

Florida Bar Computer and Technology Committee Labor Day Retreat Meeting Minutes

Date: September 5, 2015

Transcribed: Keith Kanouse Jr., Vice Chair

Robert provided update on Proceedings Supplementary Task Force Committee that plans to seek Executive Council approval of amendments to Florida Statutes s. 56.29 (as well as select provisions of chapter 56 for purposes of consistency in statutory terminology). The proposed amendment is regarding intellectual property for Domain ownership / license as currently just for goods / channels. Because of competition interests and complexity that decision was made not to change any substantial law, but rather procedural changes in cleaning out and clarifying the statute. A final draft of the supplemental task force was created at the task force's September 4th, meeting.

Hot topics were discussed led by Keith Kanouse:

- Wyndym FTC case with "unfair competition" in which Motion to Dismiss was denied; FTC found Wyndym did not properly manage security for data breaches (admin password, no reset for 3 years, etc)
- FL Bar Opinion PAO 14-1 – Advising a client on hiding and/or removing photos and information from social sites related and unrelated to the matter for which the attorney is hired before litigation is filed.
- BWP Media USA Inc. v. Hollywood Fan Sites LLC., Case No. 14-CV-121(SDNY June 30, 2015) - DMCA Safe Harbor Requires Registered Agent with Copyright Office
- RadioShack Bankruptcy Case Highlights Value of Consumer Data
- Facebook Loses Appeal to Object to Search Warrants (In Re 381 Warrants Directed to Facebook Inc)

Upcoming issues and possible legislative actions in regards to computer and technology. In response to the Wyndym FTC case, a primary topic was regards to data privacy, best practices, and individual tort and regulatory liability. The question was raised regarding standard of care and if all industries and regulations might be moving toward a standard of care already in place for financial and health care industries via PCI and HIPAA compliance.

Robert spoke on his Vision of the Computer/Technology is where the IP committee was a decade ago where IP was really in demand and moved towards certification. Today it has 50 people regularly. It would be great if each person could recruit another potential member, with a target of business litigators.