



ERAN KAHANA

Counsel

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OVERVIEW

Eran Kahana is an experienced attorney concentrating his practice on cybersecurity, artificial intelligence, and intellectual property law. He counsels clients on a wide variety of matters related to cybersecurity, privacy, technology law, artificial intelligence, trademarks, patents, and copyright issues.

In addition, Eran is a Fellow at Stanford Law School and a member of the advisory board of the Stanford Artificial Intelligence Law Society. He also serves in a variety of cybersecurity thought-leadership roles in which he publishes and lectures on the intersect between the law and artificial intelligence and is the co-author of the book *The Law of Artificial Intelligence and Smart Machines*, a publication of the American Bar Association. Eran is a graduate of the FBI's Citizen Academy and works closely with the FBI, Department of Justice, Secret Service, and colleagues from the private and academic sectors to promote and sustain cybersecurity best practices. To that end, Eran serves as general counsel of InfraGard (Minnesota Chapter), a public-private sector organization affiliated with the FBI. He also serves on the Advisory Board of MN Cyber, an organization dedicated to position Minnesota as a national leader in cybersecurity.

Eran has been interviewed on artificial intelligence, cybersecurity, privacy, and technology law for Bloomberg Law, BBC, Canadian Broadcasting Corporation (CBC), KABC Radio, WCCO Radio, Minnesota Public Radio, *Star Tribune*, *TheStreet.com*, Stanford University Radio, KZSU FM, *Twin Cities Business* magazine, and Quartz.

SELECTED EXPERIENCE

- Frequently counsel on cybersecurity best practices, including reviewing and drafting information security policies, incident response plans, and conducting cybersecurity insurance assessments.
- Negotiate and draft numerous trademark, patent, copyright, and trade secret license agreements, domestically and internationally.
- Advise on trademark and copyright prosecution and enforcement.
- Advise and assist in negotiating technology service agreements such as SaaS and PaaS.

AREAS OF PRACTICE

Corporate & Securities

- Cybersecurity Law
- Intellectual Property & Technology

Technology, IP & Media

- Cybersecurity
- Technology & Intellectual Property

BAR ADMISSIONS

Minnesota

LANGUAGES

- Hebrew
- Spanish

EDUCATION

Stanford Law School
Fellow, 2009-present

Hamline University School of Law
J.D., *with honors*, 1996

University of Minnesota, Twin Cities
B.A., *summa cum laude*, 1993

- Conduct legal proceedings against copyright, trademark, and patent infringers around the world.
- Managed and provided strategic guidance for a global patent and trademark portfolio, including chairing a corporate patent review committee.

LEADERSHIP & COMMUNITY

- Stanford School of Law: Fellow 2009-present; Artificial Intelligence & Law Society Advisory Board 2020
- InfraGard: Minnesota Chapter, Board of Directors since 2014
- MN Cyber: Advisory Board 2018-present
- Minnesota Connected and Automated Vehicle Innovation Alliance Connectivity and Data Committee: Vice Chair 2020
- Minnesota Connected and Automated Vehicles Cyber Security and Data Privacy Subcommittee of the Governor's Advisory Council on Connected and Automated Vehicles: Member 2018-present
- Cyber Security Summit: Advisory Board 2014-present
- FBI Citizen's Academy: Graduate 2015
- American Bar Association
- Minnesota State Bar Association: Internet Law Committee, past Chair
- Hennepin County Bar Association

SELECTED HONORS

- **North Star Lawyer**, Minnesota State Bar Association, 2016 (*North Star Lawyer is a designation that recognizes members who provide 50 hours or more of pro bono legal services in a calendar year.*)
- **"Inventing Our Future" Award** – Named inventor on a patent application in the mobile technology space

SELECTED PRESENTATIONS

- "Formalizing Your Supply Chain's Compliance with Data Security and Privacy Obligations," 2021 Midwest Legal Conference on Privacy & Data Security, Minnesota CLE, 2021
- "Building and Maintaining a Legally-Reasonable Customer Privacy and Cybersecurity Regime," Advising Businesses That Sell Goods or Services Online, Minnesota CLE, 2020
- "Artificial Intelligence and the Law," guest speaker, University of North Carolina School of Law, 2020
- "Do contractual obligations around confidential information remain intact when performance is otherwise excused?" video presentation, LinkedIn, April 13, 2020
- "The NIST Cybersecurity Framework - Focus on the "Protect" prong," video presentation, LinkedIn, April 7, 2020
- "Cybersecurity Best Practices," video presentation, LinkedIn, March 30, 2020
- "Emerging AI Standards and the Development of AI Jurisprudence," Artificial Intelligence Webcast Series, Minnesota CLE, 2019
- "Must-Have Security Contract Language," Cyber Security Summit, 2019
- "Smart Contracts & Third Party Relationships—Best Practices and Common Pitfalls," panel member, Digital Economy Best Practices Conference, Stanford Law School, 2019
- "2018 Cybersecurity Year in Review: Technological and Legal Highlights," 2019
- Blockchain: Considerations in Building and Deploying Privacy and Security Applications, 2019 Midwest Legal Conference on Privacy & Data Security, Minnesota CLE, 2019
- Can C-3PO Register a Copyright and Be Sued for Copyright Infringement, or is Luke on the Hook?: Artificial Intelligence and its Role in Copyright
- "Cybersecurity: High tech tools as must-haves to protect and further incentivize innovation," podcast, International Trademark Association (INTA), 2018
- "Artificial Intelligence and the Law: How and Why Law Firms are Using A.I. and the Issues Associated with It," panel member, webcast, West LegalEdcenter, 2018
- "Licensing Artificial Intelligence Systems," webinar, Clear Law Institute, 2018
- "Blockchain and Cryptocurrencies," panel member, 15th Annual Stanford E-Commerce Best Practices Conference, Stanford Law School, 2018

- "The Tech-Driven Transformation of the Legal Landscape: Artificial Intelligence and Computational Law," 2018 Meritas Annual Meeting, 2018
- "International Cybersecurity," panelist, 2018 Cybersecurity Law Symposium, *Stanford Technology Law Review* and *Stanford Law and Policy Review*, 2018
- "Artificial Intelligence Panel," 4th Annual Corporate Counsel Institute, Minnesota State Bar Association, 2018
- "Licensing Artificial Intelligence Systems," panel member, webinar, Strafford Publications, 2018
- "Rise of the Intelligent Information Brokers: Role of Computational Law Applications in Administering the Dynamic Cybersecurity Threat Surface in IoT," *Minnesota Journal of Law, Science & Technology* Symposium: The Legal Landscape of the Internet of Things, 2018
- "Navigating Compliance with the 'First of Its Kind' New York Department of Financial Services Cybersecurity Regulations," The 2018 Midwest Legal Conference on Privacy & Data Security, Minnesota CLE, 2018
- "Gazing Into the Crystal Ball: Blockchain, Biometrics, Geolocation and More!" The 2018 Midwest Legal Conference on Privacy & Data Security, Minnesota CLE, 2018
- "The Equifax Cybersecurity breach and how it correlates with supply chain best practices," Mini Webinar, 2017
- "Threat Briefing: Medical Device & Healthcare Delivery Organization-Specific," moderator, Future-Proofing Medical Device Security, Cyber Security Summit, 2017
- "Supply Chain Security – Understanding New Global Threats," Midwest Global Trade Association, 2017
- "Building and Maturing Cybersecurity and Privacy Programs," panel member, Navigating Healthcare Cybersecurity and Privacy Law, Mitchell Hamline School of Law, 2017
- "New Uses of the Blockchain and What Lawyers Need to Know About Them to Ensure Their Company's Regulatory Compliance," moderator, 14th Annual E-Commerce Best Practices Conference, Stanford Law School, 2017
- "Artificial Intelligence: New Frontiers and New Challenges," Licensing Executives Society International 2017 Annual Conference, 2017
- "Bring Your Own Device Policy," Minnesota Council of Nonprofits, 2017
- "Benchmarking Your Cybersecurity Practice and the Foundation of Building a Defensible Regime," moderator, The 2017 Midwest Legal Conference on Privacy & Data Security, Minnesota CLE, 2017
- "Assume You're Breached: Do You Know How to Respond?" Cyber Security Summit, 2016
- "Drones, Robots and AI," moderator, 13th Annual Stanford E-Commerce Best Practices Conference, Stanford Law School, 2016
- "Craft Brewing and Distilling Intellectual Property Issues," Worts and All: A Primer on Brewery Law, Maslon LLP, 2016
- "Intellectual Property Series: Technology Transfer," webcast, Minnesota CLE, 2016
- "Information Sharing and Collaboration Is the Name of the Game: Keys to Effectively Working with the FBI and DOJ on Data Security," panel member, 2016 Midwest Legal Conference on Privacy & Data Security, Minnesota CLE, 2016
- "The Legal Reality of a Cyber Security Breach," webcast, SurfWatch Labs, Inc., 2015
- "What Financial, Retail and Health Care Companies Can Learn From 2015's Data Breaches, Cyber Security Summit, 2015
- "Best Practices Regarding Innovation in Payment Systems," panel moderator and member, 12th Annual Ecommerce Best Practices Conference, Stanford Law School, 2015
- "Cybersecurity and the Legal Reality," 6th Annual Minneapolis CISO Executive Summit, 2015
- "Legal Considerations Driving Best Practices in Cyber Security," Cyber Risk Round Table, Kraus-Anderson Insurance, 2015
- "Technology Transfer," Intellectual Property Series, Minnesota CLE 2015
- "Cyber-Privacy and Security: Legal Developments, Business Trends, Consumer Responses," moderator, 2014 Computer & Technology Law Institute, Minnesota CLE, 2014
- "Liability," 2014 Cyber Security Summit, 2014
- "Technology Transfer," 2014 Midwest IP Institute, Minnesota CLE, 2014
- "The Intersection of Artificial Intelligence and the Law: A Contemporary View," Robotics Alley Conference & Expo, 2014
- "Best Practices Regarding Virtual Currencies and Mobile Payments," panel member, 11th Annual Ecommerce Best Practices Conference, Stanford University Law School, 2014

- "Technology Transfer," Advanced IP Issues in Contracts, Minnesota CLE, 2014
- "(Big) Data Portability Challenges," 2013 Computer & Technology Law Institute, Minnesota CLE, 2013
- "Risks Associated with the Use of Big Data: Legal and Privacy Issues," InfraGard Minnesota Members Alliance, 2013
- "Threat to the CEO: Where a Lack of Knowledge Can Lead," panel moderator, Cyber Security Summit 2013
- "Data Portability: How to bring data portability ideas and practices into the contract between you and your site's users," panel member, 10th Annual E-Commerce Best Practices Conference, Stanford University Law School, 2013
- "Protecting Your Brand: Developing Your Intellectual Property Strategy," Maslon Speaker Series, 2013
- "Successfully Navigating Through the Challenges of Drafting and Negotiating Complex Technology Agreements in International Settings," webcast, Association of Corporate Counsel Small Law Departments Committee, sponsored by Meritas, 2013
- "Fair Use and Transformative Use in the Appropriation of Art," Minneapolis College of Art & Design, 2013
- "Intellectual Property Infringement by Artificial Intelligence Applications," Intellectual Property Scholars Conference, Stanford University Law School, 2012
- "Social Media Policies," moderator, Ninth Annual E-Commerce Best Practices Conference, Stanford University Law School, 2012
- "Virtual Goods and the First-Sale Doctrine," Panel Member, Eighth Annual E-Commerce Best Practices Conference, Stanford University Law School, 2011
- "False Patent Marking Claims After *Bon Tool*: Patent Marking 'Trolls' or Guardians of the Patent System?" The 2010 Midwest IP Institute, Minnesota CLE, 2010
- "Complex Technology Agreements in International Settings," Globalized Legal Practice, 2010 International Business Law Institute, Minnesota CLE, 2010
- "The AiCE Veiled Identity Agent," Symposium of the Association for the Advancement of Artificial Intelligence, Stanford University Law School, 2010
- "Modeling and Implementing the Autonomous Intelligent Cyber Entity," Stanford University Law School, 2010
- "The Anatomy and Life of a License: A Review of Structure and Strategy," Hot Topics in Patent Licensing: Legal and Business Considerations, Minnesota CLE, 2009
- "Adopting a new normative framework and analysis (safe harbor?) for dealing with copyright infringement by electronic agents," Intellectual Property Scholars Conference, Stanford University Law School, 2008
- "E-Commerce Update: Recent Developments in Intellectual Property, Security, Privacy, and Jurisdiction," Business Law Institute, Minnesota CLE, 2004 - 2008
- "E-Commerce Law," Adjunct Professor, Hamline University School of Law, Fall 2007
- "Website Agreements: 'I Didn't Agree to Those Terms, Did I?'" Annual Meeting, American Bar Association, 2007
- "Drafting and Negotiating Complex License Agreements: Negotiation Strategies in the IT World," ABA Business Law Section, Spring 2007
- "2007 Hot Topics in Cyberlaw," program chair & moderator, ABA Business Law Section, Spring 2007
- "Drafting and Negotiating Complex License Agreements: What you don't know can hurt you in Business and in Court," The 2006 Midwest Intellectual Property Institute, Minnesota CLE, 2006
- "Sony's DRM Experience: When Copyright Attacks," ABA Business Law Section, Spring 2006
- "Browse-Wrap Agreements and Bots: Designed Avoidance and Imputed Assent for 'Blind' Electronic Agents," International Contracts Conference, Texas Wesleyan University School of Law, 2006
- "Venture Capital Update," at the law firm Maslon Edelman Borman & Brand, LLP, 2003
- "Venture Capital Hour," Program Writer and Host, National Practice Institute, 2002
- "Doing Business with Israeli High Tech Companies," MSBA International Law Section, 2002
- "Update on the Current State of the Venture Capital, M&A and IPO Markets," Minnesota CLE, 2001
- "Fundamentals of Conducting Due Diligence," National Practice Institute, 2001
- "Broadband Regulation," MSBA, 2001
- "Role of the Lawyer as a Strategist," National Practice Institute, 2001
- "New Market Streams and Venture Capital," Minnesota CLE, 2001
- "Venture Capital, Mergers and Acquisitions, Initial Public Offers and E-Commerce Update," course chairman and presenter, E-Commerce & Venture Capital Seminar, Minnesota CLE, 2001

SELECTED PUBLICATIONS

- Chapter 15, "Cybersecurity Uses of Artificial Intelligence," *The Law of Artificial Intelligence and Smart Machines*, American Bar Association, 2019
- Chapter 28, "A World with Ubiquitous Artificial Intelligence," *The Law of Artificial Intelligence and Smart Machines*, American Bar Association, 2019
- "Rise of the Intelligent Information Brokers: Role of Computational Law Applications in Administering the Dynamic Cybersecurity Threat Surface in IOT," 19 *Minn. J.L. Sci. & Tech.* 337, 2018
- "Rise of the Intelligent Information Brokers: Role of Computational Law Applications in Administering the Dynamic Cybersecurity Threat Surface in IOT," 19 *Minn. J.L. Sci. & Tech.* 337 (2018)
- "Building a Healthy Cyber Security Ecosystem: A Three-Part Discipline," *2016 Cyber Security Summit Guide*, 2016
- "Cybersecurity Supply Chain Review," *Midwest Reliability Matters*, Midwest Reliability Organization, March/April 2016
- "The Legal Reality of a Cyber Security Breach," *2015 Cyber Security Summit Guide*, 2015
- "Trademarks in Cyberspace: 2013 in Review," 70 *The Business Lawyer* 277 (Winter 2014/2015)
- "Hearsay Culture," Stanford University Radio KZSU-FM (featured guest on the topic of artificial intelligence and intellectual property law), 2013
- Stanford University Law School, Law, Science & Technology, The Center for Legal Informatics (CodeX), Blogger, April 2010 - present
- "The AiCE Veiled Identity Agent," position paper presented at the Association for the Advancement of Artificial Intelligence, Stanford University, 2010
- "Survey of the Law of Cyberspace: Intellectual Property Cases 2007," *Business Lawyer*, Vol. 64, No. 1, November 2008, p. 157
- "A click-through goes bad: The Agreement that Sparked a Storm," co-author, *Business Law Today*, January-February 2007
- "Sony's DRM Experience: When Copyright Protection Attacks" Oklahoma City University School of Law, *The Conference on Consumer Finance Law Quarterly Report*, January 2007
- "Safeselling.org," Contributing Author, ABA website, 2005-present
- "You Can't Live With it, You Can't...no, But What About Your Client?" (Reviewing compliance with the CAN-SPAM Act), *Business Law Today*, November-December 2004
- "Metamorphosis Inc.," 7 *Marq. Intell. Prop. L. Rev.* 17 (2003)
- "Metamorphosis Inc.," *Business Law Today*, January-February 2002
- "Protecting Intellectual Capital in Startups: A Guide for the Entrepreneurial Attorney in the New Economy," 28 *Wm. Mitchell L. Rev.* 1191 (2002)
- "Dot Coms Hold Out Hope," *Business Law Today*, July-August 2001
- "Information Component Management," *Disaster Recovery Journal*, Winter 1999