

## TELECOMMUNICATIONS | FRANCE

Gide is one of the few international law firms to have a dedicated multidisciplinary team offering assistance on all the legal and regulatory aspects of the telecommunications sector both to private players (operators, services and equipment suppliers, financial institutions) and public institutions (international organisations, governments, and regulatory authorities).

### Assisting in Telecommunications Regulation and Law, and in Reforming the Telecommunications Legal and Regulatory Framework

Gide's Telecommunications team has been advising investors and operators in some forty countries since the telecommunications sector was opened up to competition. In France we assist operators and a number of foreign investors coming into the market. Worldwide, we advise many governments and regulatory authorities on the implementation and reform of their telecommunications laws and regulations.

Our expertise is recognised by bodies such as the ITU, European Union, World Bank and international financial institutions. Our teams are regularly instructed to work alongside operators and investors in France, Europe, as well as throughout Africa, the Arab world, Central America, and Asia to help them develop their networks and services, obtain the necessary authorisations and manage any disputes that may arise in terms of interconnections and sharing infrastructure. Our clients - be they operators, financial institutions, equipment manufacturers, or government authorities - appreciate our clear and efficient, multidisciplinary and operational approach to telecommunications law and regulations.

### Granting or Obtaining Authorisations, Licences, Concessions and Permits

The Telecommunications team assists operators to obtain the licences they need to conduct their activities, including those concerning the allocation of scarce resources such as frequency bands and number blocks. For the past fifteen years we have advised many governments on procedures for the granting of licences for which substantial sums are at stake in countries at varying stages of development. We are also respected for our expertise in the field of granting rights relating to state-of-the-art technologies (3G, 4G) and the rolling out of innovative operations (universal access / service).

### Restructurings, Acquisitions and Privatisations

In working together with the M&A and TMT teams, Gide's Telecoms team has worked alongside governments and/or private investors for the privatisation of established operators in many developed and emerging countries. Our detailed knowledge of the telecommunications, media, and technologies sectors means we act alongside the M&A department on major mergers and acquisitions (often cross-border) among content providers and network operators. We work with governments to maximise the value of the assets of established operators and alternative networks while protecting the general interest (service quality, geographical coverage, etc.) and fostering private investment.

ALGIERS

BEIJING

BRUSSELS

CAIRO

CASABLANCA

ISTANBUL

LONDON

NEW YORK

**PARIS <**

SHANGHAI

TUNIS

WARSAW

## Network Deployment and Financing of Extensions

The Telecommunications team is recognised for its expertise in satellites (acquisitions, financing and operating satellite systems, obtaining licences, orbital position, frequency bands). We also assist clients with the legal aspects of rolling out submarine communication cables and fixed and mobile telecommunications networks, including outsourcing and infrastructure-sharing agreements, as well as turnkey network delivery.

Working hand-in-hand with Gide's finance teams in Paris and London, our lawyers advise on network financing and at every stage of their deployment (construction, purchase, sale, leasing, equipment maintenance, interconnection and roaming agreements, as well as hosting, co-location, access to high points, and unbundling agreements).

We are also contacted by local authorities in charge of conducting Public-Private Partnerships for the implementation of communications infrastructures, rolling out of DTT, fibre optic networks, 3G and 4G broadband networks, national backbone network infrastructure and submarine cable landing sites.

## Online Content

Gide's TMT team is regularly consulted by online content publishers and providers on issues pertaining to both the technological aspects of putting content online as well as questions of copyright and related rights. With the convergence of techniques and digitalisation of content, over ten years ago now, Gide set up a multi-purpose team dedicated to audio-visual and copyright law, IT (Internat, Big Data and protection of personal data) and telecommunications law.

## Distribution and Competition

Alongside Gide's Competition team, the TMT team plays an active role in the development of regulations in the telecommunications sector as it gradually shifts towards more competition-oriented regulations. Our lawyers have extensive experience in analysing and measuring the various relevant electronic communications markets, and in evaluating / challenging solutions (*ex ante* or *ex post* penalties).

For a range of issues such as pricing regulations and the measures governing interconnections and the distribution of new value-added services, the firm regularly defends the interests of operators before the national and Community courts and advises the regulatory authorities in charge of these disputes. We can also call upon the services of expert telecommunications engineers and economists to help us provide recommendations covering all the competition-based issues that are at stake in the telecommunications sector.

## Dispute Resolution

Our Telecommunications team's lawyers have significant experience of disputes, and, alongside our Dispute Resolution department, they defend clients before the courts and regulatory authorities, including in cross-border proceedings involving aspects of both civil and common law. The team is frequently instructed in national and international arbitration procedures to represent the interests of operators, equipment manufacturers and regulatory bodies.

*“Advises a number of domestic and international telecoms providers, with a particular focus on the African market. Acts on both contentious and non-contentious mandates, ranging from arbitration to regulatory compliance. Represents clients in negotiations for a variety of agreements within the telecoms sector. Clients praise the team's multidisciplinary approach. Another source underlines the team's good understanding of the client's needs. Acted for the Economic Community of West African States on creating guidelines to evaluate significant market powers within the telecoms sector. Advised the State of Cape Verde on an arbitration concerning the compliance of telecom services provided by Cabo Verde Telecom. Significant Clients: Vodafone, Facebook, Cable & Wireless, Maroc Telecom, Orange.”*  
**Chambers Europe 2018**

*“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.”*

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