

INFORMATION TECHNOLOGY, TELECOMS & PERSONAL DATA

The Firm has earned a great reputation in the field of information technology and telecommunications law, including personal data protection matters. Its litigation and advising skills result from its knowledge of the market, the players, the practices and its long-standing collaboration with the professional organisations and government authorities in charge of the regulation of these sectors.

• OUR STRENGTHS

Our involvement very early in the life of the company helps us understand the technical features and issues specific to our clients, enabling us to accompany them in the implementation of large-scale projects.

- Anticipation of legal issues
- Reliability of implemented strategies
- Adaptation of proposed solutions to regulatory requirements

Our technical expertise allows us to use the tools best suited to protect the interests of our clients. Operating in synergy with other departments such as the Public Business Law team, we respond to the needs and characteristics of major players in the public sector by:

- Developing innovative solutions to address the most complex issues
- Adapting these solutions to the latest technologies
- Creating original contract patterns

Our ability to represent you in unprecedented situations: we often operate in pioneer litigation cases, preparing at best the actions brought or sustained.

- Mastery of all procedures (expert, legal, administrative, arbitration, mediation etc.)
- Knowledge of the specifics related to national and international contexts
- Capacity for innovation

• AREAS OF EXPERTISE

Information Technology

- Outsourcing, PPP agreements
- Development, integration, assignment of rights
- License (software usage, ASP, SaaS, etc.), maintenance and support
- Distribution (VAR, OEM, etc.)
- Amicable and legal IT expertise
- Litigation procedures: software counterfeiting, execution of contracts, etc

Telecom

- High- and very high-speed FTTH broadband infrastructures and ECNs
- Public service delegation or PPP conventions and very-high-speed FTTH broadband
- Regional Digital Development Plans
- Establishment and operation of 3G mobile networks
- Leasing of dark fibre and IRU (Indefeasible Right of Use) capacities
- Leasing of high-altitude sites, sharing of infrastructure, acquisition of equipment
- Litigation: local loop unbundling charges, royalties on the use of public property, use of special phone numbers, use of radio frequencies, contribution to universal service funds and administrative taxes

Personal data

- Bringing into compliance data files within companies
- Declarations and authorisation requests with the French National Commission of Information Technologies and Freedoms (CNIL)
- Commercial operation of files in compliance with the regulations
- Transborder data flow contracts
- Drawing up of corporate rules within companies (*defining policies regarding personal data collection and use, drafting & implementation of whistleblowing schemes,...*)
- Management of the risks incurred by marketing departments
- Training sessions to highlight personal data protection law issues
- Training sessions to learn compliance with law requirements

• REFERENCES

Publications

- “The Spam strikes back”, La Tribune.fr and le Journal du Net, January 2009
- “Telecommunications: the Precautionary Principle directly opposable to urbanism authorisations”, *Le Moniteur des Travaux Publics*, August 2010
- “Telecommunications: public domain usage charges”, *Le Moniteur des Travaux Publics*, June 2005

Seminars

- “Protecting personal data”, *Seminars for Development Institute International (DII)*, April and October 2010, April 2011
- “Facility Management contracts”, *Seminar for DII*, March 2010
- “Software-related contracts”, *Seminar for the French Intellectual Property Research Institute (IRPI)*, held on an annual basis since 1995
- Mentoring intervention on the “Internet and intellectual property” topic within the “IT Law challenges in a changing world: global, virtual, open and outsourced” conference for IFCLA, June 2008
- “Whistle blowing” (implementation of a professional warning system), *for DII*, December 2008
- “Which strategies for infrastructures deployment?” intervention within the seminar “Territorial authorities – How to conduct your telecom projects?” Conference for E.F.E, March, 2005

Teaching experience

- Lecturer specializing in IT-related contracts at the Master 2 IT and digital content related Law of University Paris XI – Sceaux
- Lecturer specializing in Electronic Communications Law at the Master of Information Technology Law and Communication Law of University of Poitiers

Association members

- AFDIT
- IFCLA
- ADIJ
- ITECHLAW
- SYNTEC

Recent assignments

AREAS	ASSIGNMENTS
TELECOMS	
Very-high-speed networks	Assistance of a local authority in the establishment and operation of a large FTTH electronic communication network within a Public Service Delegation (DSP) contract
	Legal study for a major public financial institution regarding the details of establishment and operation of a very-high-speed national electronic communications infrastructure within a PPP (Public-Private Partnership)
Mobile telephony	Legal assistance of a national operator through the procedure of attribution of the fourth 3G mobile telephony license
	Representation of a national operator before the Conseil d'Etat in a case of contestation by competitors of the methods of attribution of the fourth 3G mobile telephony license
	Legal assistance of a mobile telephony operator before the regulation authority regarding a controversy revolving around an interconnection agreement for a mobile network termination service

IT

Distribution	Assistance of a large gardening products distribution group in the draft and negotiation of a contract on the integration of a licensed software package and on a maintenance service
	Assistance of a leading company in cultural goods and entertainment in the draft and negotiation of an ERP integration agreement for the implementation of a system of dematerialization of bills and purchasing orders
Services	Assistance of a world-known banking company in the draft and the negotiation of an outsourcing agreement pertaining to the treatment of credit card operation services and the treatment of monetary flow
Luxury industry	Assistance in the draft and negotiation of an offshore outsourcing contract
EPIC	Assistance of an important Public Industrial and Commercial Establishment (EPIC) in charge of the Paris water supply network in the draft and negotiation in the draft and negotiation of IT development and outsourcing contracts following the resumption of the activity, formerly assigned through a public service delegation
General counselling	Assistance in the negotiation and enforcement of the first PPP (Private-public Partnership) contract in the field of IT

PERSONAL DATA

Services	Assistance of an Internet access provider in bringing its marketing strategy and newsletters into compliance with the requirements of the Trust in Digital Economy Act of June 21, 2004
	Assistance of a travel agency in adapting to the French Law and implementing in France a professional warning system required by the parent company
E-commerce	Assistance of a French e-commerce platform, to improve its compliance with applicable laws, in particular on the management of its policy related to personal data files and cookies, newsletters, etc
Premium Industry	Assistance of a group in bringing into compliance its policy regarding personal data collection and operation after a data transfer to non-EU countries
Public bodies	Assistance of a major public body of research in the field of road safety in its policy of personal data collection and operation

• CONTACT

Marie-Hélène TONNELIER
mh.tonnellier@latournerie-wolfrom.com
0033 1 56 59 74 74

Térence CABOT
t.cabot@latournerie-wolfrom.com
0033 1 56 59 74 74