



# Donna M. Ruscitti

Donna is a partner in the Corporate Department with noteworthy experience in counseling clients in the areas of technology implementations, ERP systems, cloud computing services, e-commerce, software licensing and internet law, as well as general business matters.

With her general business background, she continues to work in a broad spectrum of areas and brings business sense to technology and intellectual property matters.

Donna has CIPP-US certification and counsels clients in privacy and data security matters, including responding to data breaches. A significant part of Donna's practice involves technology implementations in healthcare settings, including safeguarding of protected health information and electronic medical records. She also draws on her significant background in construction law, and continues to work with clients to develop and implement sound contracting strategies.

She helps clients with both traditional and emerging technologies. She enjoys preparing, evaluating, and negotiating information technology contracts, licensing of intellectual property, and developing and negotiating software licensing agreements, many of which operate the core of her clients' businesses. Donna regularly counsels concerning hardware and software acquisition; third party hosting, SaaS, PaaS, IaaS and cloud computing agreements; website development and hosting; issues related to use of open source software; joint development agreements; and transfer of technology and intellectual property rights in corporate acquisitions. Donna writes and speaks frequently on topics including managing the risks associated with e-commerce, conducting business through the Internet, and protecting intellectual property. Clients rely on her extensive experience in Internet law and regulation and the constantly evolving models of technology implementations. With a background in various corporate transactions, Donna also advises clients in general business matters, including franchising, franchise disclosure

## Partner

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## SOCIAL MEDIA

**Blogs**  
[technologylawsources.com](http://technologylawsources.com)

## EDUCATION

Capital University Law School, J.D.,  
1986; *Capital University Law Review*,  
editor-in-chief

College of Wooster, B.A., *magna cum laude*, 1974; Phi Beta Kappa

## SERVICES

### Intellectual Property

- Joint research, development and joint ventures
- Intellectual property audits and strategies
- International business and intellectual property
- Copyrights
- Promotions, sweepstakes and contests
- Technology and intellectual property transfers and licensing



documents, drafting and negotiating construction contracts, revising and negotiating contracts published by the American Institute of Architects and other professional service contracts.

Donna counsels clients concerning responding to data breach incidents, complying with privacy and data security laws at the state and federal level, as well as international privacy and data protection laws and regulations, including contractual provisions to address privacy and data security issues in many types of business transactions. She achieved Certified Information Privacy Professional status through the International Association of Privacy Professionals.

She presently chairs the firm's Technology, Privacy & Data Security practice group and formerly chaired the Intellectual Property & Technology Practice Group for 12 years.

### **Bar Admissions**

Ohio

U.S. District Court for the Southern District of Ohio

### **Presentations**

- "Data Breach Simulation," Porter Wright, June 20, 2018
- "Liability, Confidentiality and Reality: How to Identify and Overcome Legal Challenges to Information Sharing," InfraGard Midwest Security Symposium, April 27, 2018
- "Data Breach for Health Care Providers," Porter Wright Technology Seminar Series, July 11, 2017
- "Data Breach Simulation," Porter Wright Technology Seminar Series, May 10, 2017
- "Understanding Cyber Risk and Risk Management," Jacadis and Porter Wright, July 28, 2016
- "The Barbarians are at the Gate: Defending Your Firm Against Cyber Attacks," The Federal Bar Association, Northern District of Ohio Chapter, Sept. 16, 2015
- "Trends in Data Breach and What Your Business Should be Doing About it," Porter Wright Technology Seminar Series, Aug. 12, 2015
- "Preventing Data Leaks Through Workforce Management," OHS/INFRAGARD: Cyber Strategies for a Safer Ohio, Oct. 27, 2014
- "Evaluating and Mitigating Risk of Data Breach," McGladrey's 2013 Manufacturing & Distribution Executive Summit, October 2013
- "Cloud Computing and Outsourcing in the U.S. and Across Borders," Porter Wright Client Workshop, July 17, 2013
- "Red Flag Rules Under the Securities Exchange Commission and Commodity Futures Trading Commission," Central Ohio Compliance Association, June 26, 2013
- "Information Privacy Regulation - What You Need to Know About Current Developments," Porter Wright Client Workshop, May 24, 2012

## **SERVICES (CONTINUED)**

### **Privacy & Data Security**

- Data security and breach notification
- U.S. and international privacy regulation
- Information technology
- Retail and web commerce
- Records management and privacy policies
- Mergers, acquisitions and divestitures
- Law enforcement and forensics
- Workplace privacy
- Broker, lender and financial institution matters
- Social media
- HIPAA and HITECH compliance

### **International Business & Trade**

- Sales representation, distribution and licensing agreements

### **Business Growth & Operation**

- Business transactions

### **Entrepreneurship & Startups**

### **Real Estate**

- Construction and design contracts

### **Technology**

- Joint research, development and joint ventures
- Software development, licensing and services
- Internet and electronic commerce
- Open source software
- Outsourcing
- International transactions
- Technology transfer and licensing
- Enforcement, disputes and litigation
- Social media

### **Health Care**

- Data privacy and security, including HIPAA, HITECH and state data breach laws
- Security breach, malware and ransomware advice
- Intellectual property

### **Antitrust & Consumer Protection**



- “Help, My Brand has been Kidnapped in China: Practical Solutions to Protect Your Trademark in China,” Porter Wright Client Seminar, March 22, 2012
- “Top 10 ‘Do’s’ and ‘Don’ts’ for Intellectual Property Counsel: Experience and Practice Pointers from within the Columbus Intellectual Property Community,” Columbus Intellectual Property Law Association Panel Presentation, Dec. 8, 2011
- “What Would You do if Your Network is Hacked?” Porter Wright Information Privacy and Data Security Practice Group Workshop Series, Feb. 16, 2011
- “Identity Theft, Corporate Data Security Breach and Law Enforcement,” Porter Wright Information Privacy and Data Security Practice Group Workshop Series, Jan. 20, 2011
- “Technical and Investigative Aspects of a Data Security Incident,” Porter Wright Information Privacy and Data Security Practice Group Workshop Series, Oct. 27, 2010
- “Legal Issues Businesses Face in Using Social Media Sites: Intellectual Property, Privacy and Workplace Issues,” Porter Wright, Sept. 30, 2009
- “Federal Trade Commission Enforcement Actions for Unfair and Deceptive Acts in Data Breach Incidents, “Class Action Lawsuits,” “Allocating Data Breach Risks in Contracts,” Ohio State Bar Association Identity Theft and Data Breach Seminar, July 31, 2009
- “What Every Risk Manager Needs to Know,” Hylant Group Data Privacy and Network Liability Risk seminar, March 2009
- “Data Breach Security Response,” Hylant Group to Ohio Plan representatives, August 2008

### **Publications**

- “Understanding the legal aspects of e-commerce: Leading lawyers on defending intellectual property, navigating piracy concerns, and negotiating contracts,” *The More Things Change, The More They Stay the Same: Legal Issues in Technology Contracts*, Aspatore Books, 2011
- “Due diligence in use of open source software – benefits and pitfalls,” *Bloomberg Corporate Law Journal*, 2008

### **Honors | Awards**

- *The Best Lawyers in America*<sup>®</sup>, Copyright Law
- Lexology, Client Choice™ Award, Information Technology, 2014-2016
- LifeCare Alliance, John Marakas Philanthropic Spirit Award, 2007
- Martindale-Hubbell<sup>®</sup>, AV Rating

### **Community**

- LifeCare Alliance, Board of Directors

### **PROFESSIONAL ASSOCIATIONS**

- International Association of Privacy Professionals (IAPP), Certified Information Privacy Professional (CIPP)
- InfraGard<sup>®</sup>, Member
- International Technology Law Association (ITECHLAW)
- Columbus Intellectual Property Law Association (CIPLA), President, 2011-2012