

## TECHNOLOGY | FRANCE

Gide advises its clients on all matters relating to information technology and new technologies, offering them legal assistance and expertise in the following fields: major national and international IT projects, software, databases, personal data, development of their activities on the Internet, dematerialization, IT security and litigation relating to IT and new technology issues.

### Major IT Projects

Our TMT team is regularly consulted by clients for the implementation of complex IT systems, and projects relating to outsourcing, integration, hosting, off-shoring, and subcontracting operations at both national and international level. The team assists its clients in the negotiation and drafting of contractual frameworks for major IT projects, in particular in the areas of banking, insurance, stock market information, transport, tourism, and retail. The TMT team is involved in projects with private companies and public sector entities.

### Software and Databases

The TMT team has gained wide experience in the field of intellectual property protection in the IT sector, particularly for software and databases protection.

The team assists its clients in the drafting and negotiation of the entire range of contracts for specific or standard software: user licenses, ASP agreements, development contracts, transfer, distribution, maintenance, escrow agreements, etc.

It advises various parties producing databases (financial information, market research, etc.) and is involved in the drafting of the corresponding exploitation contracts.

### Personal Data

The TMT team is regularly consulted on matters pertaining to the implementation of personal data processing and its compliance with the provisions of Regulation EU 2016/679 of 27 April 2016, known as the General Data Protection Regulation (GDPR), or of France's law of 6 January 1978 known as the "Data Protection Act".

Issues relating to cross-border personal data flows are dealt with, in particular when French or foreign companies expand internationally, when they develop their commercial activities on the Internet as well as in different specific transactions (off-shoring, restructuring operations, etc.). The TMT team regularly conducts multi-country reviews regarding the rules applicable to personal data protection in international projects.

### Internet - E-commerce

The TMT team advises the various players of the Internet regarding their liability - whether these players are hosting providers, Internet service providers or publishers - and assists them in the drafting of service contracts concluded with their partners or clients.

The TMT team assists companies in their online activities including e-commerce (products and services), and e-canvassing.

ALGIERS

BEIJING

BRUSSELS

CAIRO

CASABLANCA

ISTANBUL

LONDON

NEW YORK

**PARIS <**

SHANGHAI

TUNIS

WARSAW

The team is often consulted to review the legislative constraints which apply to the implementation of innovative activities on the Internet, such as auctions, market places, the broadcast of financial or stock-market information, on-line advertising and marketing, secured payment, etc.

It undertakes the drafting of all contracts relating to the activities of its clients on the Internet, whether it is related to terms and conditions for the sale of products or to terms and conditions for the supply of services, ASP-type licenses, joint venture, co-branding or affiliation contracts, barter agreements, or agreements for site hosting, Internet access provision, site development or maintenance, content supply, etc.

In addition, the team has particular expertise for conducting due diligence of web sites, allowing companies to assess the legal risks inherent to their activities and to determine the appropriate legal solutions.

## Dematerialisation

Gide advises its clients on dematerialization management systems including the introduction of electronic procedures and the use of electronic signatures.

The TMT team regularly advises suppliers and users of e-invoicing solutions.

## IT Security

The TMT team advises and defends its clients when the security of their information systems has been compromised (unauthorized access, file "theft", electronic fraud, etc.) and assists them vis-à-vis the competent administrative bodies and courts. Furthermore, the team offers advice to clients who wish to supply, use, import or export means of encryption.

## Litigation

The TMT team defends the interests of IT systems, software, and database suppliers, as well as those of companies using these products, in litigation relating to non-conformity, defects or infringements, whether in proceedings on the merits, summary proceedings or technical proceedings with court appointed experts.

It also undertakes the defence of its clients in respect of their activities on the Internet and, in particular, for proceedings relating to domain names, misleading referencing, infringement, violation of privacy rights, or unfair activities.

*Thierry Dor has a particular focus on IT litigation and also assists clients with transactional matters in the technology industry. Market commentators describe Dor as 'very pragmatic' and 'very constructive,' with one adding that 'we can talk to find a solution' in negotiations. »*

**Chambers Europe 2019**

*Gide Loyrette Nouel A.A.R.P.I. 'has a very strong understanding of the IT and technology space as a whole with vast experience in dealing with start-ups and fast-growing companies'. Practice co-head Olivier Cousi focuses on telecoms work and recently advised the national telecoms authority of Benin on the country's legal framework and the introduction of new legislative provisions, as well as assisting the government of Cape Verde with arbitration proceedings against the national telecoms provider concerning regulatory compliance. In other work, 'outstanding lawyer' and counsel Julien Guinot-Deléry and practice co-head Thierry Dor provide ongoing advice to La Gazette Drouot on IT projects and contentious issues arising from its responsibility for publishing online content. Other key clients include Vodafone, Natixis, Facebook and Total, who instructed the practice to advise on data protection matters. »*

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