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# INFORMATION TECHNOLOGY & TELECOMMUNICATION LAW

We advise both providers and users of IT services on all aspects of IT law.

We assist our clients with the planning and implementation of complex IT projects. Ensuring the pragmatic management of conflicts where necessary, we create the legal environment for the timely implementation of the actual project. Where disputes are unavoidable, we also represent our clients in court or arbitration proceedings. We review existing hard- and software agreements in the context of outsourcings and IT-related transactions and we assist our clients with the legal preparation of such transactions.

Our clients can rely on our vast experience in the tendering and award of IT projects.

We also advise our clients on the conclusion of software development, system integration and infrastructure agreements, on the design of software sales models and on software licence management issues.

Moreover, our advisory services include IT compliance, data protection law and IT security. Our advisory services further include IT compliance, data protection and IT security. Here we assist our clients with identifying the compliance-relevant aspects of their business, verify the existing compliance structures, suggest solutions addressing shortcomings and support the development of a code of conduct. We also advise on data protection and IT security concepts and the drafting of data protection guidelines and contract clauses. This includes the review and the amendment or drafting of employment contract clauses on the private use of internet and e-mail facilities and on data security.

In this context, we also advise our clients on the risks and opportunities of cloud computing, for both private and public clouds. We finally also render legal advice on matters concerning the use of social media data and big data.

Another focus of our work is advice on IT law-related e-commerce matters. We advise our clients on legal issues around internet shops, platforms and other online offers and services. In respect of trademark and copyright law, we assist for instance with the choice of domain names, the registration of domains and the enforcement of claims against domain grabbers. We assist our clients with designing the legal features of their online or internet shops and advise on related competition and trademark issues and on content licensing and liability matters.

We also offer know-how in the increasingly important area of m-commerce and render advice on the drafting of contracts in connection with the design and distribution of applications for smartphones and tablets.

In the field of **TELECOMMUNICATIONS**, we also assist our clients with the planning, realisation and implementation of their projects.

Hardly any other industry is undergoing as dynamic a change as the telecommunications sector. While traditional landline telephony continues to lose importance, mobile communication has become a key element of many innovative business models. Whether we use books, games and movies via mobile devices, pay rail tickets via the telephone bill, access social media offers while on the move or control traffic flows to avoid traffic congestions by analysing and evaluating location data: Telecommunication today is an indispensable pillar of novel services.

Having worked for clients in the field of telecommunications for many years, we boast vast experience in legally structuring and implementing complex telecommunications projects. When new business models are designed, we often get involved in an early planning stage so requirements under telecommunications law can be taken into consideration right from the beginning. As media of different types get increasingly interconnected, we always work in close cooperation with specialists from other areas of law, as it has happened when we successfully assisted with the legal implementation of an innovative, mobile network-based TV concept.

We regularly draft and negotiate contracts for our clients with mobile network operators (e.g. for mobile payment, WAP billing and SMS services), infrastructure providers, technical service providers and call centres. An important part of our legal practice is the drafting of agreements for content licensing, such as films, applications, music and games for use on mobile devices. In addition, we assist our clients with drafting legally secure contracts and terms & conditions for dealing with users of telecommunications or telecommunications-related services. Our clients have been relying on us for many years to ensure that their promoting, rendering and billing of such services comply with requirements under telecommunications law.

We are also familiar with international telecommunications matters and were, for example, involved in a European-wide study on the use of mobile network data for the exploration of tourism development.

## LEGAL AREA INFORMATION TECHNOLOGY & TELECOMMUNICATION LAW

We further support businesses in regulatory and licensing proceedings, tenders for frequencies, antitrust matters and proceedings regarding the abuse of telephone numbers. And last, but not least, we also boast comprehensive experience in telecommunications infrastructure transactions, especially in the mobile phone area.

All this makes us competent advisors to our clients, providing them with practical legal solutions for all telecommunications-related challenges.

### Information technology

- (Business process) outsourcing
- Project and licence agreements including management of difficult IT projects
- Software development and customisation agreements
- Equipment agreements
- Maintenance and service agreements
- Distribution agreements (OEM, Value Added Reseller, etc.)
- Source code deposit agreements for your protection in an insolvency event
- Open source
- System integration
- Legal aspects of ownership of data bases

### eCommerce mCommerce

- Designing of internet shops
- Content licensing
- Liability for content and links
- Legal issues relating to domains
- Drafting of general terms and conditions
- Imprint/Legal information
- Legal aspects of contractual design of applications for smartphones
- Drafting of contracts relating to applications

### Data protection compliance

- Data protection audits
- Support for the company's data protection officer or function as external data protection officer
- Codes of conduct and compliance
- Drafting of data protection and non-disclosure agreements (confidentiality)
- Cross-border data flow safety
- Encryption
- Data protection policies and works council agreements, for example on the use of e-mail and the internet at the workplace
- Communication with supervisory authorities

### Telecommunications law

- Mobile services & mobile payment
- Mobile network operators and service provider agreements
- Market regulation and control of abusive practices
- Customer agreements and general terms & conditions
- Value-added services and other telecommunications-based services
- Distribution of mobile content
- Localisation services
- Call centre agreements
- Provision / Transfer of telecommunications infrastructures

### Brussels

We are integral members of the BEITEN BURKHARDT IT and Telecoms group and provide support for all competition and state aid issues arising in this sector. In addition to working on mandates from our IT and Telecoms group, we also have our own IT and telecoms clients.

We have particular expertise in cross over areas, such as the compliance of standard setting bodies or patent pools with antitrust law, or on the alleged abuse of a dominant position where prices are approved or set by a regulatory body.

## China

We assist clients concerning a broad range of topics regarding information technology with connection to China. We render legal advice concerning data protection, IT security, software licences, software registration, encryption and e-commerce.

Our clients operate across a broad range of industries and jurisdictions and include both medium-sized c and large-scale corporations.

### AT A GLANCE:

- Data protection
- IT safety
- Software licenses
- Software registration
- Encryption
- E-Commerce

## Russia

We have been advising Russian and international businesses on legal aspects linked to the use of information technologies for 15 years. Based on this experience, we offer our clients optimal legal security in the rapidly developing sector in which not all issues have already been clearly regulated by law. Besides data privacy, it is especially the import of hardware, the operation of websites and internet trading that are of practical relevance.

### AT A GLANCE:

- Licencing, import, sale and maintenance of encryption equipment and software with encryption capability
- Licencing of activities involving state secrets
- Internet activities and work of content providers
- Operation of websites
- Internet trading
- Data privacy and data security
- Use of electronic signatures