



## → Rachel Tarko Hudson

### Partner

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Rachel Tarko Hudson is a partner in the Intellectual Property Practice Group in the firm's San Francisco office and the Leader of the Retail, Fashion, and Beauty Team.

### Areas of Practice

Rachel specializes in advising retail, fashion and beauty companies, food and beverage companies, and other consumer product companies and brands. Her clients also include software and technology providers and wholesale and material suppliers.

Rachel counsels her clients on all things privacy and advertising. She brings her deep subject matter and industry expertise and pragmatic approach to bear on projects ranging from review, clearance, and structuring advertising claims, programs, and campaigns to complying with the complex and ever-changing web of United States and international privacy laws. Drafting and negotiating commercial and IP agreements rounds out her practice.

### Honors

500 X – The Next Generation, *Lawdragon*, 2023

Recommended Attorney - Cyber Law, *The Legal 500*, 2020-2021, 2023

Received Outstanding Volunteer in Public Service award from the Volunteer Legal Services Program of the San Francisco Bar Association, 2011

### Experience

- Reviewed and cleared environmental and performance advertising claims for global retail brands, including QVC, Kontoor Brands, and Skechers.
- Negotiated co-branded credit card agreements with the issuing banks and credit card networks for multiple international retail brands, including Williams-Sonoma and Carters.
- Advised on cause marketing campaigns, including negotiating agreements with charities and registering the campaign with regulators in the United States and abroad for brands such as Benefit Cosmetics, Net-a-Porter, and Blackhawk Networks.
- Guided Williams-Sonoma, Shea Homes and Shea Properties, Burberry, Levi Strauss & Co., and Kontoor Brands through CCPA compliance, as well as subsequent CPRA, CPA, CTDPA, VCDPA, and UCPA compliance.

- Counseled numerous retail brands on loyalty program launches and refreshes, including adidas, Kontoor Brands, Williams-Sonoma, and TJ Maxx.
- Negotiated software development, license, and services agreement for Carzato to provide automotive e-commerce technology for car dealerships.
- Negotiated and advised on the sale of the play and music business of Gymboree, including resolving complex trademark ownership and usage issues.
- Negotiated an international shipping logistics deal for Gymboree.
- Drafted and negotiated a material and ingredient purchase agreement for See's Candies.
- Negotiated a gift card processing agreement for Levi Strauss & Co.
- Negotiated an agreement to license and provide customer development services for data center technology developer.
- Drafted and negotiated content licensing agreements for the launch of a gaming company Toca Boca's clothing and accessories line.

## Articles

- *11th Circuit Reverses Summary Judgment Grant in TCPA Suit Against Medical Debt Collector*, Cyberspace Law e-Bulletin (2015)
- *Online student privacy bill prompts debate*, Daily Journal (March 2014)
- *Dealing in Data: Business and Legal Considerations Respecting Data Transactions*, Business Law News, the official publication of the Business Law Section of the California State Bar, Issue 4 (2012)

### Covering Your Ads Blog Posts

- "California Passes Sweeping Package of "Green" Bills," November 15, 2021
- "Deadline Approaching: Action Required by December 31 To Avoid Losing DMCA Safe Harbor Protection," October 25, 2017
- "The Kardashians Can't Keep up with Copyright Law," May 17, 2016
- "California Enacts New Data Privacy Laws," October 18, 2013
- "Third Circuit Issues Decision in New Jersey Gift Card Escheat Suit," January 30, 2012

### Retail Trend Spotter Blog Posts

- "State Privacy Law Roundup: What Retailers Need to Know," July 26, 2023
- "Lizama et al. v. H&M: A Lesson in Artful Crafting of Green Claims," June 22, 2023
- "New York Fashion Sustainability Act: Now In Committee," April 28, 2022
- "Sweepstakes or Giveaway? Make Sure Your Advertising Is Clear!" April 16, 2020

### Social Media Law Blog Posts

- "California Online Tracking Disclosure Bill Heads to Governor for Signature," September 25, 2013
- "FTC Updates COPPA FAQs," August 5, 2013

- "California Bill to Expand Data Security Breach Notification Law Clears Senate Hurdle," May 23, 2013
- "California AG to Begin Enforcing Privacy Law Against App Developers - \$2500-per-Download Fines," December 7, 2012
- "New York AG Addresses Cause Marketing on Social Media," November 28, 2012
- "Companies Using Pinterest, Be Careful Not to Get Pricked," April 26, 2012
- "Occupiers' Motion to Quash Subpoenas of Tweets Raises Privacy Questions," April 3, 2012

## Eye on Privacy Blog Posts

- "CCPA Bill Extending Exemptions Passes Through California Legislature," September 1, 2020
- "The CCPA Wheels Keep Turning: The Addition of CPRA," November 5, 2020
- "CCPA Regulations Finally Approved, Effective Immediately," August 18, 2020
- "What Will Come First: Pending CCPA Amendment Could Clarify Key Exemptions," August 7, 2020
- "Schrems II Fallout Continued: Can Companies Rely on Consent?" July 30, 2020
- "EU Reaction to the Fall of Privacy Shield: The Rise of SCCs?" July 29, 2020
- "How to Rise from the Privacy Shield Ashes: A View from the U.S." July 28, 2020
- "CJEU Invalidates Privacy Shield, But Upholds SCCs with Conditions," July 16, 2020
- "Final Draft CCPA Regulations Submitted, Effective Date Unclear," June 4, 2020
- "Can you Zigzag? California AG Releases Latest Draft of CCPA Regulations," March 17, 2020
- "Turn On the Camera Part Three: Fulfilling CCPA Training Obligations in the Face of COVID-19," March 13, 2020
- "Turn on the Camera Part One: Keeping Your Privacy Compliant Efforts Moving Forward in the Face of COVID-19," March 11, 2020
- "Like a Butterfly, Will the CCPA Continue to Evolve?" May 28, 2019
- "Ding Dong the CCPA Private Right of Action is (Mostly) Dead!," May 17, 2019
- "Will CCPA's Definition of Consumer Be Narrowed?" April 11, 2019
- "2019 is the Year of . . . CCPA?" January 8, 2019
- "The California Consumer Privacy Law (CCPA) Is Coming: What Should Your Company Do Now?" July 25, 2018
- "California Enacts New Data Privacy Laws," October 18, 2013

## Media Mentions

The Battle in the Buckeye State: Round Four of the Democrat Debates comes to Ohio  
*The Fox News Rundown Podcast*, 10.15.2019

ZEAVION Holding's \$127.5 million acquisition of Gymboree Play & Music  
Don't Miss It: Hot Deals & Firms We're Following This Week  
*Law360*, 07.01.2016

Sheppard Mullin Helps Toca Boca in Agreement  
*Daily Journal*, 10.23.2014

Sheppard Mullin Guides App Developer in Tablet Agreement  
*The Recorder*, 10.16.2014

## Speaking Engagements

"What's Old Is New Again – Riding the Recommerce Wave," RILA Retail Law Conference, October 27, 2021

Restaurant Law Center 2019 Restaurant Legal Summit, October 23-25, 2019, Dallas, TX, Jason Mueller and Rachel Tarko-Hudson are speaking on "Marketing Wants To Do What? Sweepstakes, Influencers, Loyalty, and Other Advertising and Promotional Fun."

TerraLex Webinar, Sept. 17, 2019, Craig Cardon and Rachel Tarko Hudson spoke on, "The California Consumer Privacy Act: What It Means for Companies Doing Business in California."

PLI Advertising Law Institute, Sept. 13, 2019, San Francisco, Rachel Tarko Hudson spoke on "Endorsements, User-Generated Content, and Celebrities."

CCPA is Coming: What You Need to Know, Family Office Exchange Webinar, June 26, 2019

Global Compliance and Investigation Essentials, Sheppard Mullin and Bird & Bird Seminar, April 30, 2019, San Francisco, Rachel Tarko-Hudson spoke on "Global breach response – Responding to data risk around the world."

"Tracking, Aggregating & Profiling: U.S. & Global Privacy Developments," ANA/BAA Marketing Law Conference, Chicago, November 15, 2017

## Events

Handling the US State Privacy Law Deluge  
Webinar, 08.01.2023

RILA Retail Law Conference - How to Be a Global Company in a World of Inconsistent Legal Restrictions  
10.14.2022

Advertising Law Institute  
September 29-30, 2022

What the Heck is GPC (Global Privacy Control), and Why Does the California Attorney General Care?  
Webinar, 09.15.2022

Ad Law Symposium  
Webinar, 05.04.2022

Who Turned Out the Lights?: FTC Steps Up "Dark Patterns" Enforcement of Retailers  
Webinar, 02.02.2022

RILA Retail Law Conference  
What's Old Is New Again – Riding the Recommerce Wave  
Webinar, 10.27.2021

Labor & Employment Update – What Retailers Need to Know  
Webinar, 01.28.2021

Inaugural Ad Law Symposium  
Webinar, 01.27.2021

Advertising Law Institute 2020  
Practising Law Institute Webcast  
In-person or virtual, 10.15.2020-10.16.2020

Hot Topics in Privacy and Cyber Security in Uncertain Times: A Virtual Resource for In-House Privacy Teams  
Webinar, 07.15.2020

Privacy Leaders Circle: Los Angeles  
A Truyo Virtual Event  
07.07.2020

Trending Legal Issues in the Retail Industry  
Webinar, 06.16.2020

Top Privacy and Cyber Questions in Uncertain Times: A Virtual Resource for In-House Privacy Teams  
Webinar, 04.07.2020

Navigating Complex Legal Issues Resulting From COVID-19: What Retailers Need to Know  
Webinar, 03.18.2020

Advertising Law Institute 2019  
Practising Law Institute  
October 17-18, 2019

Smart Retailing: Legal and Business Issues Regarding The Use Of Biometric and Behavioral Data In Real World  
Retail Environments  
RILA Retail Law Conference 2019  
October 16-18, 2019

The California Consumer Privacy Act: What It Means for Companies Doing Business in California  
TerraLex Webinar  
09.17.2019

## Memberships

Retail Industry Leaders Association

## Podcasts & Webinars

Handling the US State Privacy Law Deluge  
08.01.2023

What the Heck is GPC (Global Privacy Control), and Why Does the California Attorney General Care?  
09.15.2022

Ad Law Symposium  
05.04.2022

Who Turned Out the Lights?: FTC Steps Up “Dark Patterns” Enforcement of Retailers  
02.02.2022

Labor & Employment Update – What Retailers Need to Know  
01.28.2021

Inaugural Ad Law Symposium  
01.27.2021

Hot Topics in Privacy and Cyber Security in Uncertain Times: A Virtual Resource for In-House Privacy Teams  
07.15.2020

Trending Legal Issues in the Retail Industry  
06.16.2020

Top Privacy and Cyber Questions in Uncertain Times: A Virtual Resource for In-House Privacy Teams  
04.07.2020

## Practices

Advertising

Intellectual Property

Copyrights

IP Licensing, Technology and Commercial Transactions

Trademarks and Trade Dress

Privacy and Cybersecurity

Telephone Consumer Protection Act (TCPA)

Technology Transactions

California Consumer Privacy Act (CCPA)

ESG and Sustainability

Supply Chain Management

## Industries

Advertising

Entertainment, Technology and Advertising

ESG and Sustainability

Esports & Games

Food and Beverage

Retail, Fashion & Beauty

Sports

## Education

J.D., Georgetown University Law Center, 2010, Executive Editor, *Georgetown Journal of Legal Ethics*

B.A., University of Pennsylvania, 2004, *cum laude*

## Clerkships

Extern to the Honorable Roger Titus, District of Maryland

## Admissions

California

U.S. District Courts for the Northern and Central Districts of California