



## Claude-Étienne Armingaud

### Partner

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### OVERVIEW

Claude-Etienne Armingaud is a partner in the firm's Paris office and a member of the Technology Transactions and Sourcing practice group. He is also a practice group coordinator for the Data Protection, Privacy, and Security practice group. His practice relies on extensive experience in understanding technological and structural processes, which allows for innovative approaches to solidify his client's business models and protect their intangible assets, at all stages of their growth.

Claude-Etienne advises clients active in the digital industries, with a particular interest in innovative services and notably fintech and blockchain-based services, connected and autonomous cars and automotive sector, data optimization and valuation, notably in the IoT sector.

He has notably been involved in the connected car ecosystem, on R&D projects relating to experimentation of autonomous cars, partnership agreements for the development of in-car connected services and the assistance of value-added service startups for the negotiation of the CNIL/French Data Protection Authority's compliance package for connected vehicles. He is a regular speaker about the legal aspects pertaining to connected and autonomous vehicles, notably at the Connected Car Conference in Paris, the Connected Mobility Conference in Lille, The Future of Transportation World Conference in Cologne and Vienna and the Global Manufacturing and Industrialization Summit in Abu Dhabi.

He also assists clients with their General Data Protection Regulation (GDPR) compliance process, including risk analysis and contractual implementation of data processing and data sharing services and implementation of Big Data projects notably within the artificial intelligence industry.

### Global Approach

Claude-Etienne's legal experience draws on both a French civil law practice and American common law training. He provides his clients with a multicultural approach to their needs, be it for American entities doing business in continental Europe as well as European companies looking to expand their reach.

### Start-up Experience

Claude-Etienne regularly advises start-up companies in matters relating to securing their intellectual property, be it from in-house or external providers or employees, as well as securing their process from the start to ensure a streamlined evolution towards more advanced stages of growth.

## Innovative Services Experience

Claude-Etienne possesses extensive experience in understanding technological and structural processes, ranging from customer and prospect data optimization to enforcing intellectual property rights. He regularly assists service and content providers on both their front and back office matters.

## Representative Industries

Claude-Etienne has worked with companies in a variety of industries, including online services, technology, pharmaceutical and biotechnology, retail and consumer products, videogame publishing and banking.

With this global approach, Claude-Etienne regularly assists his clients in litigation and regulatory matters at French, European, and international levels on:

- e-commerce;
- media and content distribution;
- data protection and consumer protection;
- defamation and online reputation;
- internal and external fraud;
- counterfeiting and IP infringement;
- internet liability;
- advertising, betting, and gaming.

## PROFESSIONAL BACKGROUND

Claude-Etienne was an associate at one of the largest French law firms and more than three years at the Paris office of a U.S. firm. He focused on all aspects of IP/IT law, with an emphasis on interdisciplinary data privacy, online gambling and marketing, international and national technology agreements, dematerialization, cryptography, and IPR portfolio management, as well as banking and regulatory compliance issues (SOX, discovery, Sapin II, etc.).

He also worked at the French Cybercrime Bureau ("OCLCTIC", Ministry of the Interior).

## ACHIEVEMENTS

### Professional Certification

- IAPP's Certified Information Privacy Professional CIPP/E
- OneTrust Certified Privacy Professional

### Privacy and Information Technology

- Recognized by *Chambers Europe* as an Up-and-Coming Individual for TMT: Data Protection, 2024
- Listed in *The Best Lawyers in France*™ for Privacy and Data Security Law, 2021-present
- Recognized by *The Legal 500 EMEA* in France
  - Leading Individual for Data Privacy and Data Protection, 2021-2024
  - Recommended Lawyer for Industry focus: IT and Internet, 2023-2024
- Recognized by Global Data Review, GDR 100, 2021-2022
- Recognized by *Leaders League/Décideurs*
  - Highly Recommended for Data protection Law
  - Highly Recommended for IT, software & digital projects
  - Recommended for Internet
  - Recommended for E-Health
- Recommended by *Who's Who Legal*
  - Recommended for Data Privacy and Protection
  - Recommended for Information Technology

### Intellectual Property

- Recognized by *The Legal 500 EMEA*
  - Leading Individual for Trade Marks & Designs
  - Recommended Lawyer for IT, telecoms, and the internet, 2016-2019
- Recognized by *Leaders League/Décideurs*
  - Highly Recommended for IP - Trademark Litigation
  - Recommended for Management of trademark, design and model portfolios
  - Recommended for e-Health & biotechnology

### PROFESSIONAL / CIVIC ACTIVITIES

- KnowledgeNet Chapter Chair, Paris, International Association of Privacy Professionals (IAPP)
- CIPP/E, International Association of Privacy Professionals (IAPP)
- Member, American Bar Association
- Member, New York State Bar Association

- Member, Cornell Club of Paris

## SPEAKING ENGAGEMENTS

### Privacy

- Global Developments: CCPA and Beyond, IAPP Data Protection Intensive: France, 13 February 2020
- Brexit Update, by Dr. Annette Mutschler-Siebert, M. Jur. (Oxon), Arthur Artinian, Dr. Christian Büche, Claude-Étienne Armingaud, Daniel F. C. Crowley, Giovanni Campi, Jennifer P.M. Marsh, John D. Magnin, D. Mark McMillan, Dr. Matthias Grund, LL.M., Piers Coleman, Michelle Moran, Raminta Dereskeviciute, Louisa A. Cole, 2 September 2019
- AI & Society - What Artificial Intelligence for What Society Project?, Turing Club & Viuz.com, 4 July 2019
- 2nd Annual AI In Corporate Counsel & Law Practice, TBM Group, Vienna, Austria, 13-14 June, 2019
- AI & Society - What Artificial Intelligence for What Society Project?, Turing Club & Viuz.com, 4 July 2019
- 2nd Annual AI In Corporate Counsel & Law Practice, TBM Group, Vienna, Austria, 13-14 June, 2019
- The U.S. – EU Digital Agenda, Trans-Atlantic Business Council and K&L Gates Symposium, Washington, DC, 10 December 2018
- Changing Global Data Breach Notification Laws, International Association of Privacy Professionals, Paris, 15-Nov-18
- Data, Users & Devices : Administrer la sécurité, Conseils & Solutions (IAM, DLP, SIEM, SOC ... être GDPR-ready), CNIS Magazine Conférence, Paris, 14 December 2017
- GDPR applied to the non-profit sector: How to be compliant by May 2018?, ENCATC, Brussels, 12 December 2017
- LawTalk: GDPR attack, GC Futures Summit 2017, London, 26 September 2017
- GDPR Incident Response — How to Prepare, International Association of Privacy Professionals, Paris, 7 September 2017
- “#CQTM démonte le web - All your data are belong to us,” CQTM, 2 July 2013

### Intellectual Property

- Intellectual Property, Innovation and Protection - the new challenges of the digital revolution, APCO Worldwide, Paris, 22 March 2018

### Connected Mobility

- Key changes to the AV regulatory framework and their effect on AV developments in France and the EU, The Future of Transportation World Conference 2019, 10 December 2019
- Connecting the Dots: U.S. and International Issues and Regulatory Developments on Connected Cars/Autonomous Vehicles, K&L Gates / Access Partnership, Washington, DC, 6 December 2017

- Comment le véhicule connecté interroge-t-il le droit commercial actuel dans les services auto ?, AutoActu - Symposium L'Après Vente à l'Heure du Véhicule Connecté, Paris, 15 November 2017
- Table Ronde - Ma voiture, mes données : comment la réglementation permettra au consommateur d'exercer son choix ?, AutoActu - Symposium L'Après Vente à l'Heure du Véhicule Connecté, Paris, 15 November 2017
- "What effect will disruptive mobility technology and new personal transportation options have on business models and strategies for automotive manufacturers" - The Future of Transportation World Conference, 6 July 2017
- "What's Your Wallet: The Privacy & Security of In-Car Payment Systems", TRUSTe Privacy Risk Summit, San Francisco, 6 June 2017
- "How will the data-driven economy and internet of things fuel the connected car industry and can global compliance be reached?", Global Manufacturing and Industrialisation Summit, Abu Dhabi, 28 March 2017
- "K&L Gates Addresses Legal Implications of a New World Driven by 4IR Technologies", Global Manufacturing and Industrialisation Summit – Press Conference, 7 March 2017
- "Conférence Automobile Connectée - La véritable « Privacy by design », " Journal de l'Automobile, Paris, 2 March 2017
- "Legal Workshop," Connected Mobility Day, Lille, 16 November 2016
- "Conférence Automobile Connectée : Table ronde #1 – Produits et services : les tendances de 2016," Le Journal de l'Automobile, Paris, 16 February 2016

## Other

- The evolving regulatory environment of ICO in France and the EU, The Bay Pay Forum / K&L Gates, Paris, 1 March 2018
- US Startups in France - Making it Work, Business France & K&L Gates, San Francisco; 11 February 2018
- "Sapin II - Organisational Risk and Crisis Management", K&L Gates Paris Conference, Paris, 15 June 2017
- "Blockchain – Which opportunities lie ahead?," Association of Corporate Counsel Europe, Paris, 8 December 2016
- "Legal workshop: Future ISP liability," Internet Service Provider Association UK, London, 24 November 2016
- "L'avocat à l'ère numérique," FNUJA de Draguignan, 6 March 2015
- "The Digital Lawyer - Online marketing & communication for law firms," EFB / Conseil National des Barreaux, 30 October 2014
- "Avocat connecté - Connaître son client et se faire connaître en ligne," Table ronde IREDIC "Quel(s) droit(s) pour les réseaux sociaux ?", Aix-en-Provence, 20 February 2014
- "ISPA Conference 2013: The Internet industry: what lies ahead?," Internet Service Provider Association – UK, London, 27 November 2013

- “La création dans tous ses états : éclatement des œuvres, matérialisation du virtuel,” 18 June 2013
- “Les Mutations de L'Œuvre- La création dans tous ses états : éclatement des œuvres, matérialisation du virtuel” – 18 June 2013
- “ISPA Conference '11 - Internet & Society,” Internet Service Provider Association – UK, London, 9 November 2011

## EDUCATION

- LL.M., Cornell Law School, 2005
- D.E.S.S., University of Paris X - Nanterre, 2004 (*IT & Public Law*)
- Licence, University of Paris X - Nanterre, 2003 (*English Literature and Civilization*)

## ADMISSIONS

- Bar of New York
- Bar of Paris

## LANGUAGES

- English
- French

## THOUGHT LEADERSHIP POWERED BY HUB

- 26 March 2024, Employment Practices and Data Protection: Monitoring Workers 101
- 27 February 2024, Regulating AI: Part IV—The EU AI Act – The Expected International Impacts of the First Comprehensive AI Regulation
- 13 February 2024, ICO Introduces Consultation Series on Data Protection and Generative AI
- 3 January 2024, Gentle Reminder: DSA Obligations Will Apply to Online Intermediary Services Starting 17 February 2024
- 7 December 2023, UK's Top Websites Receive Cookie Warnings From the Information Commissioner
- 27 October 2023, French Parliament Takes Steps to Regulate NFT Games
- 26 October 2023, Gateway to Privacy: Privacy Regulations Are Built on Hope - A Deep Dive Into India's Digital Personal Data Protection Act



- 18 October 2023, France's Digital Influencer Regulation: Whether You Like It or Not, You'll Need to Subscribe to Those Changes
- 3 October 2023, UK Government Approves Adequacy of UK-US Data Bridge
- 13 September 2023, Regulating AI: Part I—The Potential Impact of Global Regulation of Artificial Intelligence Series
- June 2023, Generative AI - Legal, Policy, and Ethical Considerations
- 26 June 2023, European Parliament Adopts Negotiating Mandate on European Union's Artificial Intelligence Act; Trilogues Begin
- 2 June 2023, Irish Supervisory Authority "Poking" at Meta's GDPR Practices
- 24 May 2023, New ICO Guidance for Employers Responding to Data Subject Access Requests
- 4 May 2023, Gateway to Privacy: May The Enforcement Be With You: Reflections on Five Years of GDPR
- 11 April 2023, Gateway to Privacy: Let Go of Everything You Fear To Lose: Training As the First Step to GDPR Compliance
- 22 February 2023, Gateway to Privacy: This Is the Way - GDPR Article 5 Compliance
- December 2022, December 2022 Accolades - Part 1
- 4 November 2022, EU Digital Services Act: Fundamental Changes for Online Intermediaries?
- 11 October 2022, UK Data Protection: Beware of the Consequences of Unsolicited Marketing Emails
- 25 August 2022, The New Digital Frontiers: How IP is Adapting to Virtual Worlds, from NFTs to Virtual Products
- 29 July 2022, The Italian Supervisory Authority Weighs in on Website Analytics
- 27 July 2022, UK Government Publishes New Proposed Data Protection Law
- 21 July 2022, France: New Requirements Concerning the Sale of Digital Goods
- 21 June 2022, French Supervisory Authority Publishes Guidance on the Use of Website Analytics in Compliance With GDPR Requirements
- 21 June 2022, The Importance of Managing DSARs
- 9 June 2022, Influencers and Digital Advertising
- 25 May 2022, Queen's Speech Heralds UK GDPR Overhaul
- 10 May 2022, Litigation Minute: Creating an Incident Response Plan
- 31 March 2022, International Personal Data Transfers: An Eventful Week

- 16 February 2022, The French Competition Authority Self-Referral for an Opinion on the Cloud-Computing Sector
- 26 January 2022, GDPR, Cookies, and the Ever-Filling Jar of European Data Protection
- 20 January 2022, French IP Law Update – The Delicate Balance between Employers and Inventors: A French Revolution?
- 10 January 2022, EU-Republic of Korea Adequacy Decisions Finalized
- 29 December 2021, French Reform of Automatic Intellectual Property Assignment for Non-employee Personnel
- 28 December 2021, The Sumal Case or the Liability of Subsidiaries
- 1 December 2021, New GDPR Guidelines on Data Transfers
- 14 September 2021, UK Consults on New Data Protection Regime
- 7 September 2021, GDPR: Irish Supervisory Authority Fines WhatsApp 225 million
- 30 August 2021, UK Unveils Plan to Diverge From GDPR
- 30 June 2021, EU-UK Adequacy Decisions Finalized
- 24 June 2021, A New Framework for Transfers of Personal Data – EU and Korea Conclude Adequacy Decision Talks
- 16 June 2021, GDPR and Data Transfers 2.0 - Navigating Through Post-Schrems II Waters
- 10 June 2021, GDPR and Data Transfers 2.0 - Navigating Through Post-Schrems II Waters
- May 2021, May 2021 Accolades
- 13 April 2021, Sapin II: What Recommendations Should Be Followed From 2021 Onwards?
- 1 April 2021, German Supervisory Authority Initiates Post-Schrems II Enforcement Against EU Companies Using U.S. Service Providers
- 10 March 2021, Data-Scraping: A Clear Limitation by the French Data Protection Authority on Direct Marketing Practices Using Data from Third Party Services
- 5 March 2021, English High Court Examines Extent of GDPR's Extraterritorial Jurisdiction
- 23 February 2021, Cookies: New Awareness Campaign by the French Supervisory Authority
- 20 January 2021, Brexit and European Data Protection - For Auld Lang Syne, My Dear!
- 28 October 2020, What Future For UK-EU Data Flows?
- 23 October 2020, Hamburg Data Protection Supervisory Authority Issues Record-Breaking €35 Million Fine against H&M



- 13 October 2020, The Future of Work in a Post COVID-19 Work Environment
- 6 October 2020, European Data Protection Board Publishes Guidelines on the Concepts of Controller and Processor, Brings New Light on the Notion of "Joint-Controllers"
- 6 October 2020, European Data Protection Board Publishes Guidelines on Targeting of Social Media Users, Emphasizes Joint-Controllership Arrangements
- 2 October 2020, French Data Protection: French Supervisory Authority Publishes Updated Guidance on Cookies and Other Tracking Technologies
- 23 July 2020, French Administrative Supreme Court Endorses Data Protection Authority's Position on Cookies, Prohibits Prohibition on Cookie Walls
- 17 July 2020, EU Data Protection: In a Post-Privacy Shield, Sectorial Code of Conduct Could Lead the Way to Safeguard Data Transfers Outside the EU/EEA
- 17 July 2020, EU Data Protection: Standard Contractual Clauses May Have Been Confirmed by the CJEU, But At What Price?
- 17 July 2020, EU Data Protection: Privacy Shield Shattered by the Sword of European Justice - What Comes Next for Transatlantic Dataflows?
- 9 June 2020, COVID-19: French Supervisory Authority Provides Guidance on Personal Data Processing by Employers Amidst Post-Lockdown Return to Work
- 26 May 2020, French Data Protection Authority Releases Position on the Collection of Publicly Available Personal Data
- 20 May 2020, COVID-19: When EU Tracking Apps Meet the Pandemic, Trust and Privacy by Design Are the Hosts
- 13 May 2020, COVID-19: Force Majeure and Your IT Project – Seven Things to Consider Before Pulling the Trigger
- 11 May 2020, EU Data Protection: Updated EDPB Guidance on Consent Clarifies the Mechanism for Cookie Consent
- 31 March 2020, COVID-19: European Business Continuity While Mitigating Data Protection and Security Challenges From a Distance
- 22 January 2020, Brexit: Implications for Your Business and its Relationship With the EU
- 7 November 2019, The Privacist - Volume 2
- 3 October 2019, The Privacist - Volume 1
- 2 September 2019, Brexit Update
- 3 June 2019, Implementation of the EU "Trademark Package" in France

- 29 May 2019, Implementation of the EU “Trademark Package” in France
- 28 April 2019, Italy's legal recognition of blockchain-based timestamping
- 11 April 2019, Interplay of Patents, Technology & Data
- 22 March 2019, European Data Protection Board Clarifies the Interplay Between the EU Clinical Trials Regulation and the General Data Protection Regulation
- 26 November 2018, GDPR: New Guidelines on Territorial Scope
- 8 November 2018, Blockchain and Data Protection: Trustless Should Not Mean Distrusted
- 27 August 2018, The New EU-Japan Personal Data Deal: EU and Japan to Each Recognize the Other's Personal Data Protection System as Equivalent – What It Means For Businesses and Next Steps
- 18 July 2018, GDPR - What to Expect in France
- 28 February 2018, AMF synthesis of the contributions received on ICO regulation in France
- 6 December 2017, France's Financial Markets Authority Considers Its Options for Regulating Initial Coin Offerings
- 19 October 2017, The French Connected Cars "Compliance Package" in EU Pole Position
- 16 October 2017, New Consultations for the Interpretation of the GDPR Initiated by French Data Protection Authority on the Concepts of "Transparency" and "International Data Transfers"
- 9 October 2017, France moves forward with Blockchain for certain securities exchanges
- 8 September 2017, Securities over the Blockchain expected to get legal framework in France this fall
- 17 July 2017, Trademarks and Unfair Competition
- April 2017, Competence and jurisdiction in the field of trademarks: a procedural asset or a way to achieve balanced justice?
- April 2017, Will The Misleading Use Of A Geographical Indication For Handicraft Products Be Deemed Counterfeiting? The "Laguiole" Case
- April 2017, Trademarks and Unfair Competition Bulletin
- 11 April 2017, Momentum.africa – Opening of Top-Level Domain Name to Create Opportunities to IP Right Owners
- March 2017, Globalization of Connected and Autonomous Cars - A Long and Winding Road?
- 17 March 2017, Impact of the Act No. 2016-1321 Dated 7 Oct. 2016 for a Digital Republic on Online Intermediation Platforms

- 17 March 2017, The ECJ Rules on the Compatibility with EU Law of Domestic Data Retention Requirements Imposed on Providers of Electronic Communications Services. *ECJ (Grand Chamber), 21 December 2016, Joined Cases C-203/15 and C-698/15*
- 27 February 2017, Paris stepping into London's FinTech shoes?
- 6 December 2016, Connected or Automated Vehicles: The European Commission Presents its Strategy for Europe
- 16 November 2016, Electronic money: the French Government strengthens financial intermediaries' obligations
- October 2016, Trademarks and Unfair Competition Bulletin
- 7 October 2016, French Data Protection Authority Reveals the Scope of its Connected Car "Compliance Package"
- 3 August 2016, Brexit Q&A Conference Call (3)
- 6 May 2016, Is Social Media Sharing of Sports Clips Copyright Infringement? Recent UK Judicial Clarification and International Implications
- May 2016, Trademarks and Unfair Competition Bulletin
- May 2016, « Le journal d'Anne Frank » Community trademark - Application n°11.063.307 - Case R2401.2014-4
- May 2016, Trademark refusal on the ground of politics
- May 2016, Swatch (WIPO no.506 123) / Ice Watch (WIPO no.1 029 087) - Second time comes the charm?
- 30 March 2016, The French take on the blockchain
- 6 October 2015, Did the ECJ Kill the Safe Harbor Framework on E.U.-U.S. Data Transfers?

## OTHER PUBLICATIONS

### Privacy

- Les pirates sont des personnes concernées comme les autres - Le RGPD à l'abordage !, *Revue Lamy Droit de l'Immatériel* n°164, November 2019
- Surveiller et punir à l'aune du RGPD : l'harmonisation à l'épreuve de la diversité européenne, *Revue Lamy Droit de l'Immatériel* n°163, October 2019
- En attendant ePrivacy : Les données personnelles sont une tragicomédie en deux actes, *Revue Lamy Droit de l'Immatériel* n°161, July 2019
- L'essentiel ne saurait être invisible pour les yeux - Retour sur les lignes directrices sur la transparence, *Revue Lamy Droit de l'Immatériel* n°161, July 2019

- Un an d'application du RGPD : la fin du commencement, *Légipresse* N ° 373, July 2019
- Le consentement : le faux-ami des bases légales ?, *Revue Lamy Droit de l'Immatériel* n°160, June 2019
- Profilage, décisions individuelles automatisées et publicité ciblée : to agree, or not to agree, is that the question ?, *Revue Lamy Droit de l'Immatériel* n°160, June 2019
- Japan and the EU Create a Free Flow of Data, *InfoSecurity Magazine*, 17 January 2019
- Protection des données personnelles : les États à la peine face aux GAFAM, inscription à la Constitution ou non, *Atlantico.fr*, July 2018
- L'explosion du « Big Data » : coup de grisou juridique dans le «data mining», *Option Droit & Affaires*, 11 September 2013

### Intellectual Property

- Une victoire à double tranchant ? Retour sur l'annulation partielle de la marque Laguiole par la CJUE, *Revue Lamy Droit de l'Immatériel*, n°137, May 2017
- Photo et Web 2.0 : quand les juges se font critiques d'art et plus sévères sur la preuve de « l'originalité », *Edition Multimédi@*, 12 February 2016
- L'État traque les hackers... mais qui contrôle l'État quand il se fait lui-même pirate ?, *Atlantico.fr*, 3 November 2011
- Les frontières juridiques du Goncourt, La Carte et le Territoire / The digital & legal borders of a literary price, *Actualitte.com*, 20 December 2010

### Connected Mobility

- Regulating Connected and Autonomous Vehicles - A French Revolution, The Future of Transportation - *Executive Briefing 2019*, October 2019
- La limite à la géolocalisation des salariés, *Revue Lamy Droit de l'Immatériel* n°158, April 201
- Véhicules autonomes : la France avance pour relever le défi, *Le Monde du Droit*, June 2018

### Other

- "Acquiring an AI Company," *Thomson Reuters Practical Law*, January 2024
- Les technologies de l'information dans un contexte de fusion / acquisition : EBITDA ne peut s'écrire sans bits, *Fusions & Acquisitions Magazine*, July 2018
- Spamalot ou la quête des consentements nécessaires au filtrage des courriers électroniques, *Revue Lamy Droit de l'Immatériel*, n°138, June 2017
- La blockchain et l'espace de confiance électronique européen, *Revue Pratique de la Prospective et de l'Innovation - Lexisnexis Jurisclasseur*, October 2016
- La lettre recommandée électronique – Le législateur sonne toujours deux fois, *Revue Lamy Droit de l'Immatériel*, n°123, February 2016

- Projet de loi numérique : ces mesures plébiscitées par les internautes qui peuvent mettre le gouvernement dans une position délicate, *Atlantico.fr*, 21 October 2015
- Interview sur la Signature Électronique, *Atlantico.fr*, 16 October 2015
- La perception du droit de la concurrence technologique – La Fontaine 2.0 ?, *Atlantico.fr*, 14 October 2015
- The long tail of the internet - A missed rendez-vous for French lawyers, *Dalloz Avocats - Exercer et entreprendre*, April 2015
- Arrêts Bluetouff et Svensson : les contenus sur internet se conjuguent à l'imparfait du subjectif, *Revue Lamy Droit de l'Immatériel - RLDI*, n°103, avril 2014, 15 April 2014
- Le livre numérique en France aura-t-il un prix ? / What will be the price to pay to have a price on ebooks ?, *Actualitte.com*, 12 November 2010
- "Protection des consommateurs face au risque de procédure collective des entreprises de vente à distance - Analyse juridique des dispositifs de protection envisageables," *FEVAD - Rapport rédigé à la demande de Monsieur Luc Chatel, secrétaire d'Etat chargé de l'Industrie et de la Consommation*, 3 March 2009

## NEWS & EVENTS

- 27 March 2024, K&L Gates Recognised in 2024 Edition of *The Legal 500 EMEA*
- 14 March 2024, K&L Gates Ranked in 2024 *Chambers Europe* Guide
- 17 October 2023, One Trust TrustWeek Paris - Charting GDPR: Navigating the EU and Global Data Laws (in French), Hosted by One Trust
- 22 June 2023, Nearly 50 K&L Gates Lawyers Throughout Europe Recognized in 2024 Best Lawyers, Ones to Watch Editions
- 12 April 2023, K&L Gates Recognised in *The Legal 500 EMEA* 2023 Edition
- 14 March 2023, IAPP Data Protection Intensive France, Hosted by IAPP
- 24 August 2022, K&L Gates Advises Envision Digital on Acquisition of QOS Energy
- 12 April 2022, K&L Gates Recognised in *The Legal 500 EMEA* 2022 Edition
- 18 March 2022, IAPP Data Protection Intensive France - Online Advertising — Where Are We Headed?, Hosted by IAPP
- 7 February 2022, K&L Gates Again Named Among World's Best Data Law Firms by *Global Data Review*
- 19 January 2022, Data Protection World Forum - Cloudy Horizons With the Threat of Breaches, Hosted by GRC World Forums and Thales
- 22 September 2021, PrivSec Global, hosted by GRC World Forums
- 15 June 2021, Fintech Meetup, hosted by Discover Global Network

- 22 January 2021, *Global Data Review*: Introducing the GDR 100
- 3 July 2017, K&L Gates Advises VTG on EUR780 Million Purchase of Nacco Group
- 12 September 2016, K&L Gates advises Equinix on Acquisition of Paris Data Center from Digital Realty
- 17 February 2016, K&L Gates Names 50 New Partners

## MEDIA MENTIONS

- Quoted, "New EU AI Rules Will Have Global Impact," *Agenda*, 16 January 2024
- Mentioned, Trust and data law in MENA among key themes explored at PrivSec Global February 2022 day two, *GRC World Forums*, 17 February 2022

## AREAS OF FOCUS

- Data Protection, Privacy, and Security
- Emerging Growth and Venture Capital
- IP Procurement and Portfolio Management
- Technology Transactions and Sourcing

## INDUSTRIES

- Artificial Intelligence
- Betting and Gaming
- Consumer Products
- Cybersecurity and Privacy
- Data Analytics
- Digital Assets, Blockchain Technology and Cryptocurrencies
- Digital Health
- Financial Services
- Fintech
- Health Care Sector
- Luxury Products and Fashion
- Proptech



- Technology

## REPRESENTATIVE EXPERIENCE

### Blockchain

- Assisting this leading Singapore-based cryptocurrency exchange app with regard to its compliance with data protection framework in connection with data sharing within the group of companies as well as services provider for facilitating its services. This assignment notably raised specific questions pertaining to the interplay between encrypted data and personal data, and whether certain exceptions under GDPR could be invoked to facilitate the implementation of the exchange.
- Assisting a leading metaverse platform developer in the deployment of its activities, notably with regard to its exposure to EU and UK GDPR during its beta launch phase. The metaverse being, at its core, a borderless virtual place, it may come into conflict with GDPR's extraterritorial reach. Based on our assessment, we were able to develop and document a rationale whereby GDPR would not be applicable to this stage of maturity.
- Assisted a Pulitzer prize nominated photographer in negotiating a digital consignment contract, with an online gallery for the purpose of selling and auctioning digital artworks authenticated and individualized through non fungible token (NFT) on the Tezos blockchain. This assignment required a proper understanding of the tech underlying aspects and intrinsic limitations of the promising NFT technology and localization under French law and its specific artwork and author's right protection.
- Assisting the company behind a crypto-currency and decentralized finance asset-oriented smart contract programming language in the defense of its trademark against another Fintech company trying to leverage on the fame of our client's prior trademark.

### Commercial Technology & Sourcing

- Assisted an Italian software house for the negotiation of a consulting services provision agreement relating to a third party software regulated under French law.
- Assisted a European leader for the manufacturing of transportation parts the development of an online professional marketplace to facilitate the distribution of spare parts by all market players.
- Assisting a French startup providing certified electronic mail with acknowledgement of receipt services since 2014, with the drafting and negotiating its commercial agreement for the provision services, as well as in connection with the passing of the Digital Republic Act by the French Parliament in the fall of 2016 and its subsequent expected application decree (published on May 12, 2018), adapting the legal documentation for AR24, both for the end-users and corporate partners in view of the entry into force of the GDPR.
- K&L Gates is currently assisting a global restaurant booking and management software in the deployment of its activities in the European Union and in the United Kingdom, notably with regard to its exposure to EU and UK GDPR. The services involving the processing of consumer personal data, our assistance covered for the data transfer aspects for international payment, under GDPR, on the basis of the recent EU Commission's new model contract clauses. In addition, we also performed a pan-European review of the advertising requirements for online sales of alcohol.

- Assisted a US-based international systems integrator and developer of PC security software, with offices in the United States and the European Union with the implementation of cryptographic services under French law and the notifications of cryptographic services to the French ANSSI.
- Currently representing a US-based international systems integrator and developer of PC security and anti-malware software products and services, in its proceedings against a competitor in litigation pertaining to the classification of their software programs as Potentially Unwanted Programs in an attempt to disparage its services.
- Assisting a mechanical sport broadcaster in the implementation of its Over-The-Top (“OTT”) subscription services aiming at broadcasting sporting events on an online platform, including assessing the requirements for sponsorship and advertisement for tobacco and alcohol products in key jurisdictions (notably France with regard to the Evin Act).
- Assisting an organization responsible for improving animal health worldwide, in the contractual implementation of an Enterprise Resource Planning integration agreement, as well as animal pandemic surveillance and alert system (notably in the wake of the avian flu resurgence).
- Assisting an international non-profit organization in the renegotiation of its relationship with an ERP solution integrator further to issues arising in the deployment of the project.

### **Data Protection, Privacy and Security**

- Assisting this global US-based non-profit organisation fighting poverty, disease, and inequity around the world on a broad range of data protection issues pertaining to EU/UK GDPR projects, notably in the aftermath of Brexit, including external facing documentation. In addition, K&L Gates also assisted with internal facing documentation in relation to drafting an employee privacy policy and carrying out employee background checks. K&L Gates’ support also highlighted issues stemming from uncertainty related to international data transfers whilst new Standard Contractual Clauses, the UK adequacy decision and the International Data Transfer Addendum were expected and the client needed to move forwards with its business.
- Assisted on the data protection implications under the GDPR of a personal data transfer from the client's European entity to its US entity, in view of a potential discovery procedure under the US laws further to an M&A transaction, and implemented the required safeguards to allow such discovery process, notably through the information of current and past employees affected by the process and contractual mechanisms.
- Assisting a large spectrum of non-EU clients with their GDPR compliance process, ranging from the complete due diligence of their data flows (“data mapping”) allowing for an exhaustive assessment of their compliance status to date (“gap assessment”), to day-to-day services for the implementation of revised model documentations, both internal (training, education) and contractual (with customers, service providers, end users).
- Assisted a leading Lebanese bank in the deployment of its activities across the European Union with regard to the implementation of background checks, including on specific individuals from countries potentially falling under international sanctions. Due to the establishment of the client in the EU, such processing fell under the GDPR and, as such, are heavily regulated. Our assistance notably included the drafting and negotiation of the data sharing and data transfer agreement with a background check provider, as well as devising various

compliance measures such as the information of the individuals and assessment of proportionality of the processing operation under GDPR.

- Assisting several French and international clients further to personal data breaches, notably in the assessment of the exposure, the notification to the French Data Protection Authority and the communication with their commercial partners and customers.
- Assisting an Italian luxury clothing company in the deployment of its global eCommerce capabilities, notably through the development of specific terms and conditions of sales, terms and conditions of use of websites, privacy and cookie policies for its three global markets, i.e. European Union, United Kingdom (further to Brexit) and United States. Our assistance required to take into consideration local idiosyncrasies, notably with regard to consumer protection, to streamline the documentation across all region. While the operational management of each region will be handled by a local company, legal and data compliance has been consolidated in Italy. As a consequence, we also educated the client on the local frameworks.
- Regularly assisting a leading university in data protection issues in relation with the development of artificial-intelligence solution, notably with regard to retention of personal data, anonymization of personal data and territorial scope of the GDPR.
- Assisting an international direct online marketing company in addressing an information request from the French Data Protection (CNIL) relating to the company's use of a tracking pixel in email correspondence with its users.
- Assisted a global luxury/cosmetics company wished to implement a smart fragrance dispenser in perfume corners within department stores and airports in several countries (China, Germany, France, UK and US (California/New York)). This technology, which uses artificial-intelligence powered image recognition technology to identify the fragrance used in the dispenser, faced many restrictions due to the possibility of capturing facial images of cornershop workers, as well as passerby under China's PIPL, US's CCPA, EU/UK GDPR. We coordinated the global data protection team of K&L Gates to analyze the various regional applicable frameworks and counsel this client not only on the requirements to implement the project, also come up with operational suggestions for the project to be deployed substantially similarly across all countries.
- Assisted a leading luxury/cosmetics company in the negotiation of an online recruitment platform, including advisory services for the global workforce. This assignment raised questions relating to the various roles of the parties in the mutually-beneficial relationship, and the risks and mitigation thereof of a characterization of the relationship as "joint controllership" under GDPR. In accordance with GDPR, such relationship must be governed by a dedicated arrangement and the essence of such arrangement must be conveyed to the applicants as part of the information tenet of European data protection law. We worked alongside the contractual counterpart to devise the relevant documentation and respective responsibility of the parties, as well as devising the applicant journey and exposure to relevant information.
- Assisted an Asian global fintech company that enables businesses to deploy end-to-end financial services, in drafting and negotiating its Master Commercial Agreement template, notably on the data transfer aspects for international payment, under GDPR, on the basis of the recent EU Commission's new model contract clauses

(Data Controller to Data Processor module), as well as in the deployment of a data transfer impact assessment to document the processing operations subject to one of Art. 49 GDPR exemptions.

- Assisted (i) a publicly-owned asset management holding company based in the United States and (ii) several Australian based insurance companies in the assessment of their respective exposures to GDPR and notably technical aspects relating to its territorial applicability.
- Assisting an international whistleblowing hotline provider in the deployment of its activities in Europe, notably with regard to GDPR and data protection aspects relating to the management of its HR workforce in France, as well as the implementation of GDPR-compliant data processing agreements and process.
- Assisting this US leading company producer of carbon fiber reinforcements and resin systems in its compliance with European data protection laws. Our assistance included reviewing and amending the company's whistleblowing policies and procedures with regards to GDPR requirements in light of the recent legislative evolutions in the field.
- Assisted a leading distributor of lumber in the assessment of the conditions under which personal data pertaining to its employees and investors in the European Union (or otherwise subject to EU data protection laws) could be transferred to the United States for the purpose of discovery in the wake of a litigation. Our assistance included the assessment of applicability of any exemption under Art. 49 GDPR as well as the revision of their employee privacy policy to cover aspects which were not present in the previous version.
- Assisting a French staff catering start-up on their global compliance with data protection framework. As part of the scale up of their operation, our assistance included (i) setting up their UK entity for deployment across the channel, (ii) revising internal documentation (e.g. record of processing activities, employee privacy policy) in accordance with EU and UK GDPR and (iii) update and negotiation of their distribution agreement with corporate customer and EULA with end-users.
- Assisting an American clothing and home decor retailer that specialises in casual clothing, luggage, and home furnishing, in its expansion into the UK and EU markets. K&L Gates carried out a review and mark up a data protection agreement governing the transfer of personal data from within the UK and EU to the US and provided advice on the client's Privacy and Security Policy and made suitable amendments to this to ensure compliance with UK and EU data protection legislation.
- Assisted this leading provider of goods relating to pets online for mail order and purchase at retail outlets in reviewing the data protection provisions in a white label pet insurance supply agreement, which required special attention to the rights of continued use of customer data and the transfer of this customer data to a new supplier following termination. Such situations may lead to a change in data controllership or key elements of data protection information may be required to engage with the individuals for; (i) the continuation of the service provision; and (ii) avoiding any disruption of the marketing and customer relationship. To that extent, the K&L Gates team works closely with our client's legal and marketing departments to ensure the most suitable approach.
- Assisted a French consulting company specialized in financial investments in the implementation of a securitization program of student housing receivables, and notably GDPR compliance issues relating to the transfer of the personal data included in the transferred debts.

- Assisting a French start-up which developed a solution to secure the protection of personal data when using services offered by third parties, notably for advertising purposes, in the support of the demonstration before the French Data Protection that such solution may be considered as "anonymous" processing, under GDPR and its exchange with the French Data Protection Authority.
- Supported a global provider of freight forwarding and logistics services through air, land and sea for corporate events, live shows and more, in respect of former employees' data subject access request, by way of drafting the necessary letters to the former employee and assisting with the preparation and delivery of the items that needed to be disclosed. The team also prepared employee and website privacy policies and advised on related data protection queries.
- Assisted a leading automotive electronics company in the conduct of an internal investigation for suspected fraud organized by some of its employees in France and Germany, as well as the conditions for the transfer of the underlying personal data to the United States. Further to the more stringent requirements on data transfer in the wake of the European Court of Justice decision in Schrems II, we conducted the preliminary sorting of the employees' emails and files in the European Union, and advised on the conditions of transfer of the relevant personal data.
- Advising a US-based manufacturer of domestic appliances with updating its internal and consumer facing policies and practices to help ensure its global data protection compliance, notably with regard to the EU and UK GDPR. We regularly assist the client on an ongoing basis to adapt to the rapidly changing regulatory framework. Our assistance has so far included drafting various GDPR compliant documentation, such as Employee, Applicant and Customer Privacy Policies to ensure compliance with UK and EU law.
- Assisting a leading international model and talent agency, in the implementation of its GDPR compliance documentation, including with regard to under-age models and waiver of image rights.
- Assisting a leading for-profit association organized in local and regional chapters across the globe in its global data protection and privacy compliance program, including with regard to data sharing within the chapters and with their partners, notably for the purposes of event management and direct marketing.

## eHealth

- Assisted a biopharmaceutical laboratory in implementing localized contractual documentation for medical sponsorship agreements in France, in compliance with the revised framework of the French Public Health Code and Gift Law.
- Assisting a leading provider of sacral neuromodulation therapy in reorganization of its distribution network in France, including termination of its existing distribution network and independent resellers and subsequently, the negotiation of its new distribution agreement. This assignment notably raised issues pertaining to abrupt termination of existing commercial relationships, as well as the characterization of the roles of independent resellers as commercial agents, and minimizing the exposure to statutory indemnification of such agents under French law.
- Assisted in an investment in, and creation of a joint venture with a company which developed an AI-based smart-home solution for the detection of falls of individuals, notably for use in retirement home and hospital. This operation required specific analysis of the compliance of the target company with data protection and



privacy laws, notably with regard to biometric data processing, as well as analysis of the ownership of the intellectual property right over the solution.

- Assisting a leading U.S. company manufacturing desks, mobile carts and screen stands in its compliance with GDPR. Notably, we were tasked with rolling out the deployment in the European Union of medicalized carts, with SaaS functionalities, during the COVID-19 pandemic. Due to the pressing global demand for such material, and given the specific concerns relating to health data processing, we had to provide expedited advice to manage the regulatory requirements and the market imperatives, without requiring amendments to the services and IT infrastructures as they had been already finalized. In addition, we have been assisting this client with updating their legal processes for the international transfer of personal data transfer, to be in line with the latest developments of the European framework, including deployment data transfer agreements based on the EU Commission's Standard Contractual Clauses in their four different modules, developing Data Transfer Impact Assessments, and advising on their internal data retention policy. Finally, we assisted this client in updating its European distribution agreements, including with regard to data flows from end-users to the manufacturer for warranty and CRM purposes.
- Assisted an Irish company in the context of bringing its personal data exchanges into compliance with French and German universities, in particular in the context of the anonymization of genetic data carried out in the context of previous studies and their consolidations in Ireland. This company had been acquiring sensitive personal data to further research cooperation with continental Europe universities, notably of genetic material. We assessed the types of uses they could implement for the purpose of the original research as well as subsequent commercial and non-commercial uses.
- Advising a animal DNA testing company on organizing its global data protection compliance. Our assistance includes analysing the client's intragroup transfers of personal data across its international subsidiaries and putting in place appropriate data sharing agreements, as well as updating their internal GDPR compliance documentation in accordance with GDPR's accountability framework (e.g. transfer impact assessment, review of the technical and organizational measures in place) and considering data sharing and processing relationships with distributors to identify necessary legal provisions.
- Assisted a leading French health and cosmetics laboratory with the implementation of a startup acceleration program at Station F, aiming at devising new oncology diagnostic procedure and technology, including drafting and negotiating the acceleration agreement with the selected startup (cross IP licensing and assignment, ownership of project-related data in a post-GDPR environment), as well as drafting and negotiating the terms of the partnership with the corporate sponsors that would be hosting the startups.
- Assisted a leading global manufacturer of single-use solutions for operating room and wound care intended for healthcare professionals, to respond several Cease & Desist Letters sent by a competing company invoking acts of counterfeiting and unfair competition in Belgium, France, Norway and Poland.
- Assisted a world leader in biological/enzymatic solutions negotiating a marketing and distribution agreement governed by French law with a French manufacturer of nutritional and therapeutic solutions company.
- Assisted one of the leading French hearing aid manufacturer in the implementation of the new French regulatory framework relating to the conditions for which the French social security covers/reimburses hearing aids and related services to end-users.



## Intellectual Property

- Advising the VC fund of a leading French-based cosmetics company on its contemplated minority investment in a French biotech company specialized in R&D on natural algae-based products from the untapped microalgal diversity for cosmetic & nutraceutical industries. Our assistance included the review of the trademark portfolio of the target on the contemplated markets, as well as pre-signing remediation pertaining to proper assignments and supplemental registrations and renewal over the portfolio.
- Assisted a Korean production company which created the world famous "I can see your voice" TV game show in initiating emergency proceedings against the alleged infringement of its television program format by a Turkish production company, and broadcast on the French channel TF1 of allegedly infringing program "Good Singer".
- Assisted a leading manufacturer of air-soft replica gun in the termination of license agreements with its licensors and the aftermath of such termination for the distribution of its inventory.
- Assisted this Maltese company operating an online game and gambling website in managing an opposition procedure against its EU trademark application. We were in charge of drafting and negotiating a trademark coexistence agreement negotiation to the satisfaction of our client to have the trademark duly registered.
- Currently representing Hyundai in several proceedings against French and EU grey market dealers, offering Hyundai vehicles for sale, which were not destined to the EU market (unlawful parallel imports), in infringement of Hyundai's trademark rights.
- Assisted a French startup specialized in interior design catering to the Chinese market, including the creation of the corporate structure, the protection of the intangible assets of the client, including trademark protection in Europe and China as well as the implementation of the contractual relationships with suppliers and customers, through non-disclosure agreement, service provision and IP right assignments on a day-to-day basis.
- Represented a manufacturer of industrial material in the aftermath of the termination of a distribution agreement in France and infringement litigation further to the continued unauthorized use of its trademark by former licensee.
- Assisted a German company in pending litigation in relation with numerous patents acquired by our client, further to the assignor of such patents acting in bad faith and having assigned its patents twice to two subsequent assignees.
- Successfully advising an Israeli-based manufacturer of robotic pool cleaning equipment within the framework of a domain name restitution procedure (UDRP) before the World Intellectual Property Organisation, further to the registration of a domain name using one of the client's trademarks. The domain also hosted a malicious website aiming at defrauding legitimate customers. We were able to successfully shut down this operation and obtain the transfer for the domain name to our client.
- Assisting a group specializing in the manufacture of small and large series of pieces of jewelry for customers of the Place Vendôme as part of the redesign of its customer and supplier contracts. Our assistance includes

the upstream securing of the client's intellectual property rights and downstream, its know-how in the context of computer-assisted production management.

- Assisted a leading global manufacturer of single-use solutions for operating room and wound care intended for healthcare professionals, in the global review of their medical practitioner consultancy agreements with health care practitioners to receive expert opinion and consultancy services related to the client's products and developed technologies. This assignment addressed a plurality of topics, including (i) the use of the practitioners' personal data, notably for marketing purposes, (ii) the assignment of the intellectual property rights on the deliverables produced by the professionals and (iii) the assignment of their image rights when participating to public event in connection with the services.
- Assisted an international in-store provider of music and interactive mobile marketing products with reviewing and negotiating a consulting agreement with a French consultant, including assignment of IP rights originating from the consultant and compliance with GDPR as per a data controller-data processor relationship arising from the contractual situation.
- Represented the new venture behind the creative team of the Colette concept store, Nous Concept, in the defense of their trademarks against (i) a pottery and culinary art store owning a similar trademark and (ii) a German company owning a similar trademark in approaching services.
- Assisting a group specializing in the manufacture of small and large series of pieces of jewelry established in the prestigious Place Vendôme in the deployment of their international operations - the establishment of commercial agent, trademark registrations and dress patents in 40 countries.
- Regularly assisting a ski equipment manufacturer in the identification and destruction of counterfeit products following their customs seizure on European territory and in the context of the organization of competitions in its physical points of sale and online, in accordance with GDPR.
- Represented a German gallery in the defense of an action before the French court initiated by a French photographer, alleging that one of the photographs exhibited by our client infringed his copyright.
- Assisted leading children book publisher in the implementation of an street-art exhibition for children, including the licensing of the underlying IP rights on the characters' likeness, as well as an assignment of the resulting derivative IP in order to secure the exploitation rights for the publisher, and use of the resulting IP for charity purposes.

### **Smart Cities and Mobility**

- Assisted several players of the connected automotive industry, including a car leasing company and several startups providing Bluetooth-enabled dongles on the OBD port, in approaching the French Data Protection Authority ("CNIL") in order to amend the draft compliance package prepared by the French Data Protection Authority.
- Assisted a global leader in automotive tires in the implementation of innovative mobility services (e.g. "tire-as-a-service", short-cycle bike rentals for enterprises, etc.)
- Assisted a leading French utilities providers in the implementation of its smartcity data hub for a connected city project in France.

- Advising a connected consumer electronics manufacturer with updating its internal and consumer facing policies and practices to help ensure its global data protection compliance, notably with regard to the EU and UK GDPR, the CCPA and upcoming U.S. legislations. We regularly assist the client on an ongoing basis to adapt to the rapidly changing regulatory framework. We also provide regular assistance and advice relating to the client's data processing and international data transfers, specifically in relation to dealers and distributors of the client and have drafted and negotiated relevant accompanying documentation and implementation of the relevant records of processing activities. In addition, we assisted the client in anticipating the various scenarios which impacted its activities further to Brexit, notably with data transfers to and from the EU and the UK, as well as with the assessment of the consequences of the European Court of Justice Schrems II decision and its impact of global data sharing arrangements.
- Assisted the world largest startup accelerator in implementing its activities in the Middle East and the UAE area.
- Assisted a leading highway infrastructure operator on large range of issues related to new mobility trends, including day to day assistance on transactional aspects of highly innovative projects pertaining to electric vehicles, connected car and driverless transportation, research and development, consortiums with public and private stakeholders of the transportation sectors, within various European initiatives (C-ROADS, SCOOP, CINC) as well as the drafting and negotiation of a partnership agreement with a car manufacturer in order to experiment in real traffic conditions autonomous driving, including the crossing of toll booth and management of roadworks and accidents.
- Assisting a Pittsburgh-based startup developing autonomous driving technology in the testing and partnership with European automotive manufacturer, including the shared licensing of the underlying intellectual property (both background and foreground) as well as the sharing of the data involved in the testing in road conditions.

## Transactional

- Assisted an investment fund during an merger and acquisition equity type operation investment. Paris team performed an audit of the target based on its IP portfolio and its GDPR compliance.
- Assisted a global leader in consulting services in the acquisition of international boutique consultancy firm located in France, Canada, Switzerland, Luxembourg and the United States. In parallel with the usual corporate due diligence aspects, K&L Gates performed an in-depth review of the GDPR maturity (as well as vis-a-vis other data protection framework applicable) of the target with regard to the employees and customers of the target, as well as review of the intellectual property rights on the IT solutions developed by the target and deployed to its clients.
- Assisting leading Chinese multinational corporation Envision Digital which provides energy management software in its acquisition of QOS Energy, a French energy analytics company. We carried out a comprehensive due diligence review of the company's compliance with the GDPR and advised and negotiated on appropriate warranties to be used in a Share Purchase Agreement relating to our due diligence review. We also performed a full review of the various open source licenses used in the solution in order to assess the exposure from an intellectual property/copyright ownership point of view. With data protection and security issues at the forefront of liabilities in an M&A transaction, the K&L Gates team always tailor its client's advice to the risks presented by the target company in view of; (i) the maturity of the target company's data

protection compliance; and (ii) inherent risks to the target company's business. In addition, the operations above require a collaborative approach with colleagues in the Labour, Employment and Workplace Safety practice group to assess any data subject access request risks.

- Assisted a leading North Carolina company in a major cross-border transaction (over 50 subsidiaries and 60 countries worldwide) on global data protection compliance aspects.
- Assisted a major leading group in the security field in the labour due diligence, master agreement and disclosure schedules for the acquisition of a large group of more than 10,000 employees (4,000 employees in France). This large deal triggers complex strategic and technical issues regarding the compliance with global applicable data protection frameworks, as well as the data sharing between Buyer and Seller during the operations.
- Assisted a US-based private investment group in an M&A transaction and coordinated global GDPR due diligence operations for Buyer including advising on remediation steps and assisting in drafting and negotiation of the relevant representations and warranties, for acquired company's personnel located in Germany, the Netherlands and Czech Republic.

### Video game

- Assisting a French independent video game studio in securing the financing and publishing of its second video game, which was released to great success. We also assisted this video game studio in the registration of the trademarks associated to the game in the European Union, the United States and China, the porting of the game to various consoles, as well as take down measures for counterfeit games on App Stores. We are also assisting them on their GDPR compliance.