

In-house Counsel Shows How a Little Tongue-in-cheek Goes a Long Way

I talk a lot about the importance of [empathy as a critical part of your corporate culture](#), your firm's brand values, and even marketing and business development strategies. I go on about the need to identify the business culture and live it out loud, and set a goal to attract like-minded people to help foster and maintain that culture.

I talk about this because America is going through major social and culture changes, and businesses need to adapt to new business disrupters, expectations and tools. We have to be fully connected with our communities so we can communicate with them with humanity, empathy and reason. There are several ways in which we can operate and communicate with compassion, and one of the most-defusing and celebrated ways is through humor.

I have found that [humor as a strategy](#) might be one of the most-effective and -efficient ways to connect with others and have your message resonate. There are two factors to making a deal: transactional and emotional. In many cases, meaning gets lost in transactional and corporate communication translations, but if you use empathy and humor, you can get your point across more effectively. Empathy and humor can also be a great marketing and branding strategy, and potentially go viral on social media.

I have shared several examples of amusing and humanity-based corporate and legal communications in my presentations. Here are a few that have raised the bar regarding legal communications.

Keep in mind that humor isn't always appropriate and if done poorly, it can and will backfire. Humor-based PR or marketing strategies *must* have filters in place to assess and avoid cultural and diversity insults. Not everything is funny to everyone, so consider the external audience and make sure your team of creators, writers and editors is diverse.

Stranger Things Happen

Unless your world is totally upside down, you probably have heard of the wildly popular Netflix show *Stranger Things*. The network learned of a fan-based, unauthorized *Stranger Things*-themed pop-up bar in Chicago. Netflix asked its legal team to shut it down but didn't use the usual aggressive and threatening cease-and-desist boilerplate notice. Instead, Netflix used empathy and humor to handle the situation. [The bar owners received a creative letter telling them that it needed to shut down](#). The lawyers used references from the show in a playful and clever way throughout the letter.

The letter starts out by referring to the communication tool the main characters use in the show – "My walkie-talkie is busted so I had to write this note." It continues with "Look, I



Terry M. Isner

Owner/CEO
Branding & Business
Development
302.519.8895
tisner@jaffepr.com

don't want you to think I'm a total wastoid, and I love how much you guys love the show. (Just wait until you see Season 2!) But unless I'm living in the Upside Down, I don't think we did a deal with you for this pop-up."

The lawyers continue to refer to the show and the bizarre world of the "Upside Down." They address the bar owners with respect and simply outline the foul: "You're obviously creative types, so I'm sure you can appreciate that it's important to us to have a say in how our fans encounter the worlds we build."

The letter ends by saying, "We're not going to go full Dr. Brenner on you, but we ask that you please (1) not extend the pop-up beyond [the show's] six-week run ending in September, and (2) reach out to us for permission if you plan to do something like this again." The final warning refers to the show's monster and the threat we all wish to avoid: "the demogorgon is not as forgiving" and "don't make us call your mom."

Bravo to Netflix and their legal team. This was not only a winning PR tactic but also a great brand awareness move, especially since the network was preparing for the launch of Season 2.

Bending a Knee to the Legal Team at HBO

HBO's legal team didn't miss a beat either when President Donald Trump tweeted out a custom image of himself with the words "Sanctions Are Coming," referring to sanctions against Iran. The tweet is a reference to HBO's popular show "Game of Thrones" and its best-known slogan, "Winter Is Coming." [The graphic showed the statement in a font very similar to the one used for the show.](#)

HBO's legal team acted swiftly with a response that referenced the show and asked, "How do you say trademark misuse in Dothraki?" HBO also commented that they didn't know about the message and would prefer that their trademark not be misappropriated for political purposes.

HBO took a quick and humorous approach to addressing the trademark misuse and defused the situation swiftly while clearly stating that this was a legal matter.

Don't Dilly Around with Our Brand

Bud Light attorneys went a step further. In my mind, they delivered the most-creative cease-and-desist communications I have seen. The incident involves Bud Light's advertising campaign that uses the slogan "Dilly Dilly." A Minneapolis craft brewery created a beer called Dilly Dilly Mosaic Double IPA; obviously a big no-no for the Bud Light's legal team. Like Netflix and HBO, the legal and marketing teams used humor to respond: They sent a town crier, in full costume, to the brewery, where he proceeded to unroll a scroll and call out, "[Hear ye, hear ye ...](#)"

The crier continues, "Dear friend of the crown, Modist Brewing Company. Congratulations on the launch of your new brew, Dilly Dilly Mosaic Double IPA. Let it be known, any beer that is shared between friends is a fine beer indeed. And we are duly flattered by your loyal tribute."

The man stands in the doorway speaking to everyone in the brewery, confusing patrons as they walk in but never stepping out of character. He continues, "However, 'Dilly Dilly' is the motto of our realm, so we humbly ask you keep this to a limited edition, one-time-only run. This is by order of the king. Disobedience will be met with additional scrolls, then a final warning, then a private tour of the Pit of Misery." Like HBO and Netflix, Bud Light refers to creative elements related to its commercials. The company even went a step farther by offering two Super Bowl tickets for brewery employees.

Empathy and humor played a huge role in defusing and stopping these trademark misappropriations. The use of social media and the creative means of delivering the legal memorandum was a win-win strategy for communicating legal protections and marketing brands. It showed that these businesses respect and appreciate their audiences and communities, while still committing to protecting their intellectual property and brand reputations. It shows that we can treat each other kindly even when our annoyances and frustrations get the best of us. It also demonstrates the wisdom of lawyers sometimes reining it in a little.

These are perfect examples of how legal communications, marketing and PR strategies can work together. Not only were the legal matters addressed, but marketing and branding also won through all the attention and sharing that these humanity-driven responses received.

For further information about how humor and empathy can be used for your firm, contact me Terry M. Isner, at tisner@jaffepr.com.