

Fisher Broyles

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Practice Areas: Commercial Transactions; Cyber-Risk; Privacy & Data Security; Environmental Health & Safety; Government; Insurance; Intellectual Property; Internet E-Commerce; Litigation – Appellate; Litigation – Civil Pretrial and Trial Services; Litigation & Risk Management; Political Law & Litigation; Regulatory Law & Government Contracts; Technology

Bar Admissions: New York; District of Columbia; Virginia; U.S. District Court, District of Columbia; U.S. District Court, EDNY; U.S. District Court, SDNY; U.S. Supreme Court

Education: Georgetown University Law Center, J.D., Magna Cum Laude, Georgetown Law Journal; Duke University, A.B., Cum Laude, Pi Sigma Alpha

Experience: Steptoe & Johnson LLP

Recognition: New York Metro Super Lawyers: Super Lawyer, 2019; New York Metro Super Lawyers: Super Lawyer, 2018; New York Metro Super Lawyers: Super Lawyer, 2017; New York Metro Super Lawyers: Super Lawyer, 2016; New York Metro Super Lawyers: Rising Star, 2014; Certified Information Privacy Professional (CIPP/US)

Tony's practice covers commercial litigation and government relations, and intellectual property (IP) and technology counseling.

Commercial Litigation and Government Affairs

Tony's litigation practice covers a wide variety of commercial and technology-enforcement matters in various industry sectors, including at the state and federal trial and appellate levels, and before specialized tribunals.

Representative Litigation Matters Include

- Injunction against EPA in Federal Advisory Committee Act action concerning development of the Pebble Mine in Alaska

- Securing injunctions and money judgments for trademark and copyright infringement against Internet cyber pirates for streaming TV shows and movies
- Anti-spam litigation on behalf of Internet Service Providers
- Dismissal of products liability action against Italian consumer products manufacturer
- Dismissal of putative class action alleging consumer fraud against major consumer software manufacturer
- Insurance coverage actions
- Injunction against online defamation
- Contract, trade secrets, and restrictive covenants disputes
- Real estate disputes, including hotel owner representation, and sponsor-side and board-side representation in condominium litigation

Tony has extensive experience litigating under the Foreign Sovereign Immunities Act and representing claimants before the Foreign Claims Settlement Commission. He represented American prisoners of war tortured by Iraq during the 1991 Gulf War and civilians taken hostage and tortured during that conflict. These representations included extensive lobbying before Congress and executive branch agencies, and public relations initiatives, including coverage through MSNBC, CNN, The Washington Post, National Law Journal, and The Hill. For over 20 years, Tony has worked in Washington, DC politics, including as a lobbyist, pollster, and campaign strategist.

Tony also represents clients in government investigations and agency compliance matters.

Representative Government Investigations and Compliance Include

- Office of Foreign Assets Control (OFAC) compliance and defense
- Internal investigations
- Clean Water Act compliance and defense
- Representation of off-shore oil and gas drilling companies in BSEE investigations of rig blowouts
- Representation of national third-party in FEC dispute and state-by-state presidential ballot access initiative

IP and Technology Counseling

Tony's IP and technology practice covers multiple disciplines. He is a Certified Information Privacy Professional (CIPP/US) and formerly head of an Internet, New gTLD & Domain Name Services group.

Tony's practice focuses on

- Copyright and trademark enforcement and defense
- Brand protection, online enforcement and domain portfolio management
- Cybersecurity compliance, including financial services/banking/insurance compliance with federal and state regulations such as the New York Department of Financial Services Cybersecurity Regulation
- Anti-cyber piracy, cybersquatting, Computer Fraud and Abuse Act, and DMCA anti-circumvention
- Privacy and state data breach laws
- Advertising and consumer protection issues, including FTC compliance
- Spam email and Telephone Consumer Protection Act (TCPA) texting compliance
- Operation of .BRAND and community Top-Level Domain Internet registries

Tony has extensive experience counseling clients on ICANN's New gTLD program. In 2012, he represented clients accounting for approximately 10% of all New gTLD applications submitted worldwide, including prominent companies in the insurance, Internet, fashion, financial services, software, media, and entertainment sectors. He counsels clients on the New gTLD application process, Internet policy, ICANN issues, and registry development and deployment.

Presentations & Teaching Experience

- Panelist at the NTT Security/IBM "Executive Cybersecurity Summit: Countdown to the 2017 NY Cybersecurity Regulations for Financial Services," December 7, 2016
- Presenter, "Advertising Class Actions: The Latest Litigation Fad," Steptoe & Johnson Webinar, New York, NY, November 19, 2013
- Presenter, "The Internet Big Bang Seminar: Implications for Financial Services Brand Owners," Steptoe & Johnson, New York, NY, September 12, 2013

Select Publications

- "Where to Turn for Cyber Assistance?", InsuranceThoughtLeadership.com, October 9, 2019 (co-authored with Stuart Panensky, FisherBroyles, LLP and Brian Robb, Underwriting Director and Cyber Industry Leader, CNA Insurance)
- "Virtual Reality and Augmented Reality: A New Reality for Brand Owners?", American Bar Association Landslide® magazine, October 1, 2018
- "Dot Exemption: Privacy, ICANN and the Need for Flexibility in 'All Applicable Laws,'" gTLD.club, April 11, 2014

- “ICANN’s Trademark Clearinghouse: Protecting Your Brand in the Impending Internet Expansion,” Steptoe & Johnson Intellectual Property Advisory, October 21, 2013
- “The Internet Big Bang: Evolving Secondary Liability Considerations and Litigation Risk Management Strategies for New gTLD Registries [PDF]”, Bloomberg BNA Electronic Commerce & Law Report, September 19, 2013
- “Potential Implications for TLD Operators and Registrants of ICANN’s Newly Adopted gTLD Safeguards,” Steptoe & Johnson Intellectual Property Advisory, July 9, 2013
- “Trends and Long-Term Enforcement Issues in the New gTLD Pool,” World Trademark Review, October 2012
- “Litigation Financing and Non-Lawyer Investment in Law Firms,” New York Law Journal, December 15, 2011
- “The Price of Discovery in New York Courts ‘Requester pays’ rule may not be ironclad but take advantage of it whenever possible,” New York Law Journal, October 4, 2010
- “POWs Versus Torturers: Forensic Evaluation of Military Personnel,” The Journal of the American Academy of Psychiatry and the Law, September 1, 2009

Recent Media Coverage

- Bloomberg BNA’s Electronic Commerce & Law Report, “New TLD Contracting Moves Ahead; Attorneys Concerned About ICANN’s Amendment Option,” September 11, 2013
- Maryland Daily Record, “Surge of New Cases Could Give Teeth to Anti-Spam Laws,” May 8, 2011

Professional Affiliations and Memberships

- International Association of Privacy Professionals (IAPP)
- International Trademark Association (INTA) Internet Committee (2014-2015); Social Media and Mobile Platforms Committee (2016-2017)
- ICANN Implementation Advisory Group for Competition, Consumer Trust and Consumer Choice; ICANN Metrics & Reporting Working Group, Charter Drafting Team