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STUBBS ALDERTON & MARKILES LLP
LOS ANGELES | TRADEMARK AND BRAND PROTECTION, PRIVACY AND DATA SECURITY

Heather Antoine is a partner at Stubbs Alderton & Markiles, LLP and serves as Chair of the Trademark & Brand Protection practice group and Co-Chair of the Privacy & Data Security practice group. Wearing these two hats may seem like a contrast for some, but as Antoine says, "both are critical forms of intellectual property for any business."

As it relates to her privacy practice, Antoine often tells clients they might not like her very much by the time she's finished getting them to comply with privacy laws. That's because she asks them to do so much – from regular meetings to the oversight of required data maps, from adopting processes to reviewing relevant agreements. "But at least I know we're doing it correctly," she said.

Besides California's tough privacy laws statutes, there are new laws in Colorado, Virginia, Utah, and around the world, said Antoine. Following them all can be challenging for clients.

"Companies have to know where all of their data lives, who has access to it… how long each piece is being stored and why," she said. "Companies can't just say they are storing data indefinitely because privacy laws don't allow for that anymore."

To that end, Antoine and her team work with clients to design and implement tailored global privacy programs. Each program takes the client's specific needs into consideration. Antoine and her team have worked with companies large and small, from multi-national, Fortune 500 companies to startups. According to Antoine, "there is no one size fits all approach to privacy compliance. We try to balance the needs and resources of each and create something that works well for each client."

Antoine also heads her firm's Trademark & Brand Protection practice group. That group protects trademarks domestically and works with a wide-reaching network of foreign associates to do the same around the world. It is also charged with protecting the thousands of trademarks the firm's clients own.

While Antoine no longer litigates matters in court, she does still handle cases at the Trademark Trial and Appeal Board. In early 2020, she successfully won approval of client Outstanding Foods Inc.'s "Full of Flavor, Free of Guilt" mark over a challenge brought by an ice cream company with the mark "Guilt Free." Currently, she is appealing the trademark office's rejection of "Saturdazed" as a mark for her apparel client Sellout L.A.

Antoine said trademarks are her favorite area of the law. "It's the first type of law you recognize as a child. When your mom or dad walks in the door… [with] a Target bag, or when you see the Disney ears, you recognize the brand before you recognize any other legal concept in the law."

– DON DEBENEDICTIS

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