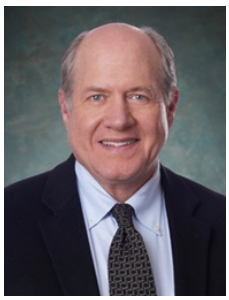

Michael R. Cohen, PLS, CIPP/US, CIPP/E, CIPM, FIP

MINNEAPOLIS
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PRACTICE AREAS

Entrepreneurial Services

Intellectual Property

Health Law

Intellectual Property & Technology

Mergers & Acquisitions

Licensing, Technology Transfer & Commercialization

Corporate & Business

Data Privacy & Cybersecurity Compliance

Intellectual Property Litigation

INDUSTRIES

Health Care

Technology

COURT MEMBERSHIPS

- Minnesota

EDUCATION

Michael Cohen is one of the leaders of the Lathrop GPM Global Privacy, Cybersecurity & Data Protection Group.

He advises clients on legal matters involving intellectual property transactions with special expertise related to information technology, data protection, privacy, and security.

Michael is a member of an elite group of lawyers who have been recognized by the International Association of Privacy Professionals (IAPP) and the American Bar Association as a Privacy Law Specialist (PLS). In recognition of his passing examinations in the area of United States privacy laws and an advanced concentration in European data protection laws, standards, and practices, he has been awarded both the CIPP/US and CIPP/E certification by the IAPP. He also holds the Certified Information Privacy Manager (CIPM) certification from the IAPP in recognition of his ability to establish, maintain, and manage enterprise wide privacy programs that are fully compliant with all relevant privacy laws and regulations. The CIPM is recognized by the American National Standards Institute (ANSI) as the gold standard accreditation for information privacy professionals.

Michael is among a select group of lawyers who have also been designated a Fellow of Information Privacy (FIP) by the IAPP. The FIP designation signifies that he has demonstrated a heightened knowledge of privacy laws, privacy program management, and data protection practices with significant practical experience in these areas.

Prior to joining Lathrop GPM Michael served as the in-house counsel for Lawson Software (now INFOR), as a partner at a top-tier intellectual

University of Minnesota Law School, J.D., 1985

University of Pittsburgh, B.A., 1977

Hebrew University, 1974

property law firm, and as a special assistant attorney general responsible for government procurement of technology and related services.

He is the author of "A Legal Guide to Privacy and Data Security," "A Legal Guide to the Internet," "A Legal Guide to Technology Transactions," and "A Legal Guide to the Use of Social Media in the Workplace," all published by the State of Minnesota Department of Employment and Economic Development, as well as "Computer Contracts and Entertainment Industry Agreements," published by Thomson/West.

Michael is the author of the chapter on IT Agreements that appears in the Minnesota Business Forms Deskbook published by Minnesota CLE.

Michael is an adjunct professor at Mitchell Hamline Law School where he teaches a course on data privacy law as part of the Cybersecurity and Privacy Law Certificate Program.

Representative Experience

General

- As privacy counsel, advises clients in "privacy by design" initiatives, incident management, and planning for data breach; breach notification; compliance with federal, state, and global data privacy laws and regulations; preparation of appropriate notices, policies, and procedures; employee training; and a variety of other data privacy and security matters
- Assists clients in identifying, evaluating, and managing risks associated with privacy and information security practices
- Advises clients on compliance with CCPA, CPRA, GLB, HIPAA, COPPA, CAN-SPAM, FCRA, TCPA, and other U.S state and federal privacy and data security laws and regulations, as well as global data protection requirements
- Provides guidance on cybersecurity risks, incidents, and policy issues, including proactive cyber incident readiness

- Conducts privacy assessments and audits
- Develops corporate records management programs and employee training
- Routinely assists clients in developing proactive cybersecurity readiness and appropriate responses to unauthorized access and use of data
- Advises multinational clients on methods to allow for cross border data transfers from EU in light of invalidation of Privacy Shield
- Counsels clients on data collection and sharing issues (including behavioral advertising and Big Data initiatives), as well as text messaging campaigns and TCPA compliance
- Counsels clients on data monetization efforts

Agreements

- Data Processing Agreements necessary to comply with GDPR and other global data privacy and security laws
- Comprehensive intellectual property, privacy, and e-commerce audits
- Cross branding and trademark license agreements for use in food industry
- License agreement with Disney for use by licensee of copyrighted images on clothing, gift items, and related accessories
- Licensing rights negotiations with major film companies for use by food company of major feature films for promotional purposes
- Music publishing agreements and related contracts for songwriters and others for record and music publishing company
- All forms of technology agreements including software licenses, data processing, data privacy and security addendums, hosting, SaaS, PaaS, ASP, outsourcing, development, cloud based, data center, subscription services, support services , SLA's, disaster recovery, source code escrow, online licensing, and related agreements

- Collaborative research agreement related to development of medical devices between Minnesota corporation and London based company
- Software distribution agreement between Minnesota developer of Web based business content management software and London based distributor
- Stent license agreement for leading provider of surface modification coatings for medical devices
- Manufacturing, supply, and license agreements for world leader in design and manufacture of quick disconnect couplings used in industrial, medical, chemical handling, and food and beverage industries
- Software development and license agreements for largest provider of sales force automation software
- Research and license agreement with NREL, the United States Department of Energy's premier laboratory for renewable energy research
- Sponsored research agreements between various universities throughout the country for purpose of developing products for commercial use by private companies
- Patent licenses for processes and products in the pharmaceutical, medical, electronic, telecommunications, agricultural, and other industries
- Computer network system acquisition including all hardware, software, and related services for use by a large national retailer based in Minnesota and implemented nationwide
- Multimillion-dollar agreement between the State of Minnesota and software vendor for the consolidation of the delivery of health and human services into one computer system network that included review and application of state and federal procurement regulations, as well as appropriate computer contracts
- Agreements related to large-scale outsourcing of information technology by multinational financial services institution

- All forms of license agreements, terms of use, privacy policies, security policies, social media policies, and related forms for e-commerce businesses

Events

- Data Privacy & Security for Franchisors
  July 28, 2021
- What You Need to Know About the California Consumer Privacy Act
  December 10, 2019
- What Franchisors Need to Know About the California Consumer Privacy Act
  November 14, 2019
- 23rd Annual Health Law Seminar
  July 25, 2019
- Privacy and Data Security Workshop
  February 21, 2019
- What Franchisors Need to Know About the GDPR
  May 30, 2018
- GPM TechLaw 1.1
  December 11, 2015
- Privacy and Data Security Workshop
  May 20, 2015
- Cyber Liability Seminar
  November 20, 2014
- A Legal Guide to Privacy, Ramsey County Bar Association
  September 19, 2014
- Legal Guide to Privacy and Data Security: A Seminar Presented by Minnesota CLE
  August 18, 2014
- A Legal Guide to Use of Social Media in the Workplace:A Workshop
  February 18, 2014
- Advanced IP Issues in Contracts: IP Contract Negotiation in Today's Market – Strategies and Success Stories
  January 30, 2014
- A Legal Guide To Technology Transactions
  June 22, 2012

Presentations

- Speaker, "New State Laws Beyond California - Trends and Compliance Answers," 2024 Midwest Legal Conference on Data Privacy and Cybersecurity, February 9, 2024
- Presenter, "Data Privacy & Security: Understanding the Basics," Minnesota CLE, October 12, 2023
- Presenter, "Data Privacy and Security-The Complete Lawyer," Minnesota CLE, June 27, 2023
- Presenter, "Data Privacy and Security 101: Understanding the Basics," Minnesota CLE, September 22, 2022
- Presenter, "Top Ten Issues for Businesses to Consider When Contracting for Information Technology," Minnesota CLE, October 6, 2021
- Presenter, "Top Ten Issues for Businesses to Consider When Contracting for Information Technology," 2021 Business Law Institute, Minnesota CLE, May 4, 2021
- Presenter, "Understanding the Basics of Data Privacy Law, Data Privacy and Security Fundamentals Seminar," Minnesota CLE, May 5, 2021
- Presenter, "Data Privacy and Security, The Complete Lawyer," Minnesota CLE, June 9, 2021
- Speaker, "Privacy Hall of Fame: One Person Can Make a Difference. How individuals have made a difference in how we think about privacy or have caused laws or practices to change as a result of their actions," Midwest Legal Conference on Privacy and Data Security, February 9, 2021
- Speaker, "IT Agreements," Minnesota Business Forms Seminar, January 13, 2021
- Webinar Presenter, "Data Privacy | The New Litigation Battleground," Association of Corporate Counsel, September 23, 2020
- "10 Practical CCPA Compliance Tips for In-House Counsel," Minnesota CLE 2020 In-House Counsel Crash Course, March 6, 2020
- "CCPA Clones Are on the Way," 2020 Midwest Legal Conference on Privacy and Data Security, February 13, 2020
- "What You Need to Know About the CCPA," 2020 Midwest Legal Conference on Privacy and Data Security, February 12, 2020

- "Operationalizing Legal Compliance with GDPR and the New California Consumer Privacy Act," Technology Law Institute, November 13, 2018
- "Why Trustees Must Understand Cybersecurity," Minnesota Hospital Association Summer Trustee Conference, July 14, 2018
- "Data Privacy and Security for IoT-Risk Factor or Competitive Advantage?" IoT Fuse Conference, May 3, 2018
- Moderator & Conference Chair, "The Tension Between Privacy and Security," Midwest Legal Conference on Privacy and Data Security, January 26, 2017
- Speaker & Institute Chair, "Creating a Privacy and Data Security Toolkit: Practical Steps," Computer and Technology Law Institute, November 10, 2016
- "Information Security and Information Privacy - Should I Be Concerned for My Business?," Travel Leaders Executive Series, September 7, 2016
- Speaker & Course Chair, "Update Your Global Privacy Compliance Toolkit: Preparing for the GDPR, Cross Border Data Transfer, and More!," Minnesota CLE, August 4, 2016
- "Lessons from the Panama Papers: Cybersecurity for Law Firms," Minnesota State Bar Convention, June 24, 2016
- Moderator & Conference Chair, "FTC and SEC Enforcement Perspectives on Privacy," Midwest Legal Conference on Privacy and Data Security, January 14, 2016
- Chair & Presenter, "A Legal Guide to Privacy and Data Security and Data Breach, Preparedness and Response," Minnesota CLE, October 2, 2015
- Moderator, "Panel of Privacy Professionals from Target, U.S. Bank, Cargill, and United Health Care," IAPP KnowledgeNet Program, August 6, 2015
- "Contracting for Privacy and Security: Managing and Allocating Risk," presenter, Minnesota CLE, June 11, 2015
- Presenter, "A Legal Guide to Privacy and Data Security," GPM workshop in collaboration with Minnesota Department of Economic Security, May 7, 2015
- Presenter, "IP Transactions—Hot Spots," Intellectual Property Essentials for the Non-IP Lawyer, Minnesota CLE, April 8, 2015
- "From Aristotle to Groucho Marx: Negotiating Technology Agreements," Educational Conference for Minnesota City Attorneys, February 6, 2015

- "Hays Companies Data Breach Discussion: Is Your Company Protected?" Cyber Liabilities Seminar, November 20, 2014
- Co-presenter, "Privacy and the Law," with Professor William McGeveran, American Constitution Society and Student Intellectual Property Law Association, October 21, 2014
- "A Legal Guide to Privacy and Data Security: Data Privacy, Security, and Access in the Digital Age," Office of the Revisor of Statutes, St. Paul, Minnesota, October 9, 2014
- Presenter, "A Legal Guide to Privacy," Ramsey County Bar Association, September 19, 2014
- Presenter, "Legal Guide to Privacy and Data Security: A Seminar Presented by Minnesota CLE," August 18, 2014
- Presenter, "Introduction to Privacy Law," Minnesota CLE, Legal Guide to Privacy and Data Security, August 18, 2014
- Presenter, "What's Next—What Attorneys Need to Have on Their 'Privacy Radar,'" Minnesota CLE, Legal Guide to Privacy and Data Security, August 18, 2014
- "Legal Topics for the PR Practitioner—Social Media, Privacy and More," Public Relations Society of America, Minnesota chapter, June 24, 2014
- Facilitated Pro Bono Privacy Clinic at Target West Campus in Minneapolis for non-profit organizations in need of privacy counsel, September 26, 2013
- "Navigating Intellectual Property of United States," BioPeople and Danish American Business Forum, Copenhagen, Denmark, September 12, 2013
- "Legal Guide to Social Media in the Workplace," Gray Plant Mooty, August 28, 2013
- "From Aristotle to Groucho: Negotiating Effective IT Contracts," MCN Non-profits Technology and Communications Conference, Minneapolis, April 10, 2013
- "Workshop on Technology Licensing, MinneBar 8, the so-called 'unconference,'" April 6, 2013
- "Teaching Intellectual Property Through Music," MJF Street Law Program, January 1, 2013
- "Start Me Up! Workshop," Carlson School of Management, Minneapolis, Minnesota, October 1, 2012
- "IP Due Diligence—Lessons Learned From In-House Counsel," M&A Networking Group, April 1, 2012

- "Intellectual Property Basics From Mouthwash to Music," BizLounge, February 1, 2012
- "Intellectual Property Considerations for Start-ups," Project Skyway, October 1, 2011
- "Selecting the Right Arbitration Provision: A Seminar for In-House Counsel," November 1, 2006
- "Licensing: A Strategy for Procurement, Protection, and Profits," Seattle, Washington, October 1, 2005
- "E-Commerce: Know Your Online Rights," St. Cloud, Minnesota, October 1, 2004
- "IP Licensing," Atlanta, Georgia, September 1, 2004
- "IP and Music," July 2, 2004
- "License Agreements: New Developments," July 1, 2003
- "Integrating Knowledge, Technology and Security," November 1, 2002
- "E-Commerce: Know your Online Rights," September 1, 2002
- "License Agreements: Case Law Developments," August 1, 2002
- "Using IP to Create Wealth and Increase Asset Return and Shareholder Value," March 1, 2002
- "Precision Software Licensing," Palm Desert, California, October 1, 2001
- "Intellectual Property Rights and Marketing Online," July 1, 2000
- "Intellectual Property in the New Millennium," February 1, 2000
- "Developing a Corporate Intellectual Property Strategy," New York, February 1, 1999
- "Protecting Your Company's Valuable Proprietary and Intellectual Property Rights," April 1, 1998
- "From Aristotle to Henry Ford: A Basic Approach to Licensing," September 1, 1995
- "Outsourcing Contracts-Unwinding the Deal," May 1, 1995
- Workshops for Procurement Officers of Federal Department of Health and Human Services, January 1, 1990

Publications

- Author, "A Legal Guide to Privacy and Data Security," Minnesota Department of Employment and Economic Development, January 2024

- Author, "A Legal Guide to Privacy and Data Security," Minnesota Department of Employment and Economic Development, January 2023
- Author, "A Legal Guide to Privacy and Data Security," Minnesota Department of Employment and Economic Development, January 2022
- Chapter Author, "Chapter on Data Privacy and Security for **The Complete Lawyer**," Minnesota CLE, June 2021
- Author, "A Legal Guide to Privacy and Data Security," Minnesota Department of Employment and Economic Development, January 2021
- Chapter Author, "IT Agreements," Minnesota Business Forms Deskbook, Minnesota CLE, January 2021
- Author, "A Legal Guide to Privacy and Data Security," Minnesota Department of Employment and Economic Development, January 2020
- Author, "A Legal Guide To Technology Transactions," Minnesota Department of Employment & Economic Development and Gray Plant Mooty, October 2019
- "A Legal Guide to Privacy and Data Security," Minnesota Department of Employment and Economic Development, December 18, 2018
- "Is Your Franchise Ready for GDPR?" Franchising World, August 28, 2018
- "A Legal Guide to Privacy and Data Security," Minnesota Department of Employment and Economic Development [second version], March 2016
- Regular contributor of articles to international publications, *Licensing in the Boardroom*, and the *National Law Journal*, January 2016
- Co-author, "State Q&A, Right of Publicity: Minnesota," PracticalLaw.com, March 2, 2015
- "Computer Contracts," West-Thomson, updated annually since 1988
- "Entertainment Industry Agreements," West-Thomson, updated annually since 2006
- Author, "Legal Guide to Privacy and Data Security," Minnesota Department of Employment and Economic Development, April 2014

- Co-author, "Legal Guide to the Use of Social Media in the Workplace," Minnesota Department of Employment & Economic Development, June 2013
- "A Legal Guide To Technology Transactions," MN Department of Employment & Economic Development and Gray Plant Mooty, May 2012
- "Entertainment and Media Law Strategies - Leading Lawyers on Case Strategies, Exceeding Client Expectations, and Negotiating Deals," Aspatore Books, January 2007
- "Legal Guide to the Internet," for use by non-lawyers to better understand data privacy and other issues related to e-commerce, Minnesota Department of Trade and Economic Development, January 2006
- Co-author, "Legal Guide to the Use of Social Media in the Workplace," Minnesota Department of Employment & Economic Development, June 2003

Client Alerts And Blog Posts

- Are You Ready for 2023's New Data Privacy Laws?
  January 11, 2023
- Are You Ready For 2023's New Data Privacy Laws?
  January 5, 2023
- First CCPA Enforcement Action by the California AG – Lessons Learned
  September 8, 2022
- Shields Up: Russian Cyberattacks Headed Our Way
  May 4, 2022
- 2022 Legal Guide to Privacy and Data Security
  January 19, 2022
- EU Issues New Standard Contractual Clauses for Data Transfers
  June 21, 2021
- The SolarWinds Attack — What Should a Business Do?
  December 21, 2020
- Privacy Alert: 2020 Election Ushers in a New California Privacy Rights Act (aka "CCPA 2.0")
  November 4, 2020
- Franchisors Impacted by EU Limits on Personal Data Transfers to the U.S.
  July 22, 2020

- EU Throttles Transfer of Personal Data to the United States
  July 20, 2020
- CCPA Enforcement Remains on Track Despite COVID-19 Pandemic
  May 21, 2020
- Using E-Commerce to Survive COVID-19
  April 6, 2020
- Cybersecurity for a Remote Workforce
  March 24, 2020
- Privacy Alert: Let the CCPA Class Action Lawsuits Commence
  February 11, 2020
- Privacy Alert: Are You Ready for the California Consumer Privacy Act (And the Lawsuits to Follow)?
  October 14, 2019
- IP Alert: GDPR Arrives in the U.S. – The 2018 California Consumer Privacy Act
  July 18, 2018
- Privacy and Data Security Alert: Privacy Shield Now Open for Business
  August 17, 2016
- Privacy and Data Security Alert: Key Privacy Developments for 2016
  May 2, 2016
- Privacy Alert: EU-U.S. Safe Harbor for Data Transfer No Longer Valid
  October 8, 2015
- Privacy Alert – Judge Backs FTC Authority in Data Breach Case Against Franchisor
  April 10, 2014
- IP Alert: Don't Forget the IT Agreement
  January 14, 2014
- Privacy Alert – FTC Action May Turn Traditional Concepts of Privacy Enforcement and Franchise Law on Their Heads
  December 17, 2013

In The News

- Minnesota Lawyer Quotes Partner Michael Cohen on Data Privacy and the 2023 Legal Guide
  March 14, 2023
- Attorney At Law Magazine Features Counsel Michael Cohen, 2023 Edition of Legal Guide to Privacy and Data Security for Minnesota

Businesses
February 6, 2023

- "Breaking the Ice: Attorney Offers Businesses Tech Deal Advice," Minnesota Lawyer
  October 16, 2019
- "Everyone's Worried About GDPR, but It May Be the Y2K of Data Privacy," www.law.com
  May 25, 2018
- "3 Things You Should Know About Europe's Sweeping New Data Privacy Law," NPR: All Tech Considered
  May 24, 2018
- "Some Lessons From Facebook's Big Data Fail," Star Tribune
  May 6, 2018
- "Europe's New Online Privacy Rules Could Protect U.S. Users Too," NPR: All Tech Considered
  April 16, 2018
- "Cybersecurity Insurance 101," Minnesota Business
  December 1, 2017
- "Solo Practice: Data breach can affect any practice," Minnesota Lawyer
  October 13, 2016
- "Free advice for small businesses," Minnesota Lawyer
  May 26, 2016
- "Caveat: Post with care," Minnesota Business Magazine
  May 17, 2016
- "Privacy ruling in Europe a 'bombshell' for U.S. firms," Star Tribune
  October 24, 2015
- “Free Privacy, Data-Security Guide Available,” Minnesota Lawyer
  July 24, 2014
- “Law Firm Creates Free Guide To Data Security For Businesses,” Twin Cities Business Magazine
  July 24, 2014
- Michael Cohen Appointed to Merchant and Financial Services Cybersecurity Partnership Group
  May 1, 2014
- "11 social media legal risks and tips businesses need to know," Minneapolis/St. Paul Business Journal
  August 12, 2013

- Two GPM Attorneys Present to Future Entrepreneurs at CSOM
  October 29, 2012

News Releases

- Eight Lathrop GPM Attorneys Named Lawyer of the Year, 89 Ranked as The Best Lawyers in America©
  August 17, 2023
- 23 Lathrop GPM Attorneys in Minneapolis Recognized for 2022 Pro Bono Service
  June 5, 2023
- Lathrop GPM LLP Announces Release of 2023 Legal Guide to Privacy and Data Security
  February 2, 2023
- Six Lathrop GPM Attorneys Named Lawyer of the Year, 95 Ranked as The Best Lawyers in America©
  August 18, 2022
- Lathrop GPM Attorneys in Minnesota Recognized for Pro Bono Service
  June 21, 2022
- Seven Lathrop GPM Attorneys Named Lawyer of the Year, 100 Ranked as The Best Lawyers in America©
  August 19, 2021
- Lathrop GPM Franchise Practice Group Closes Deal Between Home Health Care Giants
  August 13, 2021
- Lathrop GPM Attorneys Named to The Best Lawyers in America©, Lawyer of the Year, and Ones to Watch for 2021
  August 20, 2020
- New Privacy Guide Published for Businesses, Includes CCPA
  February 25, 2020
- Technology Transactions Guide Published
  October 9, 2019
- Attorneys Recognized for Pro Bono Service
  June 14, 2019
- 2019 Privacy and Data Security Guide Published
  December 18, 2018
- Attorneys Recognized for Pro Bono Service
  July 16, 2018
- DEED Offers Updated Legal Guide to Privacy and Data Security
  May 9, 2016

- 34 Gray Plant Mooty Attorneys Recognized as North Star Lawyers
  May 5, 2016
- Gray Plant Mooty Ranked Among Top 25 Twin Cities IP Law Firms
  July 24, 2015
- Gray Plant Mooty Principal Michael Cohen Earns European Privacy Professional Certification
  November 12, 2014
- DEED and Local Legal Experts Publish Privacy and Data Security Guide
  July 23, 2014
- Gray Plant Mooty Attorneys Assist in the Publishing of The Franchise Law Review
  February 21, 2014
- Gray Plant Mooty's Mike Cohen Partners with State of Minnesota to Author Guide for Technology Transactions
  May 4, 2012
- Gray Plant Mooty's Mike Cohen Earns Certified Information Privacy Professional Credential
  April 25, 2012
- Michael Cohen—Prominent Intellectual Property, Technology, and Business Transaction Attorney—Joins Gray Plant Mooty
  November 8, 2011

Professional Affiliations

- 2021 Midwest Legal Conference on Privacy and Data Security, Planning Committee
- Certified Information Privacy Professional (CIPP/US)
- Certified Information Privacy Professional/Europe (CIPP/E)
- Certified Information Privacy Manager (CIPM)
- Fellow of Information Privacy (FIP)
- Privacy Law Specialist (PLS)
- International Association of Privacy Professionals KnowledgeNet Program, Minnesota Chapter, Chair
- Minnesota State Bar Association, Computer Law Section, Member of the Executive Council, Past President
- Mitchell Hamline School of Law, Cybersecurity and Privacy Law Program, Affiliated Professor

Community Involvement

- Jewish Community Relations Council, Board Member

Honors

- Selected among *The Best Lawyers in America®,* 2021-2024
- Minnesota State Bar Association, "North Star Lawyers," 2021-2023
- *Minnesota Monthly,* "Minnesota's Top Lawyers," 2022