

Andrew J. Ferren

Director

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Andy Ferren is an intellectual property lawyer and business counselor. Clients rely on him for legal and practical business guidance in matters involving intellectual property, commercial transactions, general corporate issues, and nonprofit operations and compliance.

His transactional practice includes licensing, technology transfer, joint ventures, collaboration agreements, purchase and sale agreements, e-commerce agreements, and other transactions involving intellectual property assets. He is particularly adept at working with clients and their business partners to negotiate and craft agreements that accurately capture the parties' intent and achieve their business objectives.

Andy also helps clients to protect and manage their trademarks, copyrights, trade secrets, and other intellectual property in the U.S. and other markets through a variety of registration, enforcement, and defense efforts. He works with these clients to develop and execute strategies that maximize the value of their intellectual property assets.

The clients he serves include retailers, real estate developers, private equity funds, technology companies, and individuals. In advising these clients, Andy routinely consults with C-level managers, marketing personnel, and information technology specialists.

Andy also devotes a substantial portion of his time to advising nonprofit organizations. He helps such clients to meet their goals while complying with the rules that govern their tax-exempt status. In these client relationships, Andy is as much a business advisor as a legal advisor. When the firm's nonprofit clients collaborate with for-profit businesses, Andy often helps to educate both sides of the deal about how the transaction can be legally structured. Although he advises many of these non-profit clients on a pro bono basis, he takes pride in doing the same sophisticated work for them that he does for the firm's other clients and in providing the same level of quality and responsiveness that other clients enjoy.

Accolades

- Martindale Hubbell Peer Review Rated AV Preeminent™
- *The University of Chicago Law Review*, Comment Editor

Affiliations

- Advisory Council Member, Fair Trade USA, 2004-present
- Board Member, Disability Rights Fund, Inc., 2015-present
- Board Member, Disability Rights Advocacy Fund, Inc., 2015-present
- Finance Commission Member, Town of Westwood, 2004-2008
- American Bar Association
- Boston Bar Association
- International Trademark Association
- American Intellectual Property Law Association

Admissions

- Massachusetts

Education

- University of Chicago Law School (J.D., 1991)
- Harvard University (A.B., *cum laude*, 1986)

Representative Matters

Architectural Trade Association Transactions for Annual Trade Show

Represented an architectural trade association in a series of transactions concerning its annual trade show, including the buyout of a co-owner, the co-location of its show with another industry trade show, and the ultimate sale of its show to a global trade show owner and operator. These matters required attention to the particular concerns of a 501(c)(6) tax-exempt organization and involved a variety of brand protection issues.

Hotel Negotiation and Documentation of Agreements

Represented a hotel owned by a multinational financial services company in negotiating and documenting the hotel's acquisition of equipment, computer software, and related services for a "smart" parking garage system. The project required navigating the parent company's complex procurement process. Particular attention was paid to open source software licensing, vendor personnel screening, and data security compliance because the parking system vendor outsourced certain of its services to overseas subcontractors and because the parking system could interface with the parent company's computer systems.

For-Profit Medical Journal Lifecycle

Represented a for-profit medical journal over its entire five-year lifecycle. The representation included the initial formation of a joint venture to launch the journal, the withdrawal of a co-founding partner, numerous personnel and operational matters, and the eventual sale of the journal assets to a non-profit academic consortium.

International Non-Profit Organization Intellectual Property Agreements

Represented an international non-profit organization in a regional intellectual property ownership and licensing agreement with another international non-profit. The project required establishing the scope of certain jointly owned rights based on collaborative work in one country and negotiating ground rules for each party to make independent use of that intellectual property and modified versions thereof in other territories.

Women's Apparel Company Intellectual Property Issues

Represented a women's apparel company in brand protection, copyright advice, category licensing, its e-commerce fulfillment agreement, and the eventual sale of its intellectual property and other assets. The sale and license transactions were with one of the client's licensees, which had purchased the client's debt and was able to use that control as leverage in negotiations. Nonetheless, the Goulston & Storrs team was able to secure licenses back from the purchaser and save the client's core business.

Owners and Managers of Real Estate in Agreements for Artwork

Represent owners and managers of real estate in agreements to commission, license, or borrow public art, including original sculptures, murals, and other two- and three-dimensional artworks. Recent transactions have involved artworks installed in the Fenway, Seaport, and Back Bay districts of Boston and installations in three different locations on Boston's Greenway.

Purchasers Software Development, Customization, and Licensing Transactions

Represent a wide range of purchasers in connection with software development, customization, and licensing transactions to support their business operations. Recent transactions have included the acquisition of rights to use cloud-based software and services for purposes such as accounting systems, telecommunication systems, investment management systems, tenant management systems, and web sites and e-commerce. Many of these transactions require particular sensitivity to the protection of personally identifiable information of the client and its customers and the vendor's compliance with applicable data protection laws.

Trademark and Domain Name Matters

Handled and supervised numerous trademark and domain name matters over the past 20 years, including prosecution of applications to register trademarks in the United States, coordination of international trademark protection efforts, management of clients' trademark portfolios, negotiation of assignments and licenses of trademarks and domain names, and counseling of clients with regard to trademark and domain name selection, registration, and disputes. Trademark portfolios under management at various times have covered over 1,000 trademarks for hundreds of different clients.

Fair Trade USA Outside General Counsel

We are proud to support our client, Fair Trade USA™, as general counsel, serving a range of legal needs, including protection and licensing of its Fair Trade Certified™ certification mark, collaborations and strategic alliances, commercial agreements, acquisitions and dispositions, financings, office leases, governance, and general corporate issues.

Blog Posts: Retail Law Advisor

This blog keeps you connected to timely developments and emerging issues in retail law and covers a wide range of topics related to the retail, restaurant and consumer industry. We invite you to learn more about Goulston & Storrs and our Retail, Restaurant & Consumer Group.

December 18, 2019

Airbnb Slashes Boston Inventory to Meet New Requirements

The number of Airbnb listings in Boston has been cut in half due to local ordinances regulating the operation of short-term rentals. Boston is not the only city pushing back on Airbnb, a company that is battling local city...

November 13, 2019

The Nightmare Before Christmas?

Gift Card Litigation Arrives for the Holidays

It is a little-known fact that, in 1994, Blockbuster video was the first store to display pre-paid gift cards for sale. Unlike VHS rentals, the gift card industry has only grown in popularity. Gift cards from major retailers are...

May 29, 2019

A Hometown Affair: Boston Hosts INTA 2019 Annual Meeting

Last week, members of the Goulston & Storrs intellectual property practice group joined over 11,000 attendees from around the world for the 141 st Annual Meeting of the International Trademark Association (INTA). For us it was a hometown affair...

April 17, 2019

Bag Bans: The War on Plastic Bags

Grocery shoppers used to make the final decision of their supermarket trip in the checkout line. Reaching for boxes of cereal, cartons of eggs, and jars of jam in their rolling metal carts, placing those items onto slow-moving counter...

February 28, 2019

New Payment Structures for a New Age

We've written about changes in the way goods are bought and sold, from brick-and-mortar to e-commerce. But what about how goods are being paid for? As the retail landscape shifts to digital terrain, retailers would be wise to think...

January 15, 2019

2018 Holiday Sales

We hope everyone had a terrific holiday season and the new year is off to a great start! In our first post for the year, we wanted to share some terrific insights on 2018 holiday sales analytics from Retail...

December 19, 2018

Not Just Fun and Games: The Demise of Toys "R" Us, Inc. and the Changing Face of Retail

This year marks the first Christmas in modern memory without Toys "R" Us, Inc. The loss of the international toy seller leaves billions of dollars in toy sales up for grabs, and its slow and steady decline may serve...

December 7, 2018

Year-End Trademark Audits Ensure Complete Brand Protection

With the end of the year approaching and the holiday shopping season in full swing, now is an ideal time for brand owners to audit their trademark portfolios. A trademark audit is an excellent tool for ensuring brands are...

November 7, 2018

Counterfeits in the Digital Marketplace

Counterfeiting has moved beyond high-priced luxury goods to low-cost everyday items. Many of these fake products pose real dangers: face masks with arsenic ; phone adapters that can electrocute you ; computer chargers that fry your hardware ; batteries...

September 19, 2018

One Wild Ride: The Rise of Dockless Bike Share Programs

Bike shares have been around for several years, but the newest iteration of the two-wheeled trend is causing concern among local government officials and citizens alike. Beyond questions of profitability and durability, dockless transit share models raise questions about...

June 6, 2018

A World of Trademarks at INTA 2018 Annual Meeting in Seattle

During the week of May 20, 2018, members of the Goulston & Storrs Intellectual Property Group joined over 10,500 attendees from around the world for the 140th Annual Meeting of the International Trademark Association (INTA) . Held in Seattle...

May 9, 2018

No More Lifetime Guarantees – The Importance of a Balanced Return Policy

In February 2018, L.L. Bean made the tough decision to change its lifetime return policy , which had been in existence for over a century. Following the policy change, the company received backlash from its customers , with many...

April 18, 2018

Credit Card Evolution: Goodbye John Hancock

For years, the signature requirement for completing a credit card transaction has felt something like an obsolete means of confirming a user's identity . Effective this month, however, four of the country's largest credit card providers: American Express, Discover...

March 21, 2018

No Relief in Sight from Website Accessibility Lawsuits

In February 2017, we reported on a surge in website accessibility lawsuits brought under the Americans with Disabilities Act ("ADA"). This litigation trend has accelerated over the past year and shows no signs of slowing down . Title III...

January 10, 2018

Rise of the Drones: Flying Over Newton and Registration Requirements Reinstated

The skies are a little friendlier for drones now that the Dutch police have suspended their squad of drone-hunting eagles . This is also great news for retailers, as drone popularity continues to soar with overall electronics sales...

November 15, 2017

Looking Inside the Mind of a Gen Z Shopper

As the 2017 holiday season nears, consumers are getting ready to open their wallets and retailers are hoping their promotions will attract those consumers. Generation Z ("Gen Z"), which includes young people born in the mid-1990s to mid-2000s, is...

August 23, 2017

America's Next Top (Business) Model? Evaluating Fashion's Big Experiment

Last year, scores of top fashion designers defied convention by abandoning traditional shipping schedules, which favored delivering collections four to six months after they appeared on Fashion Week runways, and moved instead to a system allowing designers the ability...

July 12, 2017

Is Artificial Intelligence the Key to Retail Survival?

In light of the sea change in the current retail landscape, which was punctuated by the recent acquisition of Whole Foods by Amazon , retailers today are forced to ask themselves: How will we combat disruption in our industry...

May 31, 2017

Class Action Lawsuits on the Rise under New Jersey's Consumer Protection Laws – Which Retailers Will Be Targeted Next?

Does your retail business conduct sales online? For most retailers today, the answer is likely yes. This means that the recent surge of class action lawsuits against merchants arising out of a consumer protection law in New Jersey called...

April 19, 2017

Supreme Court Says 'Give Me a ©' to the Fashion Industry

A recent U.S. Supreme Court copyright decision analyzing cheerleader uniforms may have a profound impact on retailers, and on the fashion industry in particular. On March 22, 2017, the Supreme Court held in *Star Athletica, L.L.C. v. Varsity Brands*...

March 8, 2017

Copyright Compliance: (Re-)Register Your DMCA Agent in 2017 to Keep Your Website Docked in the Safe Harbor

The Digital Millennium Copyright Act (DMCA) "safe harbor" provisions shield certain online service providers from copyright infringement liability arising from content posted by users on their website. Provided that the service provider registers its DMCA agent and complies with...

November 30, 2016

FTC Publishes Data Breach Response Guidelines

Whether resulting from a planned cyberattack or mere carelessness, data breaches are on the rise. In 2015, 781 data breaches were reported across the United States, with the average breach costing \$3.8 million. In 2016, the total number...

October 19, 2016

Paid Celebrity Endorsements in Social Media: The FTC Is Watching

How much trust do you place in celebrities who endorse products on social media platforms such as Instagram, Snapchat, Facebook, Twitter, and YouTube? Do you stop to consider whether they are compensated for their efforts and, if so, how...

September 7, 2016

"In-Season Relevancy" Is in Season this September

The fashion industry is at a crossroads. Designers must decide whether to continue the age-old tradition of previewing their collections during Fashion Week four to six months before they are available in stores (with fall looks shown in February...

July 13, 2016

RETAIL 2020: Future Ready – Innovate to Succeed

In late June, members of the local and national retail community convened at Goulston & Storrs' Boston office to participate in an interactive panel discussion billed as RETAIL 2020: Future Ready. Panelists included Ben Fischman, the Executive Director of M...

May 18, 2016

Retailers Take Notice: Will Customers .shop at Your .store?

Have you thought about establishing a new distinctive web address for your business? Do you worry that someone else may try to register your brand name within one of the new generic top level domains (gTLDs)? Whether consciously or...

March 30, 2016

Revamping the Runway-to-Retail Model

With the increase in digital coverage of Fashion Week , from live streams to Snapchat stories and Instagram postings, designers have put what might be considered the most coveted and exclusive ticket in town directly in the hands of...

February 10, 2016

The Skies Are Alive With the Sound Of Drones: The FAA Implements Drone Registration Requirements

It happened again—another incident involving an errant drone and a resident from the Garden State. As reported by various news sources, a New Jersey man attempted to photograph the Empire State Building with his drone. He was arrested on reckless...

January 6, 2016

Website and Mobile App Accessibility: The DOJ Kicks the Can

In a previous post , we wrote about Title III of the Americans with Disabilities Act ("ADA") as it applies to businesses' public websites and mobile apps. At the time of our last writing, it was expected that the...

December 9, 2015

Sustainability in Retail: Going Strong and Expected to Continue

The COP21 meeting has been underway for the last week, with just a few more days left to go. The meeting, an annual session which started following the 1992 United Nations Framework on Climate Change, brings together businesses, policymakers...

October 21, 2015

Why is Omnichannel Retail so Hard?

The retail industry has been evolving rapidly to keep up with new technology and consumer patterns. While the chief concern previously was about how traditional retailers could prevent the loss of market share to online retailers, now all retailers compete...

September 9, 2015

Leveling the Playing Field: Mobile Location Analytics

As brick-and-mortar retailers face increasing challenges to compete with their online counterparts, a new tool is helping to level the playing field: mobile location analytics. Traditionally, online retailers have had an advantage over brick-and-mortar stores from the voluminous data...

July 29, 2015

Uber Drivers: Employees or Independent Contractors?

Since its founding in 2009, Uber has gained both praise and notoriety for shaking up the taxi industry by allowing individuals who meet minimum requirements to provide an on-demand car service via the Uber mobile app. In December 2014...

June 24, 2015

Does Your Website or Mobile App Discriminate?

Are you confident that your business complies with federal anti-discrimination laws? If you offer goods or services to the public through the Internet, the answer may not be as simple as you think. Increasingly, lawsuits are targeting retailers and...

June 17, 2015

From the Suburbs to the City: How Grocery Retailers are Filling the Urban Grocery Gap

As residential high-rises pop up all over the city of Boston, big-name grocery retailers are sprouting nearby to meet the increased demand. The most recent example is the opening of a Roche Bros. supermarket in Downtown Crossing in late...

May 13, 2015

INTA 2015 Annual Meeting Recap

Last week, members of Goulston & Storrs joined over 9,900 attendees from around the world who converged on San Diego for the 2015 Annual Meeting of the International Trademark Association (INTA) . This 137th meeting of INTA was its...

May 6, 2015

Blowdryers and Flatirons: The Real Estate Market Heats Up with Salon Suites

For years the price of entry for solo entrepreneurs in the health and beauty category was high. With similar fixed startup costs as any professional practice would have, such as real estate, insurance, supplies, but with much slimmer profit...

March 4, 2015

Lift Off for Commercial Drone Regulations

Drones are everywhere. Technological innovations have created countless commercial opportunities for drones, also known as unmanned aerial vehicles (UAVs). Until recently, however, the Federal Aviation Administration's (FAA) prohibitions on drone commercialization have contrasted starkly with the soaring growth of...

January 21, 2015

Apple Pay and Google Wallet: Mobile Payment Going Mainstream

When Apple announced on September 9, 2014 that the iPhone 6 would be equipped with a mobile payment system appropriately called Apple Pay, the entire mobile payment universe woke up. Although competitors had existed for years, none had gained...

Publications

July 2, 2019

U.S. Attorney Required for Foreign Trademark Applicants and Registrants, Beginning August 3, 2019

October 2015

Omnichannel Retail Helps Cos. Keep Up With Shoppers

March 2015

With NFC Adoption Coming in October, Apple Pay Isn't the Only Thing Getting a Boost

Community

Andy has dedicated thousands of hours throughout his career to providing pro bono legal services to non-profit organizations. Many of the non-profit clients he works with have missions that are international in scope. Examples include Endeavor Global, Inc. (promoting high-impact entrepreneurship in emerging markets), Fair Trade USA (improving the lives of farmers and workers through market-based incentives), Oxfam America (creating long-term solutions to poverty, hunger, and social injustice), StartingBloc (a global Fellowship for social impact change-makers), and YouthBuild International (helping young people to transform their lives and rebuild their communities). Andy has worked with most of these organizations for more than a decade and has provided a combination of legal and business advice to their boards, senior executives, and staff members.

In 2015, Andy joined the Boards of the Disability Rights Fund, Inc. and Disability Rights Advocacy Fund, Inc., which manage a grant making collaborative between donors and the global disability rights community that empowers persons with disabilities around the world to advocate for equal rights and full participation in society. He has also served on the Advisory Council of Fair Trade USA continuously since 2004.