

Ecomlex

[www.ecomlex.com](http://www.ecomlex.com)



## About Ecomlex

Ecomlex is an association of leading Information Technology ("IT") and e-commerce lawyers established to meet the needs of businesses throughout Europe.

Our 18 member firms are located in:

- Austria
- Belgium
- Czech Republic
- Denmark
- England
- Finland
- France
- Germany
- Hungary
- Ireland
- Italy
- Netherlands
- Poland
- Portugal
- Scotland
- Spain
- Sweden
- Switzerland

We act for a wide range of clients in the technology sector and in other sectors where technology is used, including technology suppliers, government and intergovernmental bodies, multinationals and growing businesses which are expanding outside their own territories.

Our clients benefit from our unique approach:

- We understand the relevant law and technology
- We provide a speedy and commercial service to our clients
- We have worked together for a number of years and can trust each other
- We will provide one invoice for all our work if required

## Our expertise

Ecomlex lawyers are enthusiastic about their clients and their businesses. Many of them have backgrounds in the industry. We act for both suppliers and customers which gives us a unique insight into the issues affecting both sides. This is immensely advantageous when it comes to participating in negotiations as we can anticipate the objectives and requirements of the other side and find practical solutions.

Our work covers the following areas of law:

- IT licensing and exploitation
- technology services and outsourcing agreements
- telecoms issues
- e-commerce laws and regulation
- data protection and privacy
- technology dispute resolution
- online gambling
- copyright, database right and patents
- intellectual property (“IP”) issues

## Examples of work

### Global energy company

Advising a global energy company on a number of pan-European projects, including on the legal and regulatory regime affecting the implementation of an e-invoicing project, the roll out of a data protection compliant whistleblowing scheme and the implementation of policies and contractual arrangements to allow group-wide data sharing initiatives.

### Service provider for the hotel industry

Advising the world’s leading provider of digital IP-based entertainment and internet services for the hotel industry on a pan-European roll-out programme.

### Education and information provider

Advising on legal and practical data protection requirements affecting its business, including the obtaining of regulatory authorisations to legitimise the capture of digital fingerprints in testing centres throughout the world, the restrictions affecting the use of CCTV systems to film candidates, and the contractual documents required to allow lawful transfers of personal data from each test centre to a central server.

### Energy resources

Assisting a global energy resources company on parallel discussions with the data protection authorities of several EU member states and advising on specific regulatory requirements in each jurisdiction in connection with the approval of data transfer agreements and Binding Corporate Rules.

### Ticket exchange company

Advising Europe’s largest online ticket exchange company on the establishment and operation of its unique online marketplace in the UK, the Netherlands, Germany, Spain, Italy, France, Portugal and Sweden for the exchange of concert, theatre and sports tickets.

### Large UK broadsheet newspaper

Analysing the level of data protection compliance in the context of the operation of its ethics code of practice and whistleblowing facilities and advising on the adoption of a suitable pan-European policy.

### Leading communications provider

Assisting on the adoption and implementation of a suitable data retention strategy in accordance with the data retention and deletion obligations in place across the EU.

## Our experience

### Member firms

Contact details for all Ecomlex member firms can be found on the final page of the brochure.

#### Austria

##### Legis

Legis is a cooperative association of attorneys based in Vienna offering a full range of legal services to businesses with a special focus on new technologies. Legis advise Austrian and foreign clients including large and medium-sized public and private companies, governments and governmental organisations. Their clients also include banks and financial institutions, telecom and Internet Service Providers, energy providers and utilities, media companies, domestic and international portals, product/information providers and various “old economy” industries, as well as the health and public sectors.

##### Experience

Legis offer extensive experience in all areas of e-commerce, telecommunications and IT and have a thorough understanding of the technical issues and the underlying businesses of the industries involved. Their expertise includes distribution over the internet and other platforms (e.g. mobile), e-payment and e-billing, e-banking, data protection and data security, electronic signatures, web 2.0 applications and social networking, IT outsourcing, software and software distribution, as well as regulatory and compliance issues and trading conditions for on-line businesses.

#### Belgium

##### Field Fisher Waterhouse LLP

Field Fisher Waterhouse LLP opened an office in Brussels in April 2007 and already has 40 lawyers including 11 partners. The office specialises in advising clients on technology, EU and competition law, corporate, litigation, employment and pensions. Clients include both national and international companies across a range of sectors such as financial services and TMT.

## Experience

Field Fisher Waterhouse's Belgian office has dedicated technology lawyers based in Brussels with a focus on delivering a commercial, efficient, value-for-money service to its clients. They have particular expertise in:

- software and licensing agreements
- e-commerce contracts and regulation
- data protection compliance
- technology dispute resolution
- cyber fraud and cyber crime
- IT-outsourcing

#### Czech Republic

##### Havel & Holásek

Havel & Holásek is a leading full-service law firm consistently ranked as a top ten Czech law firm for key areas of business law in the Czech Republic by international legal directories such as Global Counsel 3000, European Legal 500, IFRL 1000 and Chambers Global. They have a strong transactional practice focused on corporate, M&A, banking and finance, capital markets, real estate, restructuring and insolvency and IT and communications, supported by commercial law and employment law service lines. Their lawyers have a broad breadth of experience and offer professional expertise and familiarity with the Czech business environment and rapidly developing legal environment, coupled with the ability to manage the legal aspects of complex and demanding international transactions. The firm's clients include telecommunications equipment suppliers, mobile phone and other communication device producers, mobile services providers, software developers, software implementation providers and electronic marketplace operators.

##### Experience

Havel & Holásek's team of communications and IT lawyers advises on a broad range of issues, including:

- regulation of electronic communications
- business agreements between telecommunication operators
- software licensing and implementation
- IT outsourcing
- domain name protection
- online contracts and electronic signatures
- personal data protection
- online gambling

## Denmark

### Plesner

Plesner comprises 190 attorneys and a total staff of 330. As one of Denmark's largest law firms with expertise within all areas of commercial law they provide high-quality advice and legal assistance in all areas of commercial and public law, including e-commerce and personal data protection. They are dedicated to providing target-oriented and efficient services based on a full understanding of their client's commercial interests and requirements. Their clients in Europe and the US include banks and financial institutions, internet service providers, media companies and various "old economy" industries embracing new technology, including pharmaceutical companies.

### Experience

Plesner has extensive experience in all areas of online law, including e-commerce and personal data protection. The firm dedicates vast resources to maintain its position as a

leading player in e-commerce and personal data protection in Denmark. Their staff receive continuous training enabling them to offer cutting-edge solutions to clients.

## England

### Field Fisher Waterhouse LLP

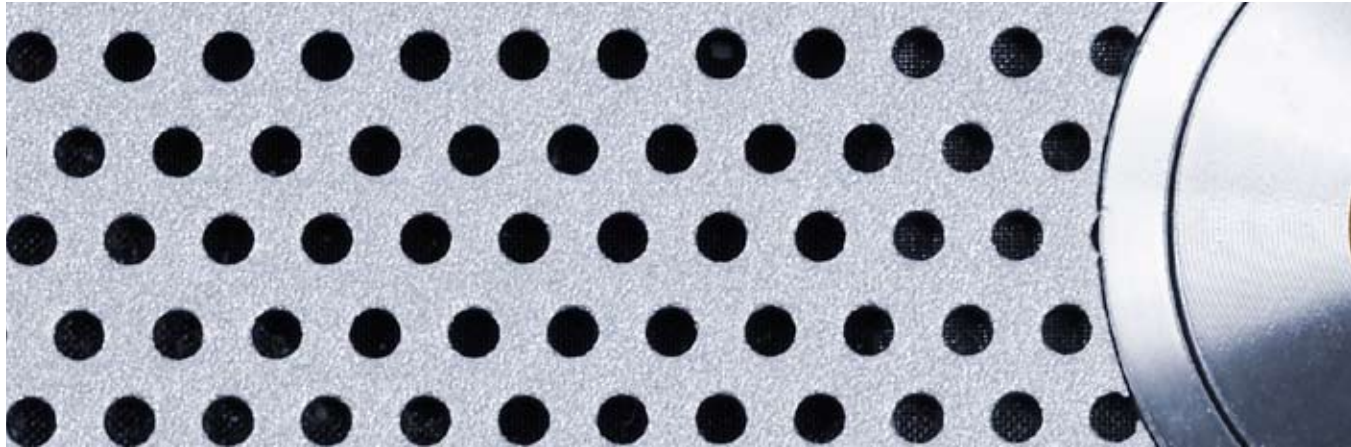
Field Fisher Waterhouse LLP is a European law firm with more than 120 partners. They advise a broad spectrum of clients from around the world, ranging from large multinationals to entrepreneurs. They are acknowledged as having one of the UK's leading TMT departments, which includes more than 60 lawyers.

### Experience

Field Fisher Waterhouse LLP has a very strong group of technology lawyers with substantial and varied experience, for which it is recognised in *The Legal 500* and *Chambers* directories as one of the leading technology groups in the UK. They focus on delivering a commercial, speedy, value-for-money service to all their clients. They have particular experience in:

- exploitation and licensing agreements
- e-commerce contracts and regulation
- cross border outsourcing and services agreements
- telecoms systems and services
- telecoms regulation and competition laws
- technology dispute resolution
- data protection compliance





## Finland

### HH Partners

HH Partners is a mid-sized law firm offering services in all areas of commercial and business law. The firm has been especially acknowledged in the areas of corporate and M&A law, e-commerce, IT and telecoms, IP, dispute resolution and tax law. HH Partner's clients represent a broad spectrum, from multinational companies to privately held start-up businesses.

### Experience

HH Partners advises clients on all aspects of e-commerce and IT law. It has special expertise in:

- establishment and operation of websites and webshops
- online trading terms including consumer protection issues
- IP protection
- data protection and privacy law
- IT related contracts (including licensing, outsourcing and technology transfers)
- regulatory and compliance issues
- mergers and acquisitions, joint ventures and other shareholding arrangements of IT companies
- dispute resolution in the technology sector

## France

### Field Fisher Waterhouse LLP

Field Fisher Waterhouse LLP opened an office in Paris in October 2007. With five partners, the office specialises in advising clients on IT and telecommunications, IP, corporate and finance, insolvency and restructuring, litigation and arbitration, employment and life sciences and healthcare matters. Their clients include international outsourcing service providers, US product/information providers, web designers, radio stations, auction websites and consumer goods and services websites.

### Experience

Field Fisher Waterhouses's French office has been advising European and US companies on their global e-commerce strategies for more than ten years. Their practice comprises specialists in IP, advertising and media and they have helped organisations ranging from traditional well established companies to new business start-ups.

## Germany

### Field Fisher Waterhouse Deutschland LLP

Understanding the clients' business is central to the work ethos of the German office in Hamburg's Hafencity. As well as expertise, the office's lawyers understand and have developed a commercial knowledge of their clients'



businesses. One of their core practice areas is IT law. The clients of the IT team vary from start-ups, national and international internet service and platform providers and software and media companies, to operating companies and users.

### Experience

Field Fisher Waterhouse's German office advise on contract solutions and strategic approaches including:

- internet, e-commerce, data processing, project management and outsourcing
- transactions and disputes in the IT sector, including hardware, software development contracts and licence agreements, contract drafting, system procurement, national and international business process outsourcing and insourcing, IT procurement and trade agreements with second-hand software
- internet and software law, often with an interface with the telecommunications sector as well as to media, including film and entertainment, new media and hybrid forms. The team also advises banks, advertisers and the internet industry
- the law of network infrastructures, telecommunications and the energy industry
- acquisitions, negotiations, regulations and compliance of licences
- data protection
- call centre-related practices

The team is also experienced in distribution, antitrust and unfair competition legal matters.

### Hungary

#### Bogsch & Partners

Bogsch & Partners is a Budapest-based mid-size firm of three partners and a total of 25 staff. They advise national and multi-national clients on all areas of commercial and business law, IP and IT, antitrust, M&A, finance and regulatory law.

#### Experience

The expertise of Bogsch & Partners is widely acknowledged in IP, IT, media, internet and e-commerce related matters. They have particular experience in:

- trade mark, domain name and brand policy issues
- licensing agreements and dealing with IP assets and portfolios
- copyright and computer software law
- franchise, agency and distribution agreements
- marketing, advertising and unfair competition advice
- e-commerce and internet laws
- media regulations and telecommunication services
- labelling, consumer and data protection compliance,
- privacy issues, email and website compliance and labour law
- dispute resolution including IP infringements and arbitration

By providing both global and project-based advice, Bogsch & Partners is dedicated to the delivery of a comprehensive and efficient legal service to clients and to anticipating their commercial targets and interests.



## Ireland

### Beauchamps Solicitors

Beauchamps Solicitors is one of Ireland's leading full service law firms with proven expertise in all aspects of corporate, commercial, e-business, technology, contracts, telecommunications, IP, corporate finance, M&A, property and litigation. Our clients are engaged in business in various sectors including pharmaceutical, biotechnology, engineering, retail, sports, entertainment and media. The firm provides all its clients with commercially driven legal solutions on a cost-effective basis.

### Experience

Beauchamps' team of technology and IP lawyers have been recognised for their technology and IP work by leading law directories such as Chambers Europe, European Legal 500 and Who's Who Legal. They have particular expertise in:

- outsourcing and software agreements
- data protection compliance
- compliance with consumer and other e-commerce laws
- contract formation in the online context
- technology exploitation
- IP advice and telecoms regulation
- franchising

## Italy

### La Scala

La Scala, in association with Field Fisher Waterhouse, has its headquarters in Milan and five further offices in Rome, Turin, Vicenza, Padova, Verona and Mantova. The firm has outstanding transactional and judicial expertise in IT, banking, bankruptcy, capital markets, commercial law, corporate, IP and real estate. With some 60 lawyers organised in specialist departments, the firm works closely with its clients to provide a customised service. Clients include major Italian banks, mid-size companies and financial institutions.

### Experience

La Scala has extensive expertise in IT and e-commerce issues. Their IT law department comprises lawyers specialised in IP and IT matters. The practice advises on:

- data protection issues, including international data protection work
- IT outsourcing contracts
- web site development and the management of digital platforms including social media
- content provision in the new media sectors
- internet businesses (targeted advertising, info-tainment, co-branding etc.)

- domain name disputes, internet frauds and crimes
- software and database licences

## Netherlands

### Kennedy Van der Laan

Kennedy Van der Laan provides top quality legal services to meet the needs of its business clients. It comprises more than 100 attorneys and civil law notaries and has a large international practice acknowledged as having the leading ICT, e-commerce and data protection team in the Netherlands.

#### Experience

Kennedy Van der Laan is experienced in communicating effectively with management and technical experts and is familiar with the legal complexities of matters such as e-commerce, the internet, multimedia publications, outsourcing, computer crimes, encryption, software protection and licensing, technology transfers, sale or lease of hardware, privacy and data protection regulation, EDI, contractual and tort liability, telecommunications, dispute resolution, and a wide range of consumer-protection legislation affecting standard contracts with users.

## Poland

### Laszczuk & Wspolnicy

Laszczuk & Wspolnicy has been providing legal services since 1989. They draw upon their long-term experience and in-depth knowledge to provide effective, secure and practical legal solutions. Providing professional legal assistance requires full commitment to the client's interests and an understanding of the essentials of the client's business, needs and expectations. In this context the firm is able to help prevent problems from arising and not just solve problems after they have appeared. The firm currently comprises 32 people, including five partners, 17 lawyers and support staff. They also work on a regular basis with lawyers in all other major cities in Poland. The firm has been recommended in several legal sectors, including IP, in the annual rankings of law firms, e.g. by the Polish daily Rzeczpospolita.

## Experience

The advice provided by Laszczuk & Wspolnicy's Intellectual Property and New Technologies Practice Group covers copyright, trade marks, patents and inventions, unfair competition, defamation, personal data protection, media, advertising and pharmaceuticals, as well as the law governing the internet and other telecommunications networks. They offer clients an understanding of how the law works in practice and of the procedures before Polish courts and administrative bodies.

The firm has particular experience in:

- drafting and analysing agreements related to the transfer and licensing of IP rights, e-commerce and other new forms of carrying out commercial transactions
- preparing comprehensive solutions for personal data protection issues
- legal assistance in optimising clients' advertising and marketing functions
- representation in civil, criminal and administrative proceedings involving the infringement of trade marks

## Portugal

### Coelho Ribeiro e Associados

Coelho Ribeiro e Associados (CRA) is a medium-sized law firm with seven partners. CRA represents clients from all over the world in a broad range of crossborder transactions and disputes. In particular the firm provides services in the Portuguese-speaking countries of Africa, having representation in Mozambique, Angola, the Cape Verde Islands, Guinea-Bissau and São Tomé e Príncipe as well as in Macau and East Timor. They provide legal advice on commercial transactions, IT, IP, arbitration, M&A, corporate, litigation, banking and finance, foreign investments, public tenders, taxation, employment law, European and competition law, technology and telecommunications.

## Experience

CRA is active in the field of new technologies, including computer, internet and multimedia law. They deal with a range of issues including:

- domain name registration
- IP and telecoms dispute resolutions
- data protection
- exploitation and licensing agreements
- e-commerce contracts and regulation
- cross-border outsourcing and services agreements
- telecoms systems and services

## Scotland

### Harper Macleod

Harper Macleod is recognised as one of the leading commercial law firms in Scotland. As a young technology driven business, they are dedicated to an innovative and progressive approach to the delivery of legal services to our clients. In keeping with their general philosophy they have eschewed the conventional departmental structure and are organised around 17 separate practice groups enabling them to provide a full and comprehensive range of tailored business solutions.

### Experience

Harper Macleod's e-commerce business is serviced by the Intellectual Property and Technology Practice Group, a multi-disciplinary team of professionals dedicated to delivering a comprehensive legal service in this field. Their e-commerce client base is a microcosm of the firm as a whole ranging across the spectrum from entrepreneurs and small business start-ups to blue-chip UK and multi-national companies. Harper Macleod also operates [www.dotcomstartup.co.uk](http://www.dotcomstartup.co.uk). The first of its kind in Scotland, dotcomstartup provides a comprehensive business solutions package through the dotcom network, which provides unique direct access to advice and information on key areas relevant to an online business.

## Spain

### Jiménez de Parga

Jiménez de Parga is a full service law firm with offices in Barcelona, Madrid, Valencia and Vitoria comprising a total of 50 lawyers, including eight partners. It has a recognised reputation for providing legal services to Spanish and international companies and public and governmental bodies in key business areas and industry sectors such as IT and IP, corporate, banking, insurance, labour, administrative, environmental and civil and criminal litigation.

### Experience

Jiménez de Parga has developed a highly specialised practice in all areas related to e-commerce and IT law issues. The lawyers specialising in this area of law have been providing advice on matters such as:

- e-commerce (in its various forms)
- consumer protection
- telecommunications
- supply contracts
- system introduction in public authorities and private companies
- dispute resolution
- online gambling
- cable and satellite carrier services
- television and radio
- data protection

## Sweden

### Fylgia

Fylgia's practice covers Swedish and international commercial law. Fylgia has been organised to ensure that high standards of quality and services are developed and maintained. The firm comprises over 40 lawyers and a total of over 60 staff.

### Experience

Fylgia is highly experienced in internet and e-commerce related issues and has been advising European and US clients on these matters for several years. Fylgia's group of experts offer broad and qualified advice within information technology and IP law. They supply the legal advice IT companies need for their current and future operations.

## Switzerland

### Python & Peter

Python & Peter is one of the major Swiss business law firms in terms of size and resources, having the know-how and facilities to enable it to play a significant role on the Swiss and international scene. The firm has more than 65 lawyers who are all qualified attorneys speaking at least two languages. Python & Peter offers nationwide or global legal services of high quality to both private and institutional clients in Switzerland and abroad.

### Experience

Python & Peter was instrumental in launching and developing the first Swiss legal database which has since evolved into an autonomous company under the name of Swisslex. The firm has therefore always been a forerunner in technology matters. The firm's experience and know how in this sector relates to the following fields:

- IT related contracts (software, maintenance and outsourcing)
- web related contracts (distribution, design, hosting and domain names)
- regulatory issues concerning telecom, VoIP and online business

- IP matters (licence and co-operation agreements, patents, trade marks and copyright)
- unfair competition
- data protection and privacy law
- litigation and arbitration in the IP/IT/internet sector

## Our services

### Technology law

- systems procurement and integration
- software licensing and development
- technology outsourcing
- hosting and managed services
- applications support
- hardware maintenance and call centres
- reseller and distribution agreements
- technology pooling and licensing
- professional services and consultancy agreements
- website development agreements
- web terms and privacy and consumer law issues

### Privacy and information

- filings and authorisations
- audits
- privacy impact assessments
- global compliance programmes
- binding Corporate Rules
- privacy policies and guidelines
- data security and retention policies
- data processing agreements
- dealings with regulatory authorities
- privacy training
- privacy due diligence
- privacy litigation

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