



Mark Sableman

Partner

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PRACTICES

- Intellectual Property
- Media, Communications and Internet Law
- Privacy, Data Use and Security

EDUCATION

- Georgetown University Law Center, J.D., cum laude, 1979, Articles Editor, Georgetown Law Journal
- Northwestern University, M.S.J., 1973
- Grinnell College, B.A., with honors, 1972

ADMISSIONS

- Florida
- Illinois
- Missouri

EMPLOYMENT

- Thompson Coburn LLP Partner, 1989-Present Associate, 1986-1988
- Reuben & Proctor, Chicago, IL Associate, 1979-1986
- The Washington Post, Reporter, 1977
- Clearwater Sun, Reporter and Assistant City Editor, 1973-1976

Mark's practice focuses on facilitating clients' communications, in media, marketing and business. He helps news media clients gather and publish news, and business clients build their brands, and fight infringement and false advertising. He helps all clients protect and use information technology, and conduct business in the online world. In legal terms, he concentrates in intellectual property, media, and information technology law.

Mark is a trial lawyer, having spent many months in federal and state courtrooms trying business, media and intellectual property cases. But he recognizes that most cases are resolved out of court, and he directs his practice toward resolving disputes quickly and effectively through correspondence, direct negotiations, and alternative dispute resolution techniques.

Mark litigates copyright, trademark, advertising, libel, privacy, unfair competition, and trade secret cases, as well as technology and Internet-related claims. He advises clients on intellectual property, media, technology, and Internet issues.

Mark has written one book, "More Speech, Not Less: Communications Law in the Information Age," and more than 20 law review articles and book chapters. His article on Internet linking law won the International Trademark Association's Ladas Award, and his article on artistic expression won a Burton Award for Legal Achievement. Mark has taught Internet Law, and Censorship and Free Expression, at Washington University School of Law. He has been listed since 1995 in The Best Lawyers in America®, and is currently listed in seven areas.

Mark writes for the "Internet Law Twists and Turns" blog found at internetlawtwists.com, and "In Focus, the Photo Copyright Blog," found at copyrightfocus.com. Mark has been quoted on media, Internet and intellectual property law issues in various publications, including the New York Times Cyber-Law Times column, Wall Street Journal, B-to-B, Reuters, National Geographic News, St. Louis Post-Dispatch, Missouri

COMMUNITY

- Webster University School of Communications Advisory Board, 2014-Present
- Missouri Press-Bar Commission, 2008-Present
- Missouri Broadcasters Association, Board Member, 2005-Present
- Missouri Bar, Chair, Media Law Committee, 2006-2013
- Media Law Resource Center, Chair, Internet Law Committee, 2008-2011
- Association for Education in Journalism and Mass Communication
- International Association of Privacy Professionals
- International Trademark Association

Lawyers Weekly, Marketing News, Newsday and New York Post.

Instruction

- Washington University School of Law, Adjunct Professor, Internet Law, 2001-2007; Censorship and Free Expression, 2006-2018
- Webster University, Adjunct Professor, Media Law, 1992-1996

Recognitions

- Listed in Missouri & Kansas Super Lawyers, 2005; 2013-Present
- Listed in The Best Lawyers in America®, 1995-Present
- Client Choice Award by Lexology for Media and Entertainment Law in Missouri, 2014
- Named Lawyer of the Year for Trademark Law in St. Louis by Best Lawyers®, 2013
- Burton Award for Legal Achievement, 2008
- Ladas Memorial Award for Best Professional Article on Trademark Law, International Trademark Association, 2003
- Bar/News Media Award, Bar Association of Metropolitan St. Louis, 1988

Presentations

- “Judges judging art: the strange world of parody and satire,” St. Louis Volunteer Lawyers and Accountants for the Arts, Dec, 11, 2019
- “How copyright law may surprise you,” Association of National Advertisers, St. Louis Chapter, Oct. 29, 2019
- “Gateway to Legal Understanding,” Gateway to Publishing conference, St. Louis, June 14, 2019
- Co-presenter, “Tune In to Legal Compliance,” Missouri Broadcasters Association convention, June 8, 2019
- Co-presenter, “Staying Legal and Credible in the Age of Misinformation,” Midwest Digital Marketing Conference, April 19, 2019
- “Media Law,” Mini-Journalism School for the Public, St. Louis Public Radio, April 17, 2019
- Co-presenter, “Ethical Communications in the age of Photoshop and Facebook,” Webster University Media Academy, March 7, 2019
- Panelist, “Context: Alabama Story Discussion,” Repertory Theatre of St. Louis, January 7, 2019
- “Copyright and Photography: what you should know,” International Photography Hall of Fame, August 4, 2018
- “Censored in the US Capitol: *Pulphus v Ayers* and its Implications,” St. Louis Volunteer Lawyers and Accountants for the Arts, April 30, 2018

- “Public Access to Government,” Missouri Bar Mini Law School for the Public, April 4, 2018
- Co-presenter, “Legal Background of Influencers and Social Media Marketing,” Midwest Digital Marketing Conference, March 28, 2018
- Co-presenter, “Photos, Postings and other Problem Pixels: Keeping your website legal,” Missouri Broadcasters Association convention, June 10, 2017
- “Internet Twists of Digital Marketing,” Midwest Digital Marketing conference, April 13, 2017
- “Copyright for Artists,” St. Louis Watercolor Society, Feb. 15, 2017
- “Digital communications law for analog religious communicators,” St. Louis Religious Communicators, February 9, 2016
- “Website Law 101” webinar, Commercial Law WebAdvisor, May 3, 2016; May 20, 2015; December 16, 2014
- Communications law in the social media era,” Missouri Professional Communications, February 2016
- “Internet of Things and Other Emerging Developments,” Association of Corporate Counsel, St. Louis, MO, Sept. 18, 2015
- Moderator, “Protecting Journalists and Free Speech when Police and Protesters Collide,” Media and the Law Conference, Kansas City, MO, April 17, 2015
- Moderator, “Extreme Makeover: Reputation Edition – How to rehabilitate, restore or rewrite damaged online reputations, and the legal and ethical issues this raises for journalists,” Media and the Law Conference, Kansas City, MO, April 24, 2014
- “Big Data: Orwellian Abuses Versus Benign Benefits,” Webster U Media Trends Conference, Geneva, Switzerland, April 4, 2014
- “Media perspectives and Interests,” “What You Need to Know About Public Records and Open Meeting” seminar, St. Louis, Jan. 30, 2014; Jan. 30, 2013; Mar. 12, 2009
- Moderator, “Data Protection: Everything You Need to Know But Were Afraid to Ask,” MLRC Conference, London, England, September 23, 2013
- “Ads Made for Me,” American Academy of Advertising, Albuquerque, NM, April 4, 2013
- “Mobile Privacy,” American Business Media Digital Media Council meeting, New York, NY, December 6, 2012
- “Fax, E-mail & Telemarketing,” American Business Media Audience Development Committee, New York, NY, June 21, 2012
- Co-presenter, “Free Speech v. Trademarks: Communication in a Proprietary World,” Bar Association of Metropolitan St. Louis, MO, June 13, 2012

- "Trademark Law: The Basics and the Bizarre," Thompson Coburn Rewind Client Seminar, June 6, 2012
- "Buzz, Cookies, Targeting: A Business Guide to Rapidly Expanding Data Privacy Laws," Thompson Coburn TCLE Webinar, May 9, 2012
- "Fair Use for Filmmakers," St. Louis Volunteer Lawyers and Accountants for the Arts, April 23, 2012
- "Data Privacy and what it means for freedom of information," Investigative Reporters and Educators Conference, St. Louis, MO, February 24, 2012
- "IP 101: What You Need To Know About Intellectual Property Law and Your Business," Thompson Coburn Client Seminar, January 18, 2012
- "How Legislation and Regulation Can Impact Your Business Practices," American Business Media Executive Forum, Chicago, IL, October 25, 2011
- "Data Privacy," Association of Corporate Counsel, St. Louis, MO, May 12, 2011; Chicago, IL October 25, 2011
- "Buzz, Cookies, Targeting: A Business Guide to Rapidly Expanding Data Privacy Laws," Thompson Coburn Client Seminar, November 4, 2010
- "Contracts, Copyrights and the Quirks of Protecting Your Creativity in the Electronic Age," St. Louis Writer's Guild, St. Louis, MO, October 3, 2010
- "Copyright, Fair Use & Creative Commons," St. Louis Publishers Association, St. Louis, MO, January 13, 2010
- "Behavioral Advertising Update," American Business Media Executive Forum, Austin, TX, November 3, 2009
- "Copyright - Myths, Fair Use and Infringement," Media Literacy Week at Webster University, St. Louis, MO October 8, 2009
- "Online in '09: A Breakfast Conversation About Interesting Online, Marketing and Communications Law Developments," Thompson Coburn client seminar, September 15, 2009
- "Publishing Law Basics and the New World of the Google Book Settlement," St. Louis Publishers Association, St. Louis, MO, May 13, 2009
- "Marketing and Advertising Legal Tips: Practical Techniques for Strong Trademarks, Effective Advertising and Keeping Your Competitors in Line," Thompson Coburn Client Seminar, February 11, 2009
- "What You Need to Know About Electronic Discovery," Thompson Coburn Client Seminar, October 23, 2008
- "Litigation in the Electronic Age: Pitfalls and Promises of e-Discovery," Arkansas Information Technology Symposium, Southern Arkansas University, March 14, 2008

- "Copyright: Beyond Myths and Old Wives' Tales," St. Louis Writer's Guild, St. Louis, MO, July 7, 2007
- "Litigation in the Electronic Age: Pitfalls and Promises of eDiscovery," St. Louis Regional CIO Meeting, St. Louis, MO, April 13, 2007
- "Marketing and the Law: How Not to Market Your St. Louis Attraction," St. Louis Attractions Conference, St. Louis, MO, July 19, 2006
- Panel Chair, "Twisting in the Wind of Intellectual Property Enforcement: What's Left of the Right to Engage in Parody, Satire and Commentary," Media and the Law Conference, Kansas City, MO, April 8, 2005
- "Writers' Rights and Wrongs--A Guide to Meeting Legal and Ethical Expectations, and Protecting Your Own Rights, Too," St. Louis Romance Writers, March 18, 2006; Midwest Mysteryfest, September 24, 2005; St. Louis Writers' Guild, March 20, 2002
- "Things Free-Lance Writers Don't Even Know to Ask About," Missouri Press Women, January 8, 2005
- "Privacy and Publicity Rights," St. Louis International Film Festival, St. Louis, MO, November 18, 2004
- "Handling High Profile Cases," St. Louis Legal Secretaries Association, St. Louis, MO, September 11, 2004
- "Putting Electronic Discovery Theory Into Practice In Business Litigation," UMKC Seminar, Kansas City, MO, May 10, 2004
- "Digital Millennium Copyright Act Practicalities," Bar Association of Metropolitan St. Louis, St. Louis, MO, August 27, 2003
- "The Magic of Copyright: How the Law Creates Wealth from (and Sets Limits on) Words, Images, and Music... and Why It Is Important to You," Missouri Scholar's Academy, Columbia, MO, June 19, 2003
- "Advertising by Facsimile: Illegal or Constitutionally Protected?," Bar Association of Metropolitan St. Louis Communications and the Media Committee Sponsored Seminar, St. Louis, MO, July 24, 2002
- "Privacy - Its Shrinking Boundaries in the Electronic Era," American Association of University Women, Creve Coeur, MO, November 6, 2000
- "Legal Tips for the New Economy," St. Louis Business Journal Economic Forecast Breakfast, St. Louis, MO, September 22, 2000
- "Link Law Update," The Law of Internet Business seminar, George Mason University School of Law, Arlington, VA, June 7, 2000
- "The Controversy over Sensation and the Law of Sensation," American Civil Liberties Union of Eastern Missouri annual meeting, May 24, 2000
- Panelist, "The Media and Judicial Ethics," Forum on Judicial Independence, Fair and Unfair Criticism of Judges, November 21, 1998
- "Internet Law and Practicalities," Association of Microsoft Solution Providers, November 18, 1998
- "The Media, Information Privacy and the Health Care Field," Missouri

Hospital Public Relations and Marketing Association, Lake of the Ozarks, MO, November 4, 1998

- "How to Make a News Subject Into a Millionaire: Lessons from Food Lion and Other Disastrous Recent Media Cases," Missouri Broadcasters Association convention, Lake of the Ozarks, MO, June 20, 1998
- "From Paper to Pay-Per: Copyright and Information Law Trends for Educators and Libraries," Copyright in an Educational Environment Conference, Southern Illinois University, Carbondale, IL, April 25, 1998

Publications

- "Clarifying Copyright: Supreme Court registration ruling changes little," *NINK*, June 2019
- "Intellectual Property Basics for Authors," *NINK*, July 2018
- "Typographic Legibility: Delivering your Message Effectively," *SCRIBES Journal of Legal Writing*, 2016-17
- "Social Media Privacy: It's a Reasonable Expectations Game," *Copyright and New Media Law*, Winter 2016-17
- Co-author, "Will the Zippo scale for Internet jurisdiction slide into oblivion?," *Journal of Internet Law*, July 2016
- "Copyright Licensing - Creative Commons Licenses Can Provide Copyright Defenses," *The Licensing Journal*, June/July 2016
- "Making websites ADA compliant", *O'Dwyers*, June 2016
- "PR pros must know Spam, fax regulations," *O'Dwyers*, February 2016
- "Opinion and Libel," *The SAGE Guide to Key Issues in Mass Media Ethics and Law*, May 2015
- "Data Privacy," *The SAGE Guide to Key Issues in Mass Media Ethics and Law*, May 2015
- "Cameras in Court," *The SAGE Guide to Key Issues in Mass Media Ethics and Law*, May 2015
- "Copyright and Performance Rights in an Online Video World," *The Licensing Journal*, January 2015; *IP Litigator*, November/December 2014
- Co-author, "Advertising Law: It's Not Your Father's First Amendment," *St. Louis Bar Journal*, Fall 2013
- Co-author, "Consumer Attitudes Toward Relevant Online Behavioral Advertising: Crucial Evidence in the Data Privacy Debates," *Media Law Resource Center Bulletin*, Fall 2013
- Co-author, "A B-to-B Carve-Out in Privacy Legislation," *National Law Journal*, April 22, 2013
- "Who owns Marilyn Monroe?," *Gateway Journalism Review*, Fall 2012
- Co-author, "Missouri Recognizes Right to Deliver Unwanted Speech,"

American Bar Association Section of Litigation First Amendment and Media Litigation Committee website, July 25, 2012

- "'We Know What You Like': Online Behavioral Advertising and the New Focus on Data Privacy," *St. Louis Bar Journal* Summer 2011
- "Behavioral Advertising: Its Varieties and its Critics," *Media Law Resource Center Bulletin*, March 2011
- "Where Are Those Simple Fair Use Guidelines?," *Gateway Media Literacy Partners*, October 3, 2010
- Editor and Contributor, *Missouri Bar Media Law Handbook*, 1st ed. 1997; 2nd ed. 2009
- Editor, "Practically Pocket-Sized Internet Law Treatise," *Media Law Resource Center Internet Law Committee*, 2009-2012
- "Journalist's Right to Privacy Primer," *Missouri Media Law Handbook*, 2009
- Co-author, "Use of Intellectual Property in the Media," *Missouri Media Law Handbook*, 2009
- Co-author, "Internet Publishing," *Missouri Media Law Handbook*, 2009
- "Resolving Advertising Challenges Early and Efficiently," in *Inside the Minds: Managing Advertising and Marketing Legal Issues*, *Aspatore Books*, 2008
- "Targeting With Others' Trademarks: The Uncertain Law of Keyword-Based Online Advertisements," *Media Law Resource Center Bulletin*, May 2008
- "Protecting Your Business from Cyber-Opportunists," *Saint Charles Business Magazine*, October/November 2007
- "Assessing Consumer Understanding of the Advertisement's Message," in *Advertising and Marketing Litigation Best Practices*, *Aspatore Books*, 2007
- Co-author, "Keyword-based Advertising: Filling in Factual Voids (Geico v. Google)," *97 TRADEMARK REPORTER* 681, 2007
- "Artistic Expression Today: Can Artists Use the Language of Our Culture?," *52 ST. LOUIS UNIVERSITY LAW JOURNAL* 187, 2007
- "Don't Just Dash Off the Usual 'Nastygram,'" *Midwest In-House*, May 2006
- "Fair Comment, The 'Brightest Jewel in the Crown of the Law,' as Protection for Free Speech and Against Abusive SLAPP Suits," *Journal of the Missouri Bar*, May-June 2005
- "Link Law Revisited: Internet Linking Law at Five Years," *16 BERKELEY TECHNOLOGY LAW JOURNAL* 1273, 2001
- "The Hidden Camera Conundrum: A Media Lawyer's Perspective" in "Hidden Cameras Hidden Microphones," *Radio and Television News*

Directors Foundation, 1998

- "Business on the Internet, Part I: Jurisdiction," and "Part II: Liability Issues," *53 J. MISSOURI BAR* 137, 223, 1997
- "More Speech, Not Less: Communications Law in the Information Age," *Southern Illinois University Press*, 1997
- "News Media Access to Computer Records: Updating Information Laws in the Electronic Age," *26 ST. LOUIS UNIVERSITY LAW JOURNAL* 349, 1991
- "The Court's Role In Interpreting Language in Libel and Slander Cases," *45 J. MISSOURI BAR* 399, 1989
- "How To Prevent Defamation Claims," *The Practial Lawyer*, 1988