



## HEIDI HOWARD TANDY

### Partner

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Heidi Tandy is a partner in Berger Singerman's Miami office. Board Certified by The Florida Bar in Intellectual Property Law and a Member of the Bar of the Supreme Court of the United States, Heidi has more than twenty five years of experience. Heidi has handled corporate, licensing and litigation matters involving the internet, social media, privacy, intellectual property and tech law issues, for large and small corporate clients and individuals, from retail stores to groundbreaking online content creators, as well as hotels, restaurants, jewelry designers, educators, podcasters, website and app developers, novelists, theatrical producers and an Emmy-award winning makeup artist. She's worked with content creators, technology builders, individual business owners, and large corporations to successfully protect websites, apps, copyrights and trademarks. Since the 1990s, Heidi's work has included the creation of terms of service and privacy policies and best practices, as well as creating website accessibility policies and general internet policies and procedures for companies such as The Bump, the Organization for Transformative Works and Delivery Dudes. Heidi Tandy has filed hundreds of trademark applications, litigated before the Trademark Trial and Appeal Board, the World Intellectual Property Organization and in federal and Florida courts, created and negotiated license agreements and assignments, and protected the rights of clients around the world.

### Education

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J.D., Washington College of Law at American University  
B.A., University of Pennsylvania

## Bar Admissions

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Florida  
New York  
U.S. Court of Appeals, Second Circuit  
U.S. District Court, Southern District of Florida  
U.S. District Court, Eastern and Southern Districts of New York  
U.S. Supreme Court

## Practice Teams

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Business, Finance & Tax  
Dispute Resolution

## Practice Areas

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Intellectual Property

- Intellectual Property Enforcement and Litigation
- Intellectual Property Transactions and Licensing
- Trademark Prosecution
- Patent Prosecution
- Copyrights
- Internet and Social Media
- Data Privacy

## Representative Matters

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- Managed hundreds of trademark applications filed with the U.S. Trademark Office.
- Achieved confidential settlements in matters involving alleged trademark infringement.
- Defeated Summary Judgment motion at Trademark Trial and Appeal Board by demonstrating extensive issues of dispute between the parties.
- Convinced the Trademark Office to determine that a mark initially deemed “highly descriptive” had acquired distinctiveness, and was registerable on the Principal Register.
- Successfully negotiated a settlement agreement that obligated a junior user to cease use of a mark that was likely to be confused with the client’s mark.
- Created policies in line with GDPR regulations for corporations and nonprofits

- Successfully defended client in a matter involving a baseless accusation of noncompliance by a website with the ADA by filing a Motion to Dismiss which resulted in the Plaintiff withdrawing the complaint with prejudice.
- Created policies for website community management and social media content creation.
- Developed process for client to determine whether content creation made fair use of third party images and text.

## Awards & Honors

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- *Chambers & Partners USA, America's Leading Business Lawyers*, Intellectual Property, 2023-2024
- Member of Legal Committee for Archive of Our Own, Winner of the Best Related Work Hugo Award, 2019

## Community Activities / Associations

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- Member, Dean's Advisory Board (Intellectual Property), American University Washington College of Law
- Member, Miami Beach Human Rights Committee
- Member, INTA's unREAL Campaign Committee (2019–2023)
- Member, Penn Press External Board of Advisors

## In the News

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The Society of Trust and Estate Practitioners Features Berger Singerman in its 'Industry News' column: 'US federal district court rules Corporate Transparency Act is unconstitutional'  
March 12, 2024

Attractions Magazine Quotes Heidi Tandy on "'Steamboat Willie' is now in the public domain. What does this mean for Mickey Mouse?"  
January 4, 2024

Berger Singerman Recognized by Chambers USA for Twentieth Consecutive Year  
June 1, 2023

Coda Story Quotes Heidi Tandy  
May 24, 2023

Business of Fashion Quotes Heidi Tandy in, "What Would a US TikTok Ban Mean for Fashion"  
March 27, 2023

Vogue Business Quotes Heidi Tandy in, "What the Metabirkins verdict means for the future of Web3 fashion"  
February 13, 2023

Bloomberg Quotes Heidi Howard Tandy in, "Ye-Adidas Divorce Muddles Ownership of Yeezy Brand, Designs"  
October 29, 2022

The Daily Beast Quotes Heidi Howard Tandy in, "Is It Time to Rethink the Rules of Fanfiction?"  
October 23, 2022

Client Alert: EU-US Data Privacy Framework  
October 14, 2022

GlobeSt. Quotes Heidi Howard Tandy in, "CRE Firms Are Ripe for Ransomware Attacks"  
July 6, 2021

Daily Business Review Quotes Heidi Howard Tandy in, "CRE Firms Are Ripe for Ransomware Attacks"  
July 6, 2021

Daily Business Review Quotes Heidi Tandy in "Trespass Add-Ons to ADA Website Suits Face Uncertain Future"  
January 28, 2020

How to Keep Fanfiction Legal and Avoid Trouble with Lawyers  
November 11, 2019

Berger Singerman Expands Intellectual Property Practice with Addition of Heidi Howard Tandy  
September 3, 2019

## **Publications**

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Daily Business Review "Protecting Trade Secrets in a Post-Noncompete Era: A Strategic Approach"  
May 1, 2024

Intellectual Property Magazine, "Home Learning"  
April 27, 2020

IP Watchdog, "Emergency Distance Learning and Fair Use"  
April 1, 2020

Inside Business, "Make sure your business is compliant with new EU data protection regulations"  
May 10, 2018

## **Events & Speaking Engagements**

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Heidi Howard Tandy, Panelist, "Dungeons & Dragons: The Twenty-Sided Tavern Goes Off-Broadway", 2024 Comic-Con International: San Diego  
July 28, 2024

Heidi Howard Tandy, Speaker, "Navigating the Crossroads of Cybersecurity and IP Law: Analyzing Top Cyber Threats Against Internal Company IP and Response Strategies After a Breach," 4th Annual Forum for Women Leaders in IP Law  
June 26, 2024

Heidi Howard Tandy, Panelist, "Striking the Right Balance: How can Businesses Ensure their Rights are Protected without Crushing the Fan Creativity in a Post-Bad Spaniels/Warhol World?" INTA 2024  
May 22, 2024

Dizney Coast to Coast Podcast, "Discussing Disney and Public Domain with a Lawyer," Featuring Heidi Tandy  
March 15, 2024

Heidi Howard Tandy, Panelist, "Are We Wizards?" San Diego Comic Con  
2022

Heidi Howard Tandy, Moderator, "Fandom Pane," San Diego Comic Con  
2018

Heidi Howard Tandy, Speaker, "Fanworks & Copyright," ABA IPLaw West  
2018

Heidi Howard Tandy, Speaker, "Reputation Management, Social Media and Teenagers," Women of Tomorrow  
2018

Heidi Howard Tandy, Table Topic Host and Academic Day Speaker, International Trademark Association  
2018

Heidi Howard Tandy, Speaker, "Social Media Law Basics," ABA  
2017

Heidi Howard Tandy, Panelist, "Fair Use," VidCon  
2016

Heidi Howard Tandy, Speaker, "Fair Use," International Trademark Association  
2016

Heidi Howard Tandy, Speaker, "Fair Use and Online Content," South by Southwest  
2016

## **Doing Business in Florida Blog**

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A Federal Court Situated in Alabama Enjoins Enforcement of Corporate Transparency Act Against Plaintiffs in that Action: What Reporting Companies Need to Know  
March 6, 2024

Client Alert - Corporate Transparency Act: FinCEN Finalizes 90-Day Extension to Certain Filing Deadlines  
November 30, 2023

Client Alert - Corporate Transparency Act: FinCEN Proposes 90-Day Extension to Certain Filing Deadlines  
October 18, 2023

SCOTUS Limits Extraterritorial Reach of Lanham Act  
June 29, 2023

Bad Spaniels Sent Back to Lower Court  
June 12, 2023

Client Alert: Updated Social Media Rules in California  
September 21, 2022

Fair Use Developments: Supreme Court Rules For Google In Oracle Copyright Dispute  
April 7, 2021

3D Printing: New Technology, New Risks  
March 17, 2021

Black Friday and Cyber Week for Brands at Amazon  
November 30, 2020

Amazon Subject to Strict Liability for Defective Products Offered on its Website by Third-Party Sellers  
August 20, 2020

"Privacy Shield" for Europeans' Data Use in US Dissolves  
July 16, 2020

Supreme Court Permits Trademark Registration for Booking.com  
June 29, 2020

The Impact of Fossil on Businesses and Brands  
April 27, 2020

Zooming With Care: A Guide to Privacy and Privilege Issues  
April 16, 2020

Fair Use and Distance Learning in the Time of COVID-19  
March 24, 2020

Can You Share the Photos Your Employees Took at Your Annual Picnic?  
September 26, 2019

Changes at the USPTO for Individual Applicants and Foreign Businesses  
September 9, 2019

## **Prior Affiliations**

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- Price Benowitz, LLP
- Ziglaw
- Gunster Yoakley
- Carlton Fields
- Ruden McClosky
- Stroock & Stroock & Lavan