



### Mark F. Radcliffe

#### Partner

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#### Silicon Valley

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Mark Radcliffe's practice is split evenly between corporate securities (particularly venture capital transactions) and intellectual property licensing and strategy. He works with technology companies and companies that use technology throughout the world. Currently, he is particularly focused on the use of blockchain technology and the use of tokens for capital formation and implementing new business models.

Mark has been working in Silicon Valley for over 30 years and has worked on over 1,000 venture capital transactions. He has significant experience in applying the law to the issues raised by new technologies, such as open source software, blockchain, IoT and domain names. For example, in 1994, he assisted Network Solutions, Inc. in developing the first domain dispute resolution system which is still the basis for the system in use today. His clients range from Fortune 500 such as Oracle Corporation and Sony Corporation to unknown startups. Currently, he and his team work with over 50 startups. He has worked across a wide variety of industries, including software (in particular open source software), blockchain, IoT, semiconductor, consumer electronics, content licensing (from music to characters), and medical devices.

### LANGUAGES SPOKEN

- French

### EXPERIENCE

### RECENT MATTERS

- Assisted several large companies in developing open source strategies
- Started and manage the corporate venture capital practice at DLA Piper
- General counsel to OSI and serve on Apache Software Foundation Legal Committee on a pro bono basis

### RELATED SERVICES

- Corporate
- Trademark and Copyright
- Mergers and Acquisitions
- Emerging Growth and Venture Capital
- Litigation, Arbitration and Investigations
- Intellectual Property and Technology
- International Trade, Regulatory and Government Affairs
- Projects, Energy and Infrastructure

### RELATED SECTORS

- Media, Sport and Entertainment
- Life Sciences
- Energy and Natural Resources
- Technology

### LANGUAGES SPOKEN

French

- General counsel to the OpenStack Foundation (open source cloud computing project)
- Assisted the Navajo Nation in adopting a modified version of Article II of the UCC
- Assisted blockchain startup in its licensing strategy
- Assisted several blockchain startups in financing
- Assisted on ICOs
- Assisted Network Solutions in developing the first domain dispute resolution policy in 1994 (still used in current ICANN Dispute Resolution Policy)
- Assisted Dr. Suess Estate in determining what words, characters and symbols to register as trademarks
- Assisted major corporation in obtaining a license from a financially troubled company with a \$40M prepaid royalty and ensured that the license would survive bankruptcy
- Assisted large Asian company in developing IP asset management strategy for its 50,000 patents

## REPRESENTATIVE CLIENTS

- Anaconda, Inc.
- Lightbend, Inc.
- Munich Re
- AIG
- Sun Microsystems, Inc. (former)
- Sony Corporation
- NEC
- Siemens Corporation

## CREDENTIALS

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### Admissions

- California

### Recognitions

Leading international legal publishers consistently rank Mark among the top lawyers in his profession. *Chambers USA* has repeatedly recognized him as "outstanding" and "a leader in open source-related matters." Chambers & Partners has commented that Mark "has a wealth of experience in the technology sector. Clients particularly value the proactive approach he takes to understanding their needs and the strategic advice that follows." "He is also well known for his specialist expertise on open source matters." The directory stated that Mark "draws praise from peers for his work on the other side of the table in complex outsourcing transactions," and "also has significant expertise in cutting-edge cloud services agreements." He is "hailed for his 'effectiveness in the commercial requirements of fast-moving and complex situations.'" "Sources praise his 'excellent technical knowledge and business savvy.'"

*The Legal 500 United States* has recommended Mark for "his experience in software matters, including open-source and cloud computing." "His expertise in providing strategic IP advice, with particular specialism in open-source matters, has won him plaudits. Indeed, one client describes him as 'probably the best lawyer in his field.'" The directory has also stated that he "has particular knowledge of cloud platforms and marketplaces" and "provides strategic IP advice and expertise in cloud computing and social media."

Mark was named the 2019 Lawyer of the Year by *Best Lawyers*, and he is the only attorney to receive this award in his practice area in his metro region. He is also listed as a "highly recommended expert" for his transactional experience in the *IAM Patent 1000, The World's Leading Patent Professionals 2018*.

### Education

- J.D., Harvard University 1981  
1998 Distinguished Alumni Award
- B.S., Chemistry, University of Michigan 1974  
*magna cum laude*
- Université Paris Panthéon-Sorbonne I 1972  
Certificate of Completion

## Memberships

- International Trademark Association
- South Bay Trademark Lawyer's Association, Founder
- Bar Association of San Francisco, former Chairman of the Computer Law Section
- American Bar Association
- AIPLA

## Civic and Charitable

- Computer Law Association, former Board of Directors
- *Journal of Internet Law*, Editor in Chief
- *BNA Electronic Commerce & Law Report*, Advisory Board
- *Computer Lawyer*, Editorial Board
- *Cyberspace Lawyer*, Editorial Board
- *Electronic Commerce and Law Report*, Advisory Board
- *Global Intellectual Property Asset Management Report*, Advisory Board
- General Counsel, Open Source Initiative

## INSIGHTS

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### Publications

#### Blockchain and Digital Assets News and Trends

23 September 2020

Blockchain and Digital Assets News and Trends

The court finds that a valid arbitration agreement exists in the ongoing WAX tokens dispute – plus latest legal, regulatory and case law developments.

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#### WAX tokens: Amendments to arbitration provisions still govern disputes

23 September 2020

The court found that a valid arbitration agreement exists.

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#### Blockchain and Digital Assets News and Trends

21 August 2020

Blockchain and Digital Assets News and Trends

California appellate court affirms judgment for Coinbase in lawsuit over Bitcoin Gold – plus latest legal, regulatory and case law

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developments.

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### **Blockchain and Digital Assets News and Trends**

20 July 2020

Blockchain and Digital Assets News and Trends

Court upholds New York AG's Martin Act authority to investigate virtual currency fraud – plus latest legal, regulatory and case law developments.

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### **Blockchain and Digital Assets News and Trends June 2020**

18 June 2020

Blockchain and Digital Assets News and Trends

World Economic Forum announces Presidio Principles as a foundation of blockchain ecosystem design – plus latest legal, regulatory and case law developments.

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### **World Economic Forum announces Presidio Principles as a foundation of blockchain ecosystem design**

18 June 2020

WEF's foundational values for a decentralized future.

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### **California bill proposes limits on application of securities laws to tokens**

20 May 2020

The proposed changes are likely to be well received by those considering issuing tokens.

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### **Blockchain and Digital Assets News and Trends**

20 May 2020

Blockchain and Digital Assets News and Trends

California may limit application of securities laws to tokens, French court says bitcoins are fungible assets – plus latest legal, regulatory and case law developments.

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### **Blockchain and Digital Assets News and Trends**

23 April 2020

Blockchain and Digital Assets News and Trends

The FSB report on global stablecoin frameworks and related cryptoassets reflects views inside G20 governments – plus latest legal, regulatory and case law developments.

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### **Blockchain and Digital Assets News and Trends**

25 March 2020

Blockchain and Digital Assets News and Trends

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The age of viral outbreaks – key contract considerations in a post-COVID-19 world, plus latest legal, regulatory and case law developments around blockchain and digital transformation.

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### **Blockchain and Digital Assets News and Trends**

19 February 2020

Blockchain and Digital Assets News and Trends

In this issue, SEC Commissioner Peirce proposes bold new safe harbor for digital tokens, plus the latest legal developments in blockchain technology, smart contracts and digital assets.

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### **Blockchain and Digital Assets News and Trends**

16 January 2020

Blockchain and Digital Assets News and Trends

Taxation of cryptocurrency: challenges for charities in the US and new guidance in the UK, plus latest legal developments in blockchain technology, smart contracts and digital assets.

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### **Blockchain and Digital Assets News and Trends**

13 December 2019

Blockchain and Digital Assets News and Trends

A new lawsuit alleges the CFPB Prepaid Rule violates free speech; plus the latest legal developments in blockchain technology, smart contracts and digital assets.

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### **Blockchain and Digital Assets News and Trends**

15 November 2019

Blockchain and Digital Assets News and Trends

The latest legal developments in blockchain technology, smart contracts and digital assets.

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### **Blockchain and Digital Assets News and Trends**

18 October 2019

Blockchain and Digital Assets News and Trends

In this issue, new guidance on the taxation of cryptocurrency from the IRS, plus the latest legal developments in blockchain technology, smart contracts and digital assets.

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## **Blockchain and Digital Assets News and Trends**

19 September 2019

Blockchain and Digital Assets News and Trends

In this issue, Wyoming aims to provide legal framework for using blockchain and transacting in digital assets, plus the latest legal developments in blockchain technology, smart contracts and digital assets.

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## **Blockchain and Digital Assets News and Trends**

23 August 2019

Blockchain and Digital Assets News and Trends

In this issue, blockchain consortium governance, plus the latest legal developments in blockchain technology, smart contracts and digital assets.

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## **Blockchain and Digital Assets News and Trends**

26 July 2019

Blockchain and Digital Assets News and Trends

In this issue, Facebook announces Libra currency, plus the latest legal developments in blockchain technology, smart contracts and digital assets.

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## **Blockchain and Digital Assets News and Trends**

24 June 2019

Blockchain and Digital Assets News and Trends

In this issue, consortium blockchain governance, plus the latest legal developments in blockchain technology, smart contracts and digital assets.

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## **Blockchain and Digital Assets News and Trends**

24 MAY 2019

Blockchain and Digital Assets News and Trends

In this issue, consortium blockchain governance, plus the latest legal developments in blockchain technology, smart contracts and digital assets.

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## **Blockchain and Digital Assets News and Trends**

24 APR 2019

Blockchain and Digital Assets News and Trends

The inaugural issue looks at the SEC's Digital Guidance Framework and No Action Letter and covers the latest legal developments in blockchain technology, smart contracts and digital assets.

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- "Consortium blockchain governance: four critical issues for enterprise blockchain projects," *Ledger Insights*, April 24, 2019
- Co-author, "Top 10 FOSS legal developments in 2018," *Synopsys*, January 1, 2019
- Co-author, "The Big Legal Issue Blockchain Developers Rarely Discuss," *CoinDesk*, September 8, 2018
- Co-author, "The Rise of Tokens: Critical Considerations for VC Firms," *PE Hub*, April 20, 2018
- Co-author, "ICOs and hybrid token offerings — a legal perspective" *Brave New Coin*, April 12, 2018
- Co-author, "Hybrid token offerings: the rise of token offerings for venture backed-companies," *Brave New Coin*, February 27, 2018
- Co-author, "Blockchain Regulation in Finance: Recent Developments and Prospects," *The Distributed Ledger*, September 2017
- "Top 10 FOSS legal stories in 2016," *Opensource.com*, February 2017
- "Top 10 Open Source Legal Developments in 2015," *Opensource.com*, January 2016
- "A Platform for IP Lift-Off," *Global Corporate Venturing*, July 2012
- Co-author, "Dealing with potential bankruptcy of a licensor; A bankruptcy remote entity may be one way to avoid risks for licensees," *The National Law Journal*, 4 Dec 2004

## Events

### Previous

#### Corporate venture capital 2020 compensation

13 August 2020 | 1:30 - 2:30 ET  
Webinar

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#### Fiduciary duties of directors in financially distressed companies

4 August 2020 | 12:00 - 1:00 ET  
Webinar

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#### Building bespoke ventures to solve real-world problems: Applications in corporate venturing

16 June 2020 | 11:00 - 12:00 ET  
Webinar

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#### The Open COVID Pledge and other IP reactions to the COVID-19 pandemic

14 April 2020 | 12:00 p.m. – 1:00 p.m. PST  
Webinar

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## **The Open COVID Pledge and other IP reactions to the COVID-19 pandemic**

9 April 2020 | 9:00 a.m. – 10:00 a.m. CDT  
Webinar

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## **Open Source In-house Counsel Discussion**

26 February 2020  
Open Source In-house Counsel Discussion  
East Palo Alto

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## **OSS Business Model: From the Past to the Present**

20 September 2019  
San Francisco

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## **Open Source In-house Counsel Discussion**

16 September 2019  
Open Source In-house Counsel Discussion  
East Palo Alto

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## **The private markets and professional compensation**

19 June 2019  
Webinar

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## **Corporate Venture Capital: Salary Increase & Bonus Report**

22 APR 2019  
East Palo Alto

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## **2018 ALIC Regional Roundtable**

23 OCT 2018  
New York

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- Intellectual Property Owner's Annual Conference, October, 2018, Intersection of IP and Open Source
- Woman's Director Council, September 2018 Blockchain – Digital Ledger Technology
- Chair, State Bar of California Intellectual Property Section Open Source Presentation
- Investing in Open Source: Understanding the Opportunities and Managing the Challenges, SDForum
- Garage Technology Ventures



- Georgetown University Law Center
- National Incubation Association
- National Association of Bankruptcy Trustees
- American Association of Publishers
- Seybold San Francisco Conference
- National Association of Broadcasters' Multimedia World
- Game Developers' Workshop
- Internet World
- American Society of Magazine Editors

## NEWS

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### Mark Radcliffe to moderate panel at Open Core Summit in San Francisco

18 September 2019

Mark Radcliffe will moderate a panel on "The OSS Business Model, from Past to Present" at Open Core Summit, the global commercial open-source software (COSS) category ecosystem conference.

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### DLA Piper advises FinLab EOS VC fund on its investment in Uplandme

1 July 2019

DLA Piper has advised FinLab EOS VC Europe I GmbH & Co. KG on its investment into Uplandme, Inc., a Silicon Valley based game development studio. The funds secured in this financing round will be used to support the initial development and launch of the digital property trading game Upland.

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### DLA Piper's Mark Radcliffe named to the *Recorder's* 2019 list of California Trailblazers

26 June 2019

DLA Piper is pleased to announce that Mark Radcliffe, a Silicon Valley-based partner, has been named to the *Recorder's* 2019 list of California Trailblazers.

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### DLA Piper's Mark Radcliffe named to the *National Law Journal's* list of Technology Trailblazers

10 June 2019

DLA Piper is pleased to announce that Mark Radcliffe, a Silicon Valley-based partner, has been named to the *National Law Journal's* list of Technology Trailblazers.

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### DLA Piper advises FinLab EOS VC fund on its investment in Moonlighting

25 APR 2019

DLA Piper has advised FinLab EOS VC Europe I GmbH & Co. KG on its investment of up to US\$2 million into Moonlighting, Inc., the operator of the on-demand freelance platform Moonlighting.

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## DLA Piper announces launch of Blockchain and Digital Assets practice

26 FEB 2019

DLA Piper announced today the launch of its Blockchain and Digital Assets practice, which will offer strategic advice on a global basis to address the needs of companies implementing blockchain technology solutions and creating and deploying digital assets.

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## MEDIA MENTIONS

- "Clear Governance Key for Enterprise Blockchain to Move Forward," *Cointelegraph*, July 26, 2020
- "UK likely ahead of US in setting global agenda for IoT regulation," *LegalTech News*, May 10, 2019
- "Unbeknownst to many, IoT devices (and their cyber risk) are everywhere," *LegalTech News*, April 3, 2019
- "A perfectly imperfect marriage: blockchain and open source," *Above the Law*, February 20, 2019
- "What Dr. Seuss can teach us about bringing cybersecurity onto the blockchain," *Forbes*, November 2, 2018
- "Knowing what you don't know is more important than being brilliant,' with Mark Radcliffe of DLA Piper," *Thrive Global*, November 1, 2018
- "13 things that every blockchain company must understand, with Mark Radcliffe of DLA Piper," *Authority Magazine*, November 1, 2018
- "Davis's Take: Crypto Cowboys Ready to Lay Down the Law," *The Wall Street Journal*, March 8, 2018
- "Linux Foundation Launches Open Data Licensing Agreements," *Linux Insider*, October 23, 2017
- "Open-sourcing data will make big data bigger than ever," *ZDNet*, October 23, 2017
- "Companies Turn Blind Eye to Open Source Security Risks," *Linux Insider*, October 18, 2017
- "The Faces of Open Source Law," June 19, 2017