you may want to cancel a promotion
- Developing a brand's internal responsibilities when collecting personal information for a sweepstakes, promotion, or contest

12:00 Networking Luncheon for Delegates
Attending Workshop

MAIN CONFERENCE DAY 1 TUESDAY, OCTOBER 20, 2015

12:30 Registration for Main Conference

1:00 Co-Chairs' Opening Remarks



Jim Dudukovich

Senior Marketing, Digital & Social Media Counsel
The Coca-Cola Company
(Atlanta, GA)



Ryan Garcia

Legal Director
Dell Inc.
(Round Rock, TX)

1:15 It's a Trademark, It's a Copyright, It's...an IP Issue: Become a Real Time Marketing Genius by Determining When You Can Repost User Generated Content



Brian L. Heidelberger

Partner and Chair,
Advertising, Marketing,
and Privacy Law Practice
Winston & Strawn LLP
(Chicago, IL)



Lauren J. Mandell

Senior Counsel,
Intellectual Property
The Sun Products
Corporation
(Wilton, CT)



Romy Horn

General Counsel
360i
(New York, NY)



David Ugelow

Corporate Counsel
Thrillist Media Group
(New York, NY)

- Identifying the common trademark issues with digital advertising
 - o Navigating logos and other forms of trademarks with real time marketing tactics
- Working informally with celebrities and examining right of publicity matters
 - o When is it okay to mention a celebrity on social media?
 - o Can you respond when a celebrity mentions your brand?
- Maintaining the conversation in real time: reposting user generated content and understanding your responsibilities
 - o Licensing images and obtaining other rights necessary to utilize content
 - o Navigating copyright matters and obtaining approval from the consumer to republish
 - How long does the permission last?
- Ensuring that brands are getting the rights to entries in a sweepstakes or promotion containing UGC
- Highlighting the potential liabilities when reposting a third party's content
 - o Exploring potential safe harbors under the Digital Millennium Copyright Act and Section 230 of the Communications Decency Act

2:15 Demystifying the FTC's .com Disclosures and Endorsement Guidelines in a Hashtag, on the Small Screen, or in 140 Characters or Less



Jason Howell

Partner and Firmwide Co-Chair, Advertising,
Marketing & Promotions Practice
Perkins Coie LLP
(Seattle, WA)



Jonathan Jackman

Legal Counsel
Nestlé USA
(Glendale, CA)



Gonzalo E. Mon

Partner
Kelley Drye & Warren LLP
(Washington, DC)



Adam Rubin

SVP – Legal Affairs
PrizeLogic
(Southfield, MI)

- Implementing guidelines to clearly establish material connections between the users and the brand
 - o Developing best practices for working with celebrities, ad agencies, bloggers, and other influencers to convey the necessary disclosures
- Applying the FTC's .com Disclosures and Endorsement Guides to contests, sweepstakes, and promotions
 - o Addressing when to include disclosures when reposting content submitted by entrants
- Choosing the right social media platform for a contest, sweepstakes, or promotion that allows brands to make the required disclosures
 - o Balancing the need for easy of entry versus notifying consumers that they are entering a promotion

3:15 Afternoon Refreshment Break

3:30 What's in a Name? Is An Ad by Any Other Name Still an Ad?: Distinguishing Between Native Advertisement and Editorial Content



Pamela M. Deese

Partner
Arent Fox LLP
(Washington, DC)



Jim Dudukovich

Senior Marketing, Digital & Social Media Counsel
The Coca-Cola Company
(Atlanta, GA)



David Ervin

Partner
Crowell & Moring LLP
(Washington, DC)



Kathryn Farrara

Senior Counsel, Marketing
Unilever United States, Inc.
(Englewood Cliffs, NJ)



Jennifer Malloy

Senior Counsel
Guthy-Renker LLC
(Santa Monica, CA)

- Exploring where the potential risks lie to minimize the legal and regulatory consequences
- Reviewing industry standards for publishing sponsored content
- Examining when native advertisement is editorial, news, or entertainment, and when native advertisement becomes commercial content
 - o Why does it matter?
- Complying with the FTC guidelines when developing a native advertising campaign on social media
- Developing best practices when working with a blogger or influencer so that any and all material connections with the brand are disclosed

4:30 **Placing Your Bets on Gamification and Developing Creative Legal Strategies to Maximize Positive Exposure**



Thomas Knapp
VP, Business & Legal Affairs
CBS Sports Digital
(Fort Lauderdale, FL)



Melissa Landau Steinman
Partner
Venable LLP
(Washington, DC)

- Differentiating gamification with gambling and types of illegal activity
- Identifying the benefits and risks of implementing gamification on social media platforms
- Comprehending the rules surrounding virtual currency in a game
 - o Evaluating whether virtual currency constitutes consideration
- Special Consideration for Fantasy Sports:
 - o Clarifying the states in which play-for-cash is prohibited
 - o Long-term versus short-term games
 - o Understanding how the Unlawful Internet Gambling Enforcement Act applies
- Determining when to open up the game to players outside of the United States

5:30 **Conference Adjourns to Day Two**

**MAIN CONFERENCE DAY 2
WEDNESDAY, OCTOBER 21, 2015**

7:30 Continental Breakfast

8:30 **Co-Chairs' Opening Remarks and Recap of Day One**



Jim Dudukovich
Senior Marketing, Digital & Social Media Counsel
The Coca-Cola Company
(Atlanta, GA)



Ryan Garcia
Legal Director
Dell Inc.
(Round Rock, TX)

8:45 **Strengthening Claim Substantiation Efforts and Deploying Efforts to Counter Lanham Act Claims**



Barry M. Benjamin
Partner
Kilpatrick Townsend & Stockton LLP
(New York, NY)



James Lancheros
Counsel, Brands
Kellogg Company
(Battle Creek, MI)

- Covering your assets: ensure that all advertising claims are fully substantiated to minimize regulatory and competitor scrutiny
- Mediating and socializing: deciphering your obligations when consumers make claims about company products on the brand's social media pages while balancing the conversational nature of social media

- o Is that "MP" or "YP" (my problem or your problem)?
What is the brand's responsibility to correct positive but misleading claims made by a third party?
- o Alleviating the tension between keeping the conversation going while minimizing the legal impact
- Game planning oversight: developing best practices for policing misuse of a company brand or misleading statements about a product
- Pushing your competitor's buttons: know the limits when expressly (or impliedly) making claims that refer to your competitors on social media
 - o How creative can you get when calling out competitors?
- Dropping the bomb: strategizing when and how to go on offensive, using the Lanham Act to stop a competitor's false or misleading marketing campaign
 - o *POM Wonderful LLC v. Coca-Cola Co.*

9:45 **Government and Industry Roundtable: Candid Discussion on How the Various Regulating Bodies Impact Digital Advertising**



Laura Brett
Assistant Director
National Advertising
Division
(New York, NY)



Leigh Freund
President & CEO
Network Advertising
Initiative
(Washington, DC)



Deborah Marrone
Assistant Regional Director,
Northeast Regional Office
U.S. Federal Trade
Commission



Phyllis B. Spaeth
Associate Director
Children's Advertising
Review Unit
(New York, NY)

This interactive session will begin with a panel discussion between the top federal and state regulators. Gain first-hand perspectives on their enforcement priorities and learn how to effectively build a compliant digital advertising campaign.

- FTC
- NAD
- CARU
- NAI

10:45 Morning Refreshment Break

11:00 **It's a Whole New World: Navigating the Hidden Dangers of the Programmatic and Addressable Advertising Frontier**



Brad Bolin
Senior Attorney,
eCommerce & Digital
TransUnion
(Chicago, IL)



Laura Weintraub
CEO
aimClear
(Duluth, MN)



Patrick Dillon-Hughes
Legal Counsel
Google Inc.
(New York, NY)

- Exploring how programmatic buying can benefit brands
 - o Delving into the privacy risks with programmatic advertising
- Detecting the risks of potential discrimination with targeted advertising efforts
- Authenticating the consumer to ensure you are addressing the right target market
- Observing the impact of behavioral data on advertising and marketing
 - o Utilizing behavioral data information for location-based marketing
 - Checking in: providing notice and obtaining consumers' consent to provide targeted and location-based advertisements

12:00 Networking Luncheon

1:00 **Social Media Troll or Employee?: Clarifying A Brand's Rights & Responsibilities When It Comes to Employees' Social Media Use**



Maria Anastas
Shareholder
Ogletree, Deakins, Nash,
Smoak & Stewart, P.C.
(San Francisco, CA)



Chris G. Garber
Managing Counsel,
Marketing & Intellectual
Property Legal Team
Nationwide Mutual
Insurance Company
(Columbus, OH)

- Reviewing the NLRB's and the EEOC's decisions and opinions on the use of social media in the workplace
- Analyzing an employee's right to engage in "protected concerted activities" while safeguarding the company's reputation and maintaining a professional work environment
 - o Examining the outcomes when employees make disparaging remarks about the company or its executives, management, and supervision on social media
 - o Exploring a company's options when faced with PR challenges due to an employee's comments on social media
- Drafting employment policies to create guidelines establishing clear ownership of social media accounts
 - o Steering clear of blurring the lines between personal and profession uses of social media at work
- Instituting clear corporate rules and training guides so that employees are aware of what constitutes improper behavior on their social media accounts
- Identifying when you can investigate a potential employee on social media
 - o Exploring the ramifications of an investigation
 - Understanding the consequences of finding out sensitive protected information about the potential hire
 - o Comprehending whether conducting a background check on social media violates any federal or state laws

2:00 **Capturing Attention on the Small Screen: Making the Most Of Video Streaming and Mobile Apps for Digital Advertising**



Ryan Garcia
Legal Director
Dell Inc.
(Round Rock, TX)



Leila Milano
Senior Director, Business
& Legal Affairs
World Wrestling
Entertainment, Inc.
(Stamford, CT)

- Examining the different challenges in developing an advertising campaign on mobile apps versus websites optimized for mobile
- Adapting to limitations posed by space constraints and OS limitations to ensure that users are aware of privacy policies and disclosures
- Designing a strong user authentication process on mobile apps to secure sensitive consumer data
- Understanding unique legal issues with live-streaming mobile apps such as Meerkat and Periscope
 - o Infringement of television broadcast rights
 - o Obtaining the necessary licenses when streaming live performances in real time
 - o Using third party services to record streaming videos

3:00 Afternoon Refreshment Break

3:15 **Achieving World Peace with Social Media Advertising to Establish Compliant Global Sweepstakes and Promotions**



Emily Goodman Binick
Vice President & Senior Counsel
American Express Company
(New York, NY)

- Comparing laws pertaining to social media abroad: Europe, Asia, and Latin America
- Analyzing unique sweepstakes and promotions laws abroad: Europe, Asia, and Latin America
 - o Knowing which countries prohibit sweepstakes
- Identifying common pitfalls with translation and other language requirements
- Deciphering which region's laws to use when sweepstakes or promotions are run on mobile apps
- Comprehending when a brand can or cannot use an advertisement in the United States created abroad
- Non-English marketing in the United States
 - o Identifying potential UDAAP and FTC issues that may pose unique challenges

4:15 **Making the Grade: Rolling Out a Kid-Friendly, COPPA-Compliant Marketing Campaign on Social Media**



Sheila A. Millar
Partner
Keller and Heckman LLP
(Washington, DC)

- Ins and outs of in-app purchases and parental consent
- Understanding the legal consequences of content-sharing features of kid-appealing mobile apps and the Internet of Things
 - o Examining how COPPA enhances a company's obligations
- Sweepstakes and promotions for kids, tweens, and teens: age-screening and obtaining parental consent
- Training your contractors to comply with COPPA when it comes to collecting personal information

5:15 **Conference Adjourns**

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Director of Sales, American Conference Institute

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w.tyler@AmericanConference.com

Held right after, join us for the latest event
in ACI's Women Leaders in Law Series:



WOMEN LEADERS
— IN LAW SERIES —



Women Leaders in Advertising and Marketing Law

October 22 – 23, 2015 • The Carlton Hotel • New York, NY

Designed to promote woman-to-woman networking and mentoring, this forum will facilitate high-level discussion of the opportunities and challenges facing like-minded women in the advertising legal community. Tailored to empower women and to give them the skills necessary for continued success, this is a unique opportunity to join a supportive community of women and build enduring relationships with peers.

Learn from a stellar array of General Counsel and female powerbrokers in the advertising space who will unite to discuss:

- Creating strong female mentoring programs to effect leadership development and support women in their climb up the corporate ladder
- Thinking outside the box for client development: what works for male counterparts may not necessarily be the correct strategy for women
- Developing best practices when working with celebrities so that the commercial relationship with the brand is disclosed
- Overcoming any hesitation to take advantage of corporate policies promoting work-life balance and encouraging flexibility

To maximize your networking opportunities and participate in candid dialogue in a more intimate setting, register for the interactive post-conference workshops:

- A** "I Wish Someone Had Told Me:" Advice from Advertising and Marketing General Counsel on Embracing Influence and Power and Running a Successful Legal Department
- B** Creating a Winning Pitch: Implementing Critical Crisis Management, Leadership and Presentation Skills to Accomplish Your Goals

October 20–21, 2015

The Carlton Hotel | New York, NY

Social Media, Sweepstakes & Promotions

Practical tools for maintaining legal and regulatory compliance for all your social media and promotional practices



5 Easy Ways to Register

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 Paralegal – Advertising & Promotions, Contract Administrator, Social Media, Digital Media



CONFERENCE CODE: 818L16-NYC

YES! Please register the following delegate for Digital Advertising Compliance: Social Media, Sweepstakes & Promotions

CONTACT DETAILS

NAME _____ JOB TITLE _____

APPROVING MANAGER _____

ORGANIZATION _____

ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

TELEPHONE _____ FAX _____

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I would like to receive CLE accreditation for the following states: _____. See CLE details inside.

FEE PER DELEGATE	Advance Pricing On or Before August 28, 2015	Standard Pricing After August 28, 2015
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Venue: The Carlton Hotel
 Address: 88 Madison Avenue, New York, NY 10016
 Reservations: (800) 601-8500 or (212) 532-4100

Registration Fee

The fee includes the conference, all program materials, continental breakfasts, lunches and refreshments.

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