



Brian D. Anderson

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PRACTICE AREAS

- Intellectual Property
- Entertainment, Media and Technology

INDUSTRIES

- Advertising
- Entertainment, Media and Technology
- Food and Beverage
- Outsourcing
- Sports

OVERVIEW

Brian D. Anderson is an associate in the Intellectual Property Practice Group in Sheppard Mullin's San Francisco and Palo Alto offices. He is a member of the Entertainment, Media, and Technology Industry Team.

Areas of Practice

Brian advises clients on intellectual property law, corporate law, and all forms of commercial transactions, with a focus on representing enterprise software, Internet, digital media and technology companies in their strategic technology transactions.

This includes:

- software licensing
- software as a service (SaaS) and other cloud computing services agreements
- media and content licensing
- mobile application and other mobile technology agreements
- agreements around social media and search technologies
- ad network and other ad-serving technology agreements
- privacy policies, terms of service, and end user licenses for web and mobile

Brian also represents leading food, beverage, grocery, retail, fashion, consumer product, and luxury goods/lifestyle businesses and brands in all forms of commercial transactions, advertising, social media, sweepstakes, contests, promotions, intellectual property, and corporate matters.

He also counsels clients on compliance with federal DMCA safe harbor and CDA 230 immunity regarding use of user generated content and third party content online and state and federal legislation that affects e-mail and mobile marketing and online data collection and use, such as CAN-SPAM, TCPA and COPPA.

Brian has a core strength in helping clients with federal, state, international, and industry specific privacy and data security concerns such as COPPA, GLB, FCRA, FACTA, EU

Privacy Directive, PCI standards, and responding to data security breach incidents.

He assists clients in complying with state and federal regulations governing high-profile sweepstakes, contests, and other promotions; clearing advertising in all media and complying with advertising and consumer laws; structuring gift card, rebate, loyalty, and rewards programs; and representing clients in NAD advertising challenges.

EDUCATION

- J.D. University of California, Davis, 2002, *Law Review*
- B.A. University of California, Davis, 1999, *with honors*

CLERKSHIPS

- Law clerk in the Summer Honors Program at the U.S. Securities and Exchange Commission, 2000

ADMISSIONS

- California

EXPERIENCE**Representative Matters**

Represented Yahoo! in negotiating and documenting a three-year strategic alliance with technology media company that included content licensing, Internet advertising, software distribution, and search marketing components.

Represent GitHub, Inc. in connection with SaaS, PaaS, and other "cloud" computing matters and transactions, as well as enterprise private network software licensing transactions.

Represented Adconion Media Group in its acquisition of certain intellectual property and technology assets from Joost.

Negotiated and documented numerous ad serving technology platform, ad network, and ad sales agreements between Auditide and leading media, sports, and social networking companies.

Represent AutoFuss and Bot & Dolly in connection with technology and advertising transactions.

Represented fashion designer Donna Karan in a deal that launched her new iPhone application. The application allows users to scroll through fall runway looks and create a wish list that can be sent to a personal shopper at the click of an icon.

Outside counsel to leading newspaper and media company in connection with all forms of media and technology deals, including large scale IT and business process outsourcing transactions.

Outside counsel to national and international retailers and consumer product companies, such as Williams-Sonoma, Safeway, TaylorMade-adidas Golf, Gymboree, See's Candies, and Procter & Gamble/Wella, in connection with general business transactions, privacy and data security issues, advertising, sweepstakes, contests, and other promotions.

Represent TaylorMade-adidas Golf Company in connection with various commercial contracts, license agreements, privacy and data security issues, advertising, social media, and other matters, including negotiating and drafting software development agreement for interactive in-store kiosks that help match consumers with golf products.

Outside counsel to SPIN Magazine in connection with general business transactions, copyright and publicity rights counseling, music licensing, and Internet and new media deals.

Negotiated and drafted complex joint development agreement between DHL and leading technology company regarding hybrid engine technology for use in DHL delivery trucks.

Represented producer of professional ski and snowboard jump event "ICER AIR" in San Francisco, where 200-tons of man-made snow transform one of San Francisco's steepest streets into the site for the first of its kind urban big-air competition.

MEMBERSHIPS

- Member, International Association of Privacy Professionals (IAPP)

ARTICLES

- *The Law of Online Contracts*, Media Law Resource Center Bulletin "The Ins and Outs of Online Business" (March 2011)
- *FTC Behavioral Advertising Privacy Principles Extend Far Beyond Current Requirements*, Media Law Resource Center Bulletin "Digital Media & Comments on Frontiers in Internet Law" (May 2008)
- adbriefs, Fall 2005 - present

SPEECHES

- Legal and Business Considerations of Mobile Social Media and Mobile Marketing, Social Media Legal Risks and Strategies Summit (2011)
- Legal Issues with Advertising/Marketing Using Social Media, ACCA-SoCal In-House Counsel Conference (2011)
- The Business and Legal Considerations of Cloud Computing, Law.com Panel (2010)