



→ Brian D. Anderson

Partner

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Brian Anderson is a Partner in Sheppard Mullin's San Francisco office. He is Leader of the firm's Technology & Commercial Transactions Practice and Advertising Team.

Areas of Practice

For over 19 years, Brian has been representing Fortune 500 companies, delivering critical business and legal solutions in areas including:

- intellectual property licensing, software, and other IT transactions and projects;
- distribution and commercial arrangements;
- global brand sponsorships and advertising matters; and
- compliance strategies with privacy and data protection regulations.

He is particularly focused on issues arising from the use of new technologies and business models, such as cloud, anything-as-a-service (XaaS), ad tech, Internet of Things (IoT), robotics, artificial intelligence (AI), data driven projects, blockchain, digital assets and payments, retail tech, and e-commerce.

The *Daily Journal* named Brian one of the top 40 attorneys under 40 in California in 2016. He has been ranked in Media, Technology and Telecoms, *Legal 500*, every year since 2014.

Honors

Top 40 Under 40, *Daily Journal*, 2016

Technology Transactions, *Legal 500 US*, 2014-2021

Cyber Law, *Legal 500 US*, 2020-2021

Experience

Representative matters include:

Transactions

- Represented **Mastercard** and negotiated separate sponsorship agreements with global soccer superstars Lionel Messi and Neymar da Silva Santos Jr. in connection with Mastercard's broader "Start Something Priceless" campaign—an integrated social, digital, and cause marketing campaign to score against childhood hunger and malnutrition in Latin America and the Caribbean.

- Represented **Mastercard** in negotiating a multi-year sponsorship agreement with Riot Games making Mastercard the first global sponsor of the studio's online multiplayer game *League of Legends*, one of the largest and most profitable e-sports brands in the world. The Riot Games deal is Mastercard's first e-sports league deal.
- Represented **Chelsea Football Club** and its digital business, Chelsea Digital Ventures, in connection with the launch of its first product: Perfect Play—a mobile-friendly coaching platform to deliver the expertise of Chelsea FC youth academy coaches to young footballers around the world.
- Represented **b8ta, Inc.** and negotiated numerous customer deals and strategic partnerships for the retail technology company.
- Represented **Utopus Insights, Inc.** and negotiated all intellectual property issues and agreements in connection with Vermont Electric Power Company (VELCO) and IBM's spin-out and creation of Utopus Insights.
- Represented **The Gymboree Corporation** and negotiated all intellectual property, technology, trademark licensing, and data issues and agreements in its sale of "Play & Music" to Zeavion for \$127.5 Million.
- Represented **adidas AG** and negotiated privacy and data protection issues and agreements in its sale of TaylorMade Golf to KPS Capital Partners for \$425 million.
- Represented **Bundaberg Brewed Drinks Pty Ltd.** and structured and implemented its U.S. product distribution strategy.
- Represented **Hamax AS** (child bike seats, toboggans, and sleds) and structured and implemented its U.S. product distribution strategy.
- Represented **Innovative Beverage Concepts, Inc.** (coffee, tea, oatmeal) and structured and implemented its global product distribution strategy.
- Represented **ZTailors, Inc.** (on-demand digital tailor network) and negotiated its technology and retail partnership with Macy's.
- Represented **GitHub, Inc.** in its acquisition of Ordered List Inc.
- Represented **Kate Spade New York** in connection with e-commerce outsourcing (3PL) transactions.

Advertising

- Represented **adidas** on advertising, social media activations, and e-commerce strategies for the launch of Kanye West's Yeezy shoe.
- Represented **Chelsea FC** in connection with advertising and promotions in the U.S.
- Represented **Benefit Cosmetics LLC** and provided strategic counseling regarding its "Bold is Beautiful" global charitable sales promotion, which has raised over \$16 Million for charities supporting women and girls around the world.
- Represented **Taylor Made Golf Company, Inc.** and negotiated PGA pro golfer sponsorship agreements and structured social media marketing campaigns and tie-in consumer sweepstakes promotions.
- Represented **Red Bull Media House GmbH** and negotiated an advertising technology platform deal.
- Represented **Taylor Made Golf Company, Inc.** before the National Advertising Division (NAD) in its challenge to golf club performance claims made in advertising by a competitor.

Privacy & Data Protection

- Represented global fashion brand and provided counseling on its General Data Protection Regulation (GDPR) compliance strategy, including how to handle cross-border transfers of customer personal data.
- Represented leading residential solar electricity company in configuring its telemarketing program to comply with the Telephone Consumer Protection Act (TCPA) and related laws.
- Represented mobile gaming app company in connection with implementing user on-boarding strategy that complies with Children's Online Privacy Protection Act (COPPA).
- Represented digital media agency and provided strategic counseling regarding data breach of personally identifiable information, including remediation steps and compliance with U.S. and European data breach notification requirements.
- Represented numerous global consumer brands and retailers on compliance with the California Consumer Privacy Act (CCPA).
- Represented digital health information platform and social network in connection with developing and implementing privacy policies and data protection practices, including strategic counseling on compliance with the Health Insurance Portability and Accountability Act (HIPAA).

Articles

- *11th Circuit Reverses Summary Judgment Grant in TCPA Suit Against Medical Debt Collector*, Cyberspace Law e-Bulletin, (January 2015)
- *Online student privacy bill prompts debate*, Daily Journal (March 2014)
- *Dealing in Data: Business and Legal Considerations Respecting Data Transactions*, Business Law News, the official publication of the Business Law Section of the California State Bar, Issue 4 (2012)
- *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

Covering Your Ads Blog Posts

- "New York Passes Wide-Ranging Automatic Renewal (Subscription Model) Law," December 2, 2020
- "How the COVID-19 Lockdown will Disrupt the Upfront TV Ad Market," April 15, 2020
- "Coronavirus: Are Spectator Bans the Worst Case Scenario for Brand Sponsors?," March 6, 2020
- "FTC Workshop Provides Insight on Best Practices to Mitigate Informational Injuries," December 28, 2017
- "Behavioral Advertising Company That Dropped "Zombie" Cookies Can't Use Verizon's Arbitration Clause To Avoid Class Action Lawsuit," October 30, 2017
- "Deadline Approaching: Action Required by December 31 To Avoid Losing DMCA Safe Harbor Protection," October 25, 2017

Eye on Privacy Blog Posts

- "Like a Butterfly, Will the CCPA Continue to Evolve?" May 28, 2019
- "Will CCPA's Definition of Consumer Be Narrowed?" April 11, 2019
- "Year In Review: Eye on Privacy 2018," January 28, 2019
- "2019 is the Year of . . . CCPA?" January 8, 2019
- "The California Privacy Law Is Coming: What Should Your Company Do Now?" September 5, 2018

Retail Law Blog Posts

- "New York Passes Wide-Ranging Automatic Renewal (Subscription Model) Law," December 10, 2020

Media Mentions

ZEAVION Holding's \$127.5 million acquisition of Gymboree Play & Music
Don't Miss It: Hot Deals & Firms We're Following This Week
Law360, 07.01.2016

Rise of Robots Brings Questions of Liability
Daily Journal, 01.23.2014

Speaking Engagements

Information Insecurity, Technology and Law Forum (2018)

The Mobile Natives: Reaching Young Consumers, Mobile Media Summit San Francisco: Apps and Ads (2015)

An Invisible Enemy: Cyber Risks and Security, USC Corporate Governance Summit (2014)

Privacy vs. Relevancy: How to Get Both, Mobile Media Summit San Francisco: Apps and Ads (2014)

Privacy and Data Security Considerations for Consumer Internet Companies in Both Site Operation and Commercial Deals, SVForum (2012)

Legal Issues with Advertising/Marketing Using Social Media, ACCA-SoCal In-House Counsel Conference (2012)

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)

Events

AdTech Trends: NFTs, First Party Data and the Crumbling Cookie
Webinar, 06.16.2021

Hot Topics in Retail Advertising – Pricing and Environmental Claims
Webinar, 04.28.2021

Inaugural Ad Law Symposium
Webinar, 01.27.2021

Trending Legal Issues in the Retail Industry
Webinar, 06.16.2020

Navigating Complex Legal Issues Resulting From COVID-19: What Retailers Need to Know
Webinar, 03.18.2020

Technology and Law Forum
Information Insecurity Panel
11.13.2018

Emerging Trends in Robotics: A Panel Discussion
06.22.2015

Digital Future of Finance: Reinventing the System
Presented by Runway and Sheppard Mullin
06.09.2015

Digital Law Forum - Storm Clouds: Preventing and Managing Security Breaches
Kellogg Auditorium at Silicon Valley Bank, 01.30.2013

The Intersection of Sports and Technology
Sheppard Mullin Palo Alto Office, 10.04.2012

Memberships

Member, International Association of Privacy Professionals

Podcasts & Webinars

VIDEO: Law & Sponsorships in Esports with Guild Esports' Michelle Tierney | ESI Focus
07.12.2021

AdTech Trends: NFTs, First Party Data & the Crumbling Cookie Webinar
06.16.2021

Hot Topics in Advertising – Pricing and Environmental Claims
04.28.2021

Inaugural Ad Law Symposium
01.27.2021

Trending Legal Issues in the Retail Industry
06.16.2020

Practices

Intellectual Property
False Advertising, Lanham Act and Unfair Competition
IP Licensing, Technology and Commercial Transactions
Trade Secrets
Trademark Applications and Prosecution
Copyrights
Entertainment and Digital Media
Technology Transactions
Privacy and Cybersecurity
Telephone Consumer Protection Act (TCPA)
Advertising
California Consumer Privacy Act (CCPA)
ESG and Sustainability

Industries

Advertising
Blockchain
Blockchain and Fintech
Entertainment and Digital Media
ESG and Sustainability
Esports & Games
Fashion, Apparel and Beauty
Fintech
Food and Beverage
Hospitality
Retail
Sports

Education

J.D. University of California, Davis, *Law Review*

B.A. University of California, Davis, *with honors*

Clerkships

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

Admissions

California

Additional Office

Silicon Valley