



Brian J. McGinnis is a partner with Barnes & Thornburg where he is a founding member and co-chair of the firm's Data Security and Privacy Law practice group and a member of the Intellectual Property Department and Internet & Technology practice.

Data Privacy & Cybersecurity Law

Brian has earned a Certified Information Privacy Professional (CIPP/US) certification from the International Association of Privacy Professionals (IAPP), the leading certification for privacy professionals around the world. Brian and his team regularly work with clients to develop risk-based approaches to managing data privacy and cybersecurity legal obligations.

Serving as outside data privacy and cybersecurity counsel to his clients, Brian has developed a national practice advising businesses from multinational corporations to startups on the full range of data protection compliance and legal matters. He holds extensive experience investigating and responding to data breaches, negotiating and drafting data privacy agreements and policies, and developing comprehensive data protection programs that prepare his clients to face these legal challenges. Brian has been appointed to Governor Eric J. Holcomb's Indiana Executive Council on Cybersecurity where he helps advise on legal and cyberinsurance strategies for the State of Indiana.

Brian has earned considerable experience assisting clients in assessing their obligations under the European Union's General Data Protection Regulation (GDPR). Working with cross organizational teams, Brian advises clients toward a clear understanding of the applicability of GDPR to their business practices, assists in auditing personal data collection and use, and helps clients develop and implement the strategies necessary to meet their GDPR compliance obligations. He also assists clients with international privacy and data protection compliance relating to cross-border data transfers, including enacting EU Standard Contractual clauses and obtaining certification under the EU-U.S. Privacy Shield.

Brian also counsels clients on compliance with the wide variety of state

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EDUCATION

Valparaiso University Law School, (J.D.),
2004

Indiana University-Bloomington, (B.A.),
2001

BAR ADMISSIONS

Indiana

COURT ADMISSIONS

U.S. District Court for the Northern
District of Indiana

U.S. District Court for the Southern
District of Indiana

LANGUAGES

English

PRACTICES

Advertising and Marketing

Compliance and Monitorships

Copyrights

Corporate

Data Security and Privacy

Emerging Companies and Venture
Capital

European Services

Greater China and South East Asia

Intellectual Property

International IP

Internet and Technology

IP Strategy and Management

privacy laws and regulatory issues, including the Children's Online Privacy Protection Act (COPPA), Telephone Consumer Protection Act (TCPA), CAN-SPAM Act, Payment Card Industry Data Security Standard (PCI-DSS), Gramm-Leach-Bliley Act (GLBA), and privacy-by-design and security-by-design development.

Intellectual Property and Internet Law

With a practice focused at the intersection of the law and technology, Brian also advises clients on all manner of matters relating to Internet and technology law, Internet of Things, Big Data, intellectual property protection and enforcement, copyright protection, trademarks, and brand protection.

Brian brings a tech-savvy, business-oriented approach to his practice, focusing on providing clients with practical legal advice designed to position businesses for growth while effectively managing risk against business opportunity. He regularly advises clients on a wide range of issues, including:

- Intellectual property matters, including the development, protection, and enforcement of trademarks, brands, trade dress, non-traditional trademarks, and copyrights; domestic and international trademark and copyright application filings, prosecution, and office action responses, including management of worldwide applications and Madrid Protocol filings; IP portfolio maintenance and management, including management of trademark portfolios ranging in size from one to hundreds of marks; Trademark Trial and Appeal Board (TTAB) opposition litigation; international IP infringement, anti-counterfeiting strategies, and IP enforcement program development; online advertising and marketing legal compliance; right of publicity; consumer protection; and unfair competition matters;
- Internet law matters, including Digital Millennium Copyright Act (DMCA) and Communications Decency Act (CDA Section 230) compliance, mobile application software protection and enforcement, cloud-based technologies, social media and online service provider issues and enforcement, and developing strategies for policing and protecting IP rights on the Internet; and
- Domain name matters, including litigating Uniform Domain Name Dispute Resolution Policy (UDRP) disputes, foreign and country code top-level domain (ccTLD) domain name matters, generic top-level domain (gTLD) issues, enforcing client's rights against cybersquatters, and advising clients on worldwide domain name registration, acquisition and disputes.

He also regularly assists his clients in negotiating and drafting contracts, including intellectual property, software, and content licenses, contracts, and master service agreements for a range of software and technologies.

Background and Involvement

Prior to joining Barnes & Thornburg, Brian served as in-house counsel to

Japanese Services

Licensing

Opinions

Software and Technology Transactions

Technology Transactions

Trade Dress

Trade Secrets

Trademark Litigation and Unfair Competition

Trademark Oppositions and Cancellations

Trademarks

an intellectual property consulting and investigations firm where he advised Fortune 1000 corporations on complex IP, anti-counterfeiting, and brand protection strategies.

Brian is a member of the International Association of Privacy Professionals (IAPP) and serves as Subcommittee Chair for the inaugural Data Protection Committee of the International Trademark Association (INTA). He has been appointed to the Terralex Technology & Digital Business industry group, the Technology and Innovation Committee for the State of Indiana, and serves on a number of boards, including the executive committee for the Indianapolis Bar Association Intellectual Property Section, the regional venture capital and scale-up technology company event inX, and The Speak Easy, an Indianapolis-based technology startup co-working organization.

He is a frequent speaker on data privacy and cybersecurity law, IP, and technology matters to business groups, legal organizations and privacy seminars, including providing continuing education credit for attorneys and certified privacy professionals for the International Association of Privacy Professionals (IAPP).

Brian is proud to be able to live and work in his hometown of Indianapolis, while growing a national practice in areas of law about which he is passionate. Brian enjoys spending most of his time outside of work with his incredible wife and children, which often involves shuttling from one sporting event to another, seeking out the best food and restaurants in Indy, or watching animated movies his kids have already made him watch a dozen times before.

Professional and Community Involvement

Member, American Bar Association

Cybersecurity, Legal/Insurance Committee Member, Governor's Indiana Executive Council

Central Region Board Member, ISBDC

Member, Indiana State Bar Association

Barrister of the Bench, Indianapolis Intellectual Property American Inn of Court

Honors

