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The explosive growth of the Internet, the convergence of telecommunications, content, and IT, and the ongoing deregulation and consolidation of the information and communications technology industry all pose intricate new challenges for manufacturers, service providers, content distributors and enterprise technology users. At Duane Morris, our goal is to address these unusually complex matters in an integrated and strategic manner. We assembled a dedicated group of tech-savvy attorneys with vast, industry-specific experience who utilize an interdisciplinary approach to the financial, transactional, regulatory, law-enforcement and disputes resolution issues affecting clients in the IT/telecom space.

TECHNOLOGY AND BUSINESS

We represent technology vendors and their customers in all aspects of the business cycle, such as:

- ▶ initial corporate organization, funding and financial transactions
- ▶ protection of intellectual property rights
- ▶ contract drafting, negotiation and business strategies for vendor
- ▶ procurement agreements, including hardware, software and IP licensing
- ▶ strategies for RFPs and responses
- ▶ open-source issues for software development
- ▶ value-added reseller and distribution arrangements and strategic alliances
- ▶ the provision and procurement of IT services, including enterprise resource planning (ERP) and professional development / consulting services
- ▶ business process and computer services outsourcing
- ▶ new media content transactions
- ▶ human resources staffing issues for IT projects
- ▶ exit strategies for technology-based companies

Sample Matter

Served as outside counsel to an IT services subsidiary of a Fortune 100 telecommunications company that provides managed network services, such as data center operations, server hosting, help desk services, application development, maintenance and break-fix services. Several of our lawyers have assisted the company with issues concerning the transfer and license of software, Internet and IT assets as part of a number of its going-concern business transactions. As a result, we are knowledgeable of license and transfer requirements of hundreds of the leading software vendors and digital content providers in the industry.

E-COMMERCE

Companies selling products and services via the Internet face issues peculiar to doing business online. We advise on all aspects of e-commerce, including:

- ▶ online sale of products and services in the U.S. and across Europe
- ▶ collection of consumer data
- ▶ website content and agreements (e.g., development and hosting agreements, click-wrap licenses, and co-marketing and ad-share agreements)
- ▶ online B2B or B2C agreements
- ▶ website terms and conditions and online sales terms
- ▶ privacy/data protection and data security policies
- ▶ digital content provision and licensing terms
- ▶ copyright and DMCA notice-and-takedown
- ▶ infringement and unauthorized collection or disclosure of data
- ▶ taxation
- ▶ Internet gaming
- ▶ social networking
- ▶ complex copyright and related IP issues
- ▶ online advertising /marketing, including issues around data collection and spyware
- ▶ domain name disputes

Sample Matter

Advised a successful Internet digital content provider startup in moving to the next phase of growing its business by reviewing and renegotiating its hosting, licensing, partnering and ad-revenue agreements.

PRIVACY, DATA PROTECTION AND SECURITY ADVICE, INVESTIGATIONS AND LITIGATION

We have extensive experience in regulated industries (e.g., healthcare, financial services, telecom, insurance). We represent brick-and-mortar companies as well as Internet companies on a variety of privacy and security issues, such as:

- ▶ collection, retention, use and protection of personally identifiable or confidential information, including customer data, employee data and proprietary corporate information
- ▶ U.S. privacy laws, including HIPAA, GLB, SOX, CAN-SPAM, Do-Not-Call
- ▶ data protection legislation in Europe and Asia
- ▶ security laws, including breach notification statutes, the Computer Fraud and Abuse Act, European legislation and computer intrusions
- ▶ counseling on preventative measures, including technology security audits
- ▶ handling sensitive security breaches
- ▶ developing security policies and procedures and compliance programs, training and audits, including advice regarding SAS 70 and ISO 27000 reports (including issues involving the security of data in third-party data centers)

Sample Matter

Represented several Fortune 500 companies in the retail, hospitality and financial industries on sensitive security breaches and privacy issues.

LITIGATION

We have significant experience providing advice and handling litigation regarding all aspects of intellectual property and information technology, in the U.S. and Europe including:

- ▶ trade secret and competition litigation
- ▶ telecom and related technologies
- ▶ software copyright and infringement
- ▶ business method and Internet-related patent suits
- ▶ computer systems development failures
- ▶ security litigation
- ▶ miscellaneous IT and IP related disputes

In particular, we have substantial experience in enforcement of the *United States v. Microsoft* consent decree—useful for software developers, OEMs and other Windows competitors—and in the intersection of IP and antitrust law in the United States. We also assist clients with public-policy issues affecting the IT and telecom industries, including FCC and FTC regulations and standards compliance.

Sample Matters

Counsel for ElcomSoft Company, a Russian software developer, facing the first criminal prosecution under the controversial federal statute known as the Digital Millennium Copyright Act (DMCA). ElcomSoft was acquitted of all charges in this precedent-setting case.

Represented premiere high-tech trade association in first appellate test of FCC's regulatory authority regarding Voice-over-Internet Protocol technology. *Vonage Holdings Corp. and CCIA v. FCC*, 489 F.3d 1232 (D.C. Cir. 2007).

TELECOM

Our lawyers have a long and successful track record in connection with handling legislative, regulatory and public-policy issues in the Telecom industry. These include, for example, the landmark Telecommunications Act of 1996, the Homeland Security Act of 2002 and the CAN-SPAM Act of 2004, as well as novel technical questions regarding Do-Not-Call bans and RFID (Radio Frequency Identification) privacy. We have been involved in nearly every major U.S. administrative rulemaking and associated judicial proceeding over the past three decades affecting telephony, Internet services and industrial radio systems, from *United States v. AT&T* to *Iowa Utilities v. FCC* and beyond. We have represented clients in connection with:

- ▶ spectrum policy and auctions
- ▶ local number portability
- ▶ Voice-over-Internet Protocol regulation
- ▶ broadcast licensing
- ▶ wireless rate regulation preemption
- ▶ cable open access and “net neutrality”
- ▶ alternative rate regulation and price caps
- ▶ interconnection and interoperability
- ▶ access charges
- ▶ unlicensed equipment authorization
- ▶ mobile and digital television
- ▶ universal and e-rate services
- ▶ calling cards, payphone compensation and broadband-over power-line services

Our clients include telephone companies, equipment vendors, information service providers (including other “enhanced” services like Voice-over-Internet Protocol (VoIP)), trade associations, broadcasters and other radio spectrum licensees, unlicensed spectrum (e.g., Wi-Fi) users and mobile network operators.

Sample Matters

Represented a Silicon Valley manufacturer of IP-distributed video-programming hardware in defense of FCC charges that its equipment was subject to legacy tuner-compatibility regulations applicable to digital TVs and VCRs.

Represented trade associations in connection with congressional oversight of FCC spectrum policy issues, such as 800 MHz rebanding and the preservation of radio spectrum allocated for vital industrial functions.

FOR MORE INFORMATION

Please contact **SANDRA A. JESKIE** at **215.979.1395**, or any of the attorneys listed in the **IT and Telecom Practice Group** at www.duanemorris.com.

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