



## **Katten Privacy, Data and Cybersecurity Newsletter**

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### **What Businesses Should Know About NJ Privacy Bill**

*By Trisha Sircar*

This article, published in *Law360*, discusses New Jersey's comprehensive privacy bill and how it compares to similar legislative action in other states. Trisha covers what distinguishes the bill from others, its applicability and scope, and its consumer rights provisions. She also provides a list of five steps businesses should take to plan for the law. [Read the full article here.](#)

### **ChatGPT Violates EU Privacy Rules, According to Italian Watchdog**

*By Sarah Simpson*

When Italy's data protection authority (Garante) applied a temporary ban on ChatGPT in March 2023, there was the expectation that a problem was brewing – the extent of which was unclear until now. Garante revealed, not yet in full, that OpenAI has violated the EU General Data Protection Regulation, likely because ChatGPT was trained by ingesting masses of data scraped from the internet. [Read more about the investigation and key takeaways that apply to all organizations.](#)

### **Floyd Mandell Explains Utility of Consumer Surveys in Trademark Disputes Despite Judicial Skepticism**

Intellectual Property Litigation Partner Floyd Mandell, co-chair of Katten's Trademark/Copyright/Privacy Group, was quoted by *Law360* in an article about judicial skepticism surrounding the use of consumer surveys as "likelihood-of-confusion factors" in trademark disputes and the proposed alternative that could improve the reliability of such surveys. In his own practice, Floyd emphasized that part of his due diligence before commissioning a survey includes researching the individual who will conduct it and whether that individual has faced criticism, as well as how a particular judge or district treats surveys. [Read more about the proposed alternative by scholars that could improve survey reliability.](#)

### **Danette Edwards Discusses Cyber Incident Reporting Requirements for CISOs and Associated Risks**

*TechCrunch* and *CyberWire Daily* podcast shared comments made by Partner and Securities Enforcement Defense Co-Chair Danette Edwards as a panelist at the ShmooCon hacker conference in Washington, DC, about the expanding legal risks for companies and their Chief

Information Security Officers relating to cybersecurity incidents. [Read about her predictions for how companies will respond to public disclosure requirements.](#)

## Generative AI - Data Privacy's Friend or Foe?

By Sarah Simpson

Earlier this month, the UK data protection watchdog, the Information Commissioner's Office (ICO), began a consultation series on generative artificial intelligence (AI), which analyzes how data protection legislation should apply to the development and use of AI across industry sectors to create new content. The first consultation investigates the laws around training generative AI models on personal data that is scraped from the internet. [Read more about the ICO's call for views and subsequent consultations.](#)

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## CONTACTS

For questions about developments in the [Privacy, Data and Cybersecurity](#) industry, please contact the following Katten attorney:



### [Trisha Sircar](#)

Partner, Co-Privacy Officer  
Quick Clicks Editor  
[vCard](#)



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