

Get to Know: Anita Hodea

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1. Tell me about key moments or mentors that have most influenced your legal career and shaped your current intellectual property (IP) practice?

As I did not study IP at university, my first real exposure to it came during my first seat at the previous global law firm where I trained. In the United Kingdom, trainee lawyers typically rotate through different departments over a two-year period before qualifying into a specific team. That first seat was a defining experience, giving me the opportunity to work on a technically challenging disclosure exercise in a patent litigation case. While the work was intense, with long nights fueled by coffee and pizza, I look back on it very fondly. The team was incredibly supportive, taking the time to explain difficult concepts, the background of the case and the wider context of patent litigation, which was all new to me at the time. In a full-circle moment, that matter was led by Nathan Smith, who is now an IP Partner in my current team at Katten.

That case's steep learning curve, engaging subject matter and collaboration sparked my interest in IP. I was also fortunate to work on data protection matters during that first seat, and I quickly discovered I enjoyed both areas of law. What made that first seat so formative was not just the subject matter, but the experience of working alongside smart, patient and encouraging lawyers who brought complex legal issues to life. I've been lucky to learn from excellent mentors, both within IP and beyond, who have continued to shape how I approach my work and professional growth.

2. With the first requirements of the EU AI Act coming into effect recently and your numerous published articles related to artificial intelligence (AI) governance, what are potential implications you foresee for the fashion industry and its stakeholders?

Fashion brands are increasingly relying on AI for design, marketing and supply chain management. The EU AI Act (Act) introduces a set of risk-based rules for AI developers and deployers related to specific uses of AI, which will require fashion brands to carefully assess whether and how their AI systems fall under the Act's risk categories. Compliance with the Act will require transparency, robust data governance and ensuring AI systems are explainable and fair.

Brands will also face challenges around data privacy, IP rights and potential biases in AI-generated outputs, which could impact consumer trust and brand reputation. On the positive side, the Act encourages responsible innovation, potentially raising industry standards and fostering more sustainable, customer-centric practices. Overall, the fashion sector must stay proactive, aligning AI governance with both regulatory demands and evolving consumer expectations to navigate this new landscape successfully.

3. Where do you see the greatest compliance gaps for fashion businesses experimenting with AI-driven personalization or design, and what immediate steps can they take to mitigate those gaps?

On the IP side, generative AI used in design can raise infringement risks, particularly if models are trained on copyrighted content without permission. These risks are often difficult to assess due to a lack of transparency around training data. The Act seeks to address this by requiring providers of generative AI to adopt policies that comply with EU copyright law and to publish summaries of training data sources. To mitigate risks, fashion brands should assess how the AI tools they use are trained, maintain human oversight in the design process and secure appropriate licenses where needed.

Related to privacy, AI-driven personalization depends heavily on analyzing customer behavior and preferences. Common issues include collecting more personal data than necessary, without clearly establishing a legal basis for processing and failing to provide transparent privacy notices. Brands should therefore ensure they are transparent about how AI is used, collect only the data they need and implement adequate retention periods.

4. In your transactional work, you have coordinated data-protection due diligence for private equity (PE) investments and mergers and acquisitions (M&A). What are several red flags related to data privacy that frequently surface in such matters?

While a single issue may not immediately raise concerns, multiple data privacy issues together can constitute a red flag, often indicating broader compliance gaps or operational challenges. Common issues include the lack of a clear data breach detection and response plan. While businesses may focus their resources elsewhere, data breaches — whether caused by cyberattacks, human error or other factors — are industry agnostic and can impact any sector. In PE investments, where holdings typically last around five years, data breaches can cause significant and lasting reputational and financial damage, affecting not only the target company but also the PE firm and future investment opportunities. As such, due diligence must assess whether the business has experienced data breaches and evaluate the technical and operational controls in place to detect and manage such incidents.

Other issues include incomplete or inconsistent data protection policies and inadequate handling of data subject access requests, both of which can invite regulatory scrutiny. Additionally, insufficient safeguards for international data transfers and a reliance on third-party vendors with weak data

practices may increase legal and commercial risks. Identifying these patterns early helps investors and acquirers assess liabilities, negotiate warranties and plan for effective remediation.

5. You were named to the Pro Bono Recognition List 2024 for England and Wales and have completed more than 50 pro bono hours annually. Tell us about the social causes you are most passionate about supporting through your pro bono practice.

As lawyers, I believe that we have a responsibility to promote access to justice and support social causes using our skills. I've been involved in various meaningful pro bono projects, including drafting petitions to the United Nations (UN) advocating for the release of prisoners of conscience and addressing arbitrary detention and related human rights abuses, in collaboration with international organizations. This work tied in with my academic interests, including a master's degree in international relations and international law that examined the role that institutions like the UN play in protecting human rights.

I've also supported young people and families through partnerships with non-governmental organizations and local authorities, assisting them in navigating the UK immigration system and preparing necessary documentation for citizenship. Beyond this, I have worked with both local and international charitable organizations to help safeguard their IP and develop policies and procedures to ensure compliance with data protection regulations. These experiences have allowed me to engage with clients and issues beyond my usual practice, which I have found incredibly rewarding and motivating.

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