



Kathleen M. Porter

Partner

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Kathleen M. Porter's practice straddles the areas of intellectual property, business transactions, trade regulation, and Internet law, and includes import/export control issues, such as compliance and enforcement, competition, privacy, and data security. Kathleen has been named the *Best Lawyers®* Information Technology Law "Lawyer of the Year" in Boston for 2025, 2020 and 2013. She is an intellectual property and technology lawyer in our Business Transactions group, co-chair of the International Practice, and former chair of our Intellectual Property + Technology group.

Her clients include companies in the precision manufacturing, life science, food + beverage, energy, consumer products, software, Internet and e-commerce sectors, and other technology-driven businesses.

Business Transactions

Kathleen has extensive experience in structuring and negotiating sophisticated domestic and cross-border commercial transactions, including license, OEM, distribution, co-packing, manufacturing, and development agreements; acquisitions; supply, distribution outsourcing, and partnering arrangements; strategic alliances; business opportunities; and joint ventures.

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Intellectual Property + Technology

Kathleen counsels clients on the development, protection, and commercialization of intellectual property and technology. In particular, she has significant experience with e-commerce and Internet law issues, specifically online contracting, including click-through and browse-wrap agreements, mobile applications, social media, online advertising, promotions, blogs, testimonials and sweepstakes, terms of use, and electronic signatures; and with online and Internet-related agreements, including website development and hosting agreements as well as content and other licensing arrangements.

Trade Regulation/Competition

Kathleen advises clients on competition and regulatory issues, including price restraints and discrimination, volume discounts, Minimum Advertised Price (MAP) and other pricing programs, territorial and exclusive licensing restrictions, joint buying

programs and other trade association or group activities, consumer protection, promotions, and advertising. She also counsels clients on compliance with competition law, including the preparation of competition law pre-merger filings, and coordinates the preparation of foreign competition law filings.

International

In addition to the cross-border transactional representation of domestic and international clients, Kathleen regularly advises foreign companies on their entry into the U.S. market, including corporate and regulatory issues such as entity selection, regulatory filings (including CFIUS and Department of Defense filings), structuring commercial and co-packing agreements and marketing and sales issues, intellectual property protection, and day-to-day legal advice.

Data Security/Privacy

Kathleen counsels businesses on the development and implementation of data security and privacy practices to comply with the patchwork of laws and rules applicable to the collection, use, safeguarding, sharing, and transfer of protected or personal data. She regularly structures arrangements with promoters, marketers, website exchanges, and other third parties for the purchase, sale, sharing, and safeguarding of personal data. She prepares and negotiates representations, warranties, and indemnities regarding personal or protected data and privacy and data practices. Kathleen also assists clients with privacy audits and works with third-party certification organizations to obtain certification of companies' privacy practices. She guides clients through internal investigations to assess and address notice and other obligations regarding privacy breaches. Kathleen often works closely with our litigation attorneys to manage external investigations such as those by federal or state regulators.

Additionally, Kathleen is active in trade and privacy-focused professional organizations and attends professional, FTC, and state AG-sponsored workshops and programs to keep apprised of trade and privacy initiatives, trends, and legislative agendas as well as behavioral and dynamic marketing and emerging uses of personal data.

A regular speaker and author on data privacy and technology issues in commercial transactions, Kathleen was a panelist at the Annual PLI Privacy Data Security Conference in Chicago for several years, speaking on IT transactions. Over the last several years, she also has spoken about and authored articles on the use of mobile devices in the workplace (BYOD), including for the American Bar Association's Business Section, the International Legal Technology Association, and Network World. In 2022, she presented on Cybersecurity and Data Privacy at the SCG Legal 2022 Midyear Meeting in Lisbon, Portugal. Kathleen is also a regular contributor to our firm's [Data Privacy + Security Insider](#) blog. For several years prior to law school, Kathleen worked for a Northeast food and beverage manufacturer.

Services

- Intellectual Property + Technology
- Antitrust + Trade Regulation
- Creditors' Rights
- Data Privacy + Cybersecurity
- Distributorship + Franchise Law
- Emerging Companies + Venture Capital
- General Corporate Services
- Health Care Information Technology
- Intellectual Property Litigation
- International

Industries

- Technology

- Food + Beverage
- Manufacturing

Education

- Western New England University School of Law (Juris Doctor, *cum laude*)
 - Law Review
- Fitchburg State University (Bachelors, *cum laude*)
 - B.A., English
 - Professional Writing Tract

Admissions

- Commonwealth of Massachusetts
- State of Connecticut

Recognitions

Named the [*Best Lawyers*](#)® Information Technology Law "Lawyer of the Year" in Boston for 2025, 2020 and 2013

Selected by her peers for inclusion in [*The Best Lawyers in America*](#)® in the area of Information Technology Law since 2009 and in the area of Privacy and Data Security Law in 2023

Certified Information Privacy Professional/US (CIPP/US) by the International Association of Privacy Professionals (IAPP)

Recognized by *Massachusetts Lawyers Weekly* as a 2021 "Massachusetts Go To Lawyer" in the area of Intellectual Property

Recognized as a 2022 Top Women of Law honoree by *Massachusetts Lawyers Weekly*

Leadership + Memberships

American Bar Association

Business Law Section, Cyberspace Law and Intellectual Property Committees
Former Member Chair of Electronic Contracting Practices Working Group, Cyberspace Law Committee
Section of Antitrust Law

International Association of Privacy Professionals (2010 - Present)

CPR Institute for Dispute Resolution

Former Advisory Board on Privacy

Licensing Executives Society

Former Member

Women's Competition Network (2010 - Present)

Envisioning Access Inc.

Former Board of Directors

Transactional LawMeet

New England Regional Competition Judge

