

IT Law/Data Protection

Our Services:

Our practice group for IT law and data protection advises national and international IT, life sciences, telecommunications, FinTech, mobility, media and publishing companies on transactions, litigation, and all industry specific legal matters related to IT law and data protection. Moreover, we support traditional businesses in implementing digital transformation strategies.

Our Focus:

- Transactions in the field of national and international distribution of software and other technology products, including advice on the structuring and implementation of distribution and licensing models
- Drafting and negotiation of industry specific agreements and standard terms and conditions, including:
 - Software development agreements
 - Software distribution agreements
 - Technology license agreements
 - IT project agreements
 - IT services agreements
 - IT outsourcing agreements
 - OEM agreements
 - Collaboration agreements
 - Research and development agreements
 - Online marketplace terms and conditions
 - Agreements on cloud computing, Software as a Service (SaaS), Platform as a Service (PaaS), Infrastructure as a Service (IaaS)
 - Agreements on online marketing of content protected by intellectual property rights
 - Merger and acquisition and technology transfer agreements
- IT law due diligence
- Advice on licensing, use and integration of open source software
- Advice on structuring and legal compliance of national and international distribution and marketing activities
- Data Protection, including:
 - Ensuring data protection law compliance of business activities, products and services, including big data solutions
 - Data protection law due diligence
 - Support on obtaining and documenting consents to the collection and processing of personal data
 - Drafting of privacy policies
 - Data protection advice in relation to national and international IT outsourcing and cloud computing
 - Drafting of agreements on commissioned data processing
 - Protection of employee data
 - Communications with data protection authorities for obtaining the authorities' support and approval of certain data processing procedures
 - Representation in the event of regulatory measures taken by data protection authorities
 - Advice on implementation of the requirements stipulated by the EU General Data Protection Regulation



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Track Record (selection, February 2019):

- Advice, contract drafting and negotiations regarding several international software development and IT projects for a leading Germany car rental company and provider of global mobility services.
- Advice and contract drafting regarding license agreements between a German provider of an IoT solution with several international computer hardware manufacturers.
- Drafting of contracts with respect to the implementation of an online platform for the processing and transfer of health data.
- Drafting of a standard distribution, license and service agreement for image analysis software used in oncology.
- Advice, negotiations and contract drafting regarding the termination of a long-term international software distribution agreement.
- Contract drafting and negotiations as well as advice in connection with the structuring and implementation of a B2B marketplace for IaaS cloud computing services.
- Drafting of terms and conditions and advice on data protection law compliance with respect to a cloud-based ERP solution.
- Contract drafting, negotiations and advice in connection with the establishment of a B2B web platform for the development, processing, marketing, and distribution of geodata.
- Legal advice to a French CAC Mid 60 listed supplier of digital document management solutions in connection with the establishment of a SaaS platform including own and third party solutions.
- Advice and negotiations regarding a cooperation agreement between our client and a provider of a cloud-based platform for e-invoicing and digital document management solutions. Our services include advice on the setting-up of a network consisting of the client, the platform provider and other companies offering the platform's services to their respective customers.
- Contract drafting and advice on the outsourcing of SAP systems.
- Localization of several agreements of a US accounting platform provider.
- Advice and contract negotiations for an IT services and software development company in an infrastructure project of the Federal Republic of Germany.
- Advice on the use of numerous Open Source Software (OSS) programs under different OSS licenses as components of a proprietary software solution being provided partly via download partly via Software as a Service (SaaS).
- Negotiations of an international EU consortium agreement based on an EU funded IT project.
- Advice to a US manufacturer of mobile payment solutions regarding the structuring of business relationships and contracts with European merchants and carriers.
- Advice and contract drafting regarding the acquisition of a German manufacturer of carrier billing systems by a US competitor.
- Agreement with the German Federal Financial Supervisory Authority (BaFin) on the freedom of permission for the payment processing of an online marketplace under the German Banking



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Act and the German Act on Supervision of Payment Services.

- Technology Transfer Agreement on the purchase of 2 iOS apps together with social media accounts (inter alia Twitter, Facebook, YouTube), iTunes-accounts (including ratings) and developer contracts.
- Contract drafting and negotiations regarding the sale and transfer of a web radio, including a website, social media accounts, trademarks and domains.
- Contract drafting and negotiations regarding the development, licensing and maintenance of a server based software solution for aggregating social media content on a newspaper publisher's websites.
- Advice on and negotiations of an agreement with leading car manufacturer regarding the manufacture of a prototype solution to enable use of consumer electronics across different operating systems in connected cars.
- Contract drafting and advice for an international security software manufacturer in an IT project of a leading German car manufacturer
- Various legal disputes concerning alleged defects of complex IT systems for the processing and analysis of big data.
- Process analysis and ongoing legal advice on GDPR compliance project of German trade union with respect to the requirements for processing special categories of personal data.
- Advice for a German sports association on GDPR compliance with respect to transfer of personal data to continental and world federations.

- Data protection law advice for a US based real estate fund and its European subsidiaries with respect to the implementation of GDPR requirements.
- Advice on outsourcing of the processing of employee data to US processors.

Publications and Articles:

Publications

- Beck'sches Formularbuch IT-Recht (C.H.Beck, München, 4th edition, 2017, published by Wolfgang Weitnauer und Tilman Mueller-Stöfen)
- Sommer, Beweisbeschaffung im einstweiligen Rechtsschutz – Die Vorbereitung von Verletzungsverfahren urheber- und patentrechtlich geschützter Software nach Umsetzung der Enforcement-Richtlinie, Köln 2013

Articles

- Tilman Mueller-Stöfen / Sophie von Schenck, Die Datenschutz-Grundverordnung: Auswirkungen in der Praxis, GWR 2017, 171
- Sommer/ Morsbach, Verfügbarkeit und Datenschutz im Cloud-Computing, in: AdLegendum, Ausgabe 3/2013, S. 179ff.
- Morsbach et al., Agile Programmierung - Neue Herausforderungen für das Softwarevertragsrecht?, in: MMR-Multimedia und Recht 2012, S. 427 ff.
- Rasmussen-Bonne/Raif, Neues beim Beschäftigtendatenschutz – Worauf sich Unternehmen einstellen müssen, in: GWR 2011, S. 80 ff.



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- Raif, „Neuer Erfindergeist: Wichtige Änderungen beim Arbeitnehmererfindungsrecht“, in: ArbR - Arbeitsrecht Aktuell 2010, S. 411 ff.

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