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**[2010 trends] Media law a necessity, not a luxury**

By: [Rachelle Bricout](#)

Most industries have felt the effects of the global recession and with these come a general desire to act more responsibly and to be particularly strategic in any marketing and planning. Companies have adopted a more conservative "wait-and-see" outlook and are, instead, giving considerable thought to what is important and what will keep them afloat in a still uncertain market.



This level of awareness has resulted in a need to 'protect and preserve' that has certainly been seen by those in the legal marketing sector, with clients showing an increased interest in understanding, for example, how important it is to register a trademark, the effects of the Consumer Protection Act, the right advice when it comes to retrenching employees, etc.

**Encouragement:**

I believe in the year ahead South Africa will continue to be an attractive option for both foreign and local film production.

The ongoing support and encouragement from the Department of Trade & Industry (the dti), such as offering financial rebates on expenditure for film and television production in South Africa, serves to encourage local and foreign film producers to use film companies and their related services here. With the global recession affecting filmmakers worldwide, South Africa, with its natural beauty and potential, will hopefully continue to be a highly sought-after option.



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**2. Intellectual property:**

It has never been more vital to protect your intellectual property and I predict 2010 will see a greater awareness of this as more and more companies realise the importance of, for example, registering their trademarks. A lack of intellectual property protection can be extremely costly versus the initial cost of making sure your rights, logos, company name, etc are yours alone.

In addition, more and more advertising agencies, marketing companies and website designers will become aware of the dangers of their clients not protecting their rights and will use this as a marketing opportunity for themselves by offering advice, through the expertise of a law firm, as an added service.

**3. Quality, not quantity:**

With tough economic times, 2010 will continue to see more conservative, yet perhaps wiser, choices made when it comes to company marketing and advertising spend. In the legal sector, now more than ever, law firms need to strategically plan their budgets with a focus on helping people by offering useful information as opposed to random spending on, say, corporate gifts.

There is a place for gifts as well but, in an economic downturn, people become more serious about their personal legal needs and offering information, which helps them, has far more value.

This shift began in 2009 and will continue throughout the year ahead.

**4. Service delivery:**

With more strategically orientated plans in place, service levels need to aspire to be exceptional. Competition is rife and often the only thing setting one business apart from another is the level of service offered.

Service, or very often the lack thereof, in South Africa is an ongoing bone of contention for many and I predict that in 2010, businesses will need to further raise their levels to satisfy clients' needs.

With more and more advertising agencies and marketing companies striving to offer their clients an all-round service (including intellectual property, contracts, etc.), media lawyers will need to deliver high levels of expertise to help agencies satisfy their clients' needs.

**5. Contracts are a good thing:**

Seriously. Again, in troubled economic times, people tend to take a more serious look at what measures or safety nets they have in place and I predict more consideration will be given to legal protection.

Contractual agreements are vital in media, advertising, marketing and related industries, whether between business and client, or employees and service providers. Having appropriate and exceptional contracts might seem costly and a bind initially but the peace of mind it offers is never more appreciated than when faced with a working relationship that has, for whatever reason, gone sour.

**6. Events:**

Larger law firms, as in most other sectors, have always enjoyed client events throughout the year, although 2009 saw a definite drop in the budget spend allocated for what becomes a luxury during tougher times.

Events calendars are more strategic than ever and this year, which has started with a more positive outlook, will see a change from the previous "large spend" (prior to 2009) to more thought been given to each and every event and the potential benefit it can bring.

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#### 7. Lawyers need to join the electronic revolution:

I believe that innovative law firms will see and understand the need to consider that their clients are often technologically advanced. Blogging, interactive websites, cellphones and other such marketing tools are the norm for most international law firms and yet many law firms here have a long way to go to be as competitive.

For example, websites need to be informative, engaging and interactive, not simply a bland tool put together out of necessity. 2010 will see leading law firms focus on raising their digital marketing strategies to match international standards.

#### 8. Opportunities in Africa:

Africa continues to offer ample opportunity; however, South Africa is still an obvious gateway to doing business in other countries on the continent. 2009 saw more law firms focus on Africa and much foreign interest from large law firms in, particularly, the UK.

2010 will see Africa continue to be more and more attractive to those firms seeking exciting and viable opportunities in a less competitive (for now!) environment.

#### 9. Going green:

With 2009 bringing so much often negative and difficult change (unemployment, retrenchments, financial difficulties, etc.) many are looking at leading more quality-filled lives and excess is no longer considered attractive. The environment has been of growing importance over recent years and 2010 will see an even stronger drive to more consideration towards our planet and the damage we do to it.

It affects all sectors and it has been refreshing to see some law firms consider this and adapt their thinking to make sufficient changes in their working lives, from considering their carbon footprint to educating employees on the way each and every one of us can make a difference.

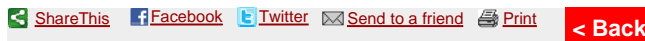
I foresee (and hope!) this will be even more common in the legal sector throughout the year ahead.

#### 10. Social responsibility:

The legal sector has long been compelled to consider social responsibility, given the Law Society's requirement that each law firm perform a stipulated amount of pro bono hours per annum.

However, some law firms are doing more than is required and I believe 2010 will see a commitment to further increase their efforts. With government's focus on 'access to justice' many previously disadvantaged members of our communities will have access to the legal system, thanks to the ongoing support law firms offer.

[21 Jan 2010 12:46]



#### About Rachelle Bricout

Rachelle Bricout is the owner of Create-A-Stir ([www.create-a-stir.co.za](http://www.create-a-stir.co.za)), a niche marketing agency with a special focus on law. Rachelle has extensive experience both locally and internationally, with clients varying from small law firms to the largest full-service law firm in Africa. Create-A-Stir offers a full marketing, advertising and media service, as well as legal marketing training. Contact Rachelle on email at [rachelle@create-a-stir.co.za](mailto:rachelle@create-a-stir.co.za).

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