



Dr. Thomas Nietsch

Senior Associate

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OVERVIEW

Thomas Nietsch is an associate in the Berlin office. His focus is on IT, data protection, e-commerce and (open source) software law. This particularly encompasses the fields of big data, block chain, cloud computing and other digital economy business models.

Thomas advises clients on regular basis in technology M&A transactions, negotiation of complex IT and software licensing and cooperation agreements, data protection compliance matters and data use and sharing structures including their contractual implementation. This includes advice regarding standard customer contracts and terms of use in the software, e-commerce and other digital economy sectors. Thomas also assists clients in connection with the implementation of new tech business models on the German market.

His clients range from IT-focused start-up organizations up to major international software and tech corporations.

PROFESSIONAL BACKGROUND

Thomas served as a research assistant at the chair of Prof. Dr. Spindler for telecommunications and multimedia law at the Georg-August-University of Göttingen from 2010 to 2011.

PROFESSIONAL / CIVIC ACTIVITIES

Thomas is a founding member of the Göttingen Association for the Promotion of International and National Economic and Media Law (*Göttinger Verein zur Förderung des internationalen und nationalen Wirtschafts- und Medienrechts e. V.*).

EDUCATION

- Second Legal State Exam, Higher Regional Court of Braunschweig, 2014
- Dr. iur., University of Göttingen, 2013
- First Legal State Exam, University of Göttingen, 2010

LANGUAGES

- English
- German

THOUGHT LEADERSHIP POWERED BY HUB

- 23 October 2020, Hamburg Data Protection Supervisory Authority Issues Record-Breaking €35 Million Fine against H&M (*Alerts/Updates*)
- 17 July 2020, EU Data Protection: Privacy Shield Shattered by the Sword of European Justice - What Comes Next for Transatlantic Dataflows? (*Alerts/Updates*)
- 11 May 2020, EU Data Protection: Updated EDPB Guidance on Consent Clarifies the Mechanism for Cookie Consent (*Alerts/Updates*)
- 11 February 2020, German Act on Tax Incentives for Research and Development (FZuIG) in Force (*Alerts/Updates*)
- 7 November 2019, The Privacist - Volume 2 (*Alerts/Updates*)
- 3 October 2019, The Privacist - Volume 1 (*Alerts/Updates*)
- 29 June 2018, From Influencer Marketing to Biometric Technologies (*Research Surveys*)

OTHER PUBLICATIONS

- “Smart Contracts in Insolvency Proceedings” (Smart Contracts in der Insolvenz), in: DSRITB 2018, 287
- “International Data Transfers in the Light of “Brexit” (Internationale Datentransfers im Lichte des “Brexit”), in: DSRITB 2017, 171 (in cooperation with Dr. Friederike Gräfin von Brühl, M.A.)
- “To ensure the compliance with data protection law by consumers' associations” (Zur Überprüfung der Einhaltung des Datenschutzes durch Verbraucherverbände), in: CR 2014, 272
- “Anonymity and enforcement of copyright claims on the Internet” (Anonymität und Durchsetzung urheberrechtlicher Ansprüche im Internet), published in 2014 Mohr Siebeck, Tübingen
- “Some notes on BGH, decision v. 19.4.2012 - I ZB 80/11”, in: CR 2012, 600
- “On the obligation under data protection law to issue dynamic IP addresses in IPv6” (Datenschutzrechtliches Gebot zur Vergabe dynamischer IP-Adressen im IPv6), in: CR 2011, 763
- “On the determination of dynamic IP addresses by third party providers” (Zur Ermittlung dynamischer IP-Adressen durch Drittunternehmen), in: K&R 2011, 101

NEWS & EVENTS

- 14 May 2020, K&L Gates Advises Vintage Investment Partners on €27 Million Series-B Fundraising for Software Company Zeitgold (*Press Release*)
- 22 November 2019, K&L Gates Advises Arena Holdings on Celonis Series C Financing (*Press Release*)
- 5 July 2018, K&L Gates Advises Mölnlycke on Acquisition of German Medical Technology Company SastoMed (*Press Release*)
- 26 July 2016, K&L Gates Advises Luye Pharma Group Ltd. on European Market Entry (*Press Release*)

AREAS OF FOCUS

- Technology Transactions and Sourcing

INDUSTRIES

- Artificial Intelligence and Machine Learning
- Blockchain
- Cybersecurity and Privacy
- Technology

REPRESENTATIVE EXPERIENCE

- Advising Factory X in relation to a trade mark infringement claim in the Federal Court of Australia brought against CupoNation GmbH. Factory X is the owner of Australian (word) trade mark no. 1168011 BLACK FRIDAY in classes 25 and 35 and also owns other brands such as Lisa Gorman and Black Friday. The Federal Court made orders restraining CupoNation from using the BLACK FRIDAY trade mark. The matter was closely followed by the retail sector in light of the annual BLACK FRIDAY sales event held in the U.S.