



Giovanna H. Fessenden- Fairbank

Digital IP Counsel

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PRACTICE AREAS

- Patents
- Open Source Software Counseling
- Trademarks
- Copyrights
- Licensing
- Agreements
- Design Patents
- IP Litigation
- Counseling
- Trade Secrets
- Post-Grant Proceedings
- Trademark Opposition and Cancellation Proceedings
- IP Intelligence and Audits
- Domain Name Legal Services

TECHNOLOGY AREAS

- Blockchain
- Computer Software
- Mobile
- Internet of Things
- Business Methods
- Medical Imaging
- Computer Hardware
- Robotics
- Electrical Engineering
- Mechanical Engineering
- Artificial Intelligence

Giovanna is a computer scientist, intellectual property attorney, and blockchain specialist with 20+ years of experience advising high-tech companies and startups in software patents, software product development, licensing, open source software, trademark branding, post-grant patent challenges, litigation, and intellectual property strategy.

Giovanna is the executive producer of TEDx Berkshires and serves as a Board Member at the Berkshire Innovation Center.

Areas of Practice: Giovanna's legal practice focuses on all areas of intellectual property law through counseling, patent and trademark prosecution, enforcement, and litigation with an emphasis on technologies related to blockchain, non-fungible tokens (NFTs), artificial intelligence (AI), machine learning, esports and gaming, wearables, payment systems, clean energy technologies, recycled materials innovations, biometrics, cryptocurrency wallets and exchanges, augmented reality (AR), video compression / codecs, trusted computing and encryption, cybersecurity, object-oriented software, analytics, video on demand (VOD) systems, VoIP and video conferencing systems, AI medical devices, uninterruptible power supply (UPS) systems, and semi-conductor manufacturing systems. Giovanna uses her litigation experience to strengthen and protect her client's intellectual property, manage risks, and position businesses to succeed in the event of a dispute.

Patent/Trademark/Copyright Prosecution and Brand Development:

Giovanna develops and manages international patent and trademark portfolios and prosecutes matters before the USPTO, PTAB, TTAB, and WIPO. She frequently advises clients on developing and strengthening their patent and trademark rights and works with counsel around the world to help protect her clients' intellectual property portfolios. She frequently advises on brand protection and counsels clients on blockchain/web 3.0 platforms, from games to marketplaces, on compliance and risk management.

EDUCATION

- Smith College, B.A. in Art History and Computer Science
- University of New Hampshire Franklin Pierce School of Law, M.A. in Intellectual Property
- University of New Hampshire Franklin Pierce School of Law, J.D.

PROFESSIONAL ASSOCIATIONS

- Berkshire Innovation Center - Serving on their Board of Directors
- Boston Bar Association - Co-chair of Internet and Technology Subcommittee (IP Steering Committee)
- Berkshire Bar Association
- Boston Intellectual Property Law Association

IP Enforcement, Defense, and Litigation: Giovanna manages intellectual property disputes on a global scale, including, when necessary, litigating complex commercial claims involving copyright, trademark, trade dress, false advertising, and patent disputes in federal courts nationwide. She has handled patent post grant proceedings, patent litigation, copyright and trademark infringement litigations, trademark opposition and cancellation proceedings, and breach of contract actions. Giovanna has prepared validity and infringement opinions, open source software compliance opinions, software license agreements, non-fungible token (NFT) royalty agreements, technology transfer agreements, copyright publishing agreements, film production agreements, website terms of use agreements, and employee intellectual property agreements.

Open Source Software: Giovanna also advises clients on open source software and OpenChain compliance, open source patent issues, and developing and implementing corporate policies on using open source software.

Background: Giovanna has experience programming several programming, scripting, and modeling languages, including Java, C++, C#, Perl, CGI, Lisp, C, C Music, Javascript, XML, HTML, and Unified Modeling Language (UML).

As a Communications Systems Analyst for the International Co-operative Alliance Organization in Geneva, Switzerland, Giovanna worked on software development, GUI and database development, application programming, server maintenance, database driven website creation, and network administration. Giovanna has also worked as a Technology Consultant for the United Nations Committee for Advancement of Cooperatives in Geneva, Switzerland, where she worked in software development and animation. As a Programmer at Harvard University, she developed Java Applets and performed Flash ActionScript programming for an e-learning project.

While studying for her law degree, Giovanna held an internship at the United States Copyright Office where she assisted with the promulgation of regulations concerning webcasting transmissions and the Digital Millennium Copyright Act.

BAR ADMISSIONS

- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the First Circuit
- U.S. District Court, District of Massachusetts
- U.S. Patent and Trademark Office
- Massachusetts
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CERTIFICATIONS

- Black Duck Certified Open Source Legal Professional

PARTNERSHIPS

- OpenChain Linux Foundation Partner

In addition to working with our other clients, Giovanna helps our firm maintain a presence in western Massachusetts, personally serving clients in that area. Since 2018, Giovanna has received the distinction in The Best Lawyers in America® for her patent law expertise. For the past 6 years, she has been ranked by Super Lawyers®, a rating of outstanding lawyers who have attained a high degree of peer recognition and professional achievement. In 2025, Giovanna earned her first World Trademark Review 1000 (WTR) recognition in the Bronze category for trademark prosecution and strategy. WTR 1000 list is a prestigious ranking that focuses exclusively on trademark practices and practitioners.

SPEAKING ENGAGEMENTS

- “Generative AI in Business: Ethical, Legal, and Practical Considerations for Lawyers,” Speaker, Boston Bar Association Webinar, February 6, 2025
- “Artificial Intelligence: Leveraging AI to Improve Rural Healthcare Efficiency,” Panelist, Northern New England MedTech Conference, November 13, 2024
- “The Secret to GenAI and Trade Secrets,” Speaker, Hamilton Brook Smith Reynolds webinar, October 17, 2024
- “Open Source Software (OSS) Risks in M&A,” Speaker, Boston Bar Association Webinar, October 2, 2024
- “Developing AI Medical Products: Lessons from the Field,” Speaker, MDG Boston Webinar, October 1, 2024
- “Lean in on Generative AI: Latest Trends and Developments,” Speaker, Hamilton Brook Smith Reynolds webinar, August 22, 2024
- “Development of AI Policies and Procedures for In-House Counsel,” Speaker on Boston Bar Association Webinar, June 4, 2024
- “IP Year in Review Conference,” Speaker on the panel “IP in the Digital Age: Trends and Transformations,” Boston Bar Association, March 21, 2024, Boston, MA
- “Generative AI: A Gold Mine for Accelerated Development or a Risk of Copyright Infringement?” Speaker, Hamilton Brook Smith Reynolds webinar, March 6, 2024
- “Longevity, Technology, and the Future of Medicine,” The Berkshire Innovation Center, May 18, 2023
- “Recycled Materials Innovations,” The Berkshire Innovation Center, March 30, 2023
- “Roundtable: Patents and Non-Fungible Tokens,” The United States Patent and Trademark Office and the U.S. Copyright Office Webinar, January 26, 2023

SPEAKING ENGAGEMENTS (CONTINUED)

- “Decentralized Domain Names: What Does DNS Look Like in Web3?” Decentralized Future Council Webinar, November 10, 2022
- “Non-Fungible Tokens: A New Frontier for Brick-and-Mortar,” The Berkshire Innovation Center, Pittsfield, MA, June 4, 2022
- “Rise of Crypto Currency: Crypto, Blockchain, NFTs, and Beyond,” The Berkshire Innovation Center, Pittsfield, MA, March 31, 2022
- Moderator for panel discussions on Blockchain and NFTs at the Casino Esport Conference (CEC), Las Vegas, NV, March 24, 2022
- “Managing Open Source to Maximize Opportunity and Minimize Risk,” UNH Franklin Pierce School of Law Reunion Weekend, October 1, 2021
- “TedX Berkshires - Ideas. Inspiration. Community. Event,” Lenox, MA, Co- Organizer & Executive Producer for the Event, July 24, 2021
- “Should you get in the Game? Understanding the Economics and the Explosion in Esports & Gaming,” Event Moderator, MIT Enterprise Forum, April 7, 2021
- “Protecting Your IP from Devaluation with OpenChain Compliance,” OpenChain Bi-Weekly Webinar, March 15, 2021
- “Once Upon a Time in ...Medical Device and Open Source Land,” MIT Enterprise Forum, Webinar, October 14, 2020
- “The Technical Revolution of Esports, Gaming, Gambling, and Blockchain,” MIT Enterprise Forum, Cambridge, MA, October 29, 2019
- “The Future of Blockchain Technologies,” Roundtable Discussion at the LES Annual Meeting, Phoenix, AZ, October 22, 2019
- “VC Briefing: Blockchain: 2020,” New England Venture Capital Association VC Briefing, Boston, MA, September 26, 2019
- Moderator for panel discussion on blockchain and cryptocurrency, Casino Esport Conference (CEC), Las Vegas, NV, September 5, 2019
- “The Esports, Gaming and Blockchain Technology Revolution,” MIT Enterprise Forum, MIT Stata Center, Cambridge, MA, November 6, 2018
- Zen, Patents, and Open Source: Balancing the Viewpoints of Licensors and Licensees,” LES Annual Meeting, Boston, MA, October 16, 2018
- “IP in the Emerging Blockchain-Driven Economy,” MCLE 21st Annual Intellectual Property Law Conference 2018, Boston, MA, June 14, 2018
- “Blockchain, Bitcoin, and Beyond,” Boston College Technology & Entrepreneurship Council Event, Boston, MA, May 23, 2018
- “Strategies to Reap the Benefits of Software Patents in an Open Source Software Environment” Hamilton Brook Smith Reynolds Webcast, March 29, 2018
- Blockchain and Cryptocurrency Forum, Boston Bar Association, March 28, 2018
- “Bitcoin, ICOs and Blockchain in Life Sciences: Hype or Hope?” MassBio Annual Meeting, Cambridge, MA, March 21, 2018
- “Legal Considerations for Blockchain Innovations and ICOs” MIT Enterprise Forum, Cambridge Innovation Center, Cambridge, MA, January 30, 2018

SPEAKING ENGAGEMENTS (CONTINUED)

- “Legal Considerations for Blockchain Innovations and ICOs” MassBio, Cambridge, MA, December 8, 2017
- “Strategies to Reap the Benefits of Software Patents in an Open Source Software Environment” 2017 Black Duck FLIGHT Conference, Boston, MA, November 8, 2017
- “Law for ICOs and Blockchain,” Meetup at Alley, Cambridge, MA, October 24, 2017
- “Strategies for Commercial Software Developers Using Open Source Code in Proprietary Software,” Hamilton Brook Smith Reynolds Webcast, October 4, 2016
- “Blockchain Revolution,” TEDx Berkshires, Stockbridge, MA, June 13, 2016
- TEDx Berkshires, Stockbridge, MA, November 2015

ARTICLES

- Intellectual Property Due Diligence: Review of Patent Ownership and Title, Published in the American Bar Association Business Law Section publication Business Law Today, March 10, 2025
- Open Source Software Solutions (Part 3): Educating your Employees about Open Source Software Issues, Hamilton Brook Smith Reynolds, December 2, 2016
- Open Source Software Solutions (Part 2): Understanding Open Source Software License Trigger Points and Resulting Obligations, Hamilton Brook Smith Reynolds, October 28, 2016
- Open Source Software Solutions (Part 1): Getting to Know the Open Source Software in Your Products, Hamilton Brook Smith Reynolds, October 4, 2016
- Peer-to-Peer Technology: Analysis of Contributory Infringement and Fair Use, IDEA, May 2002

IP NEWS ALERTS

- Web3 Blockchain Domain Names: A New Frontier for Trademark Protection, April 15, 2022
- Epic Games’ Battle Royale with Apple - Epic Games, Inc. v. Apple, Inc., September 16, 2021