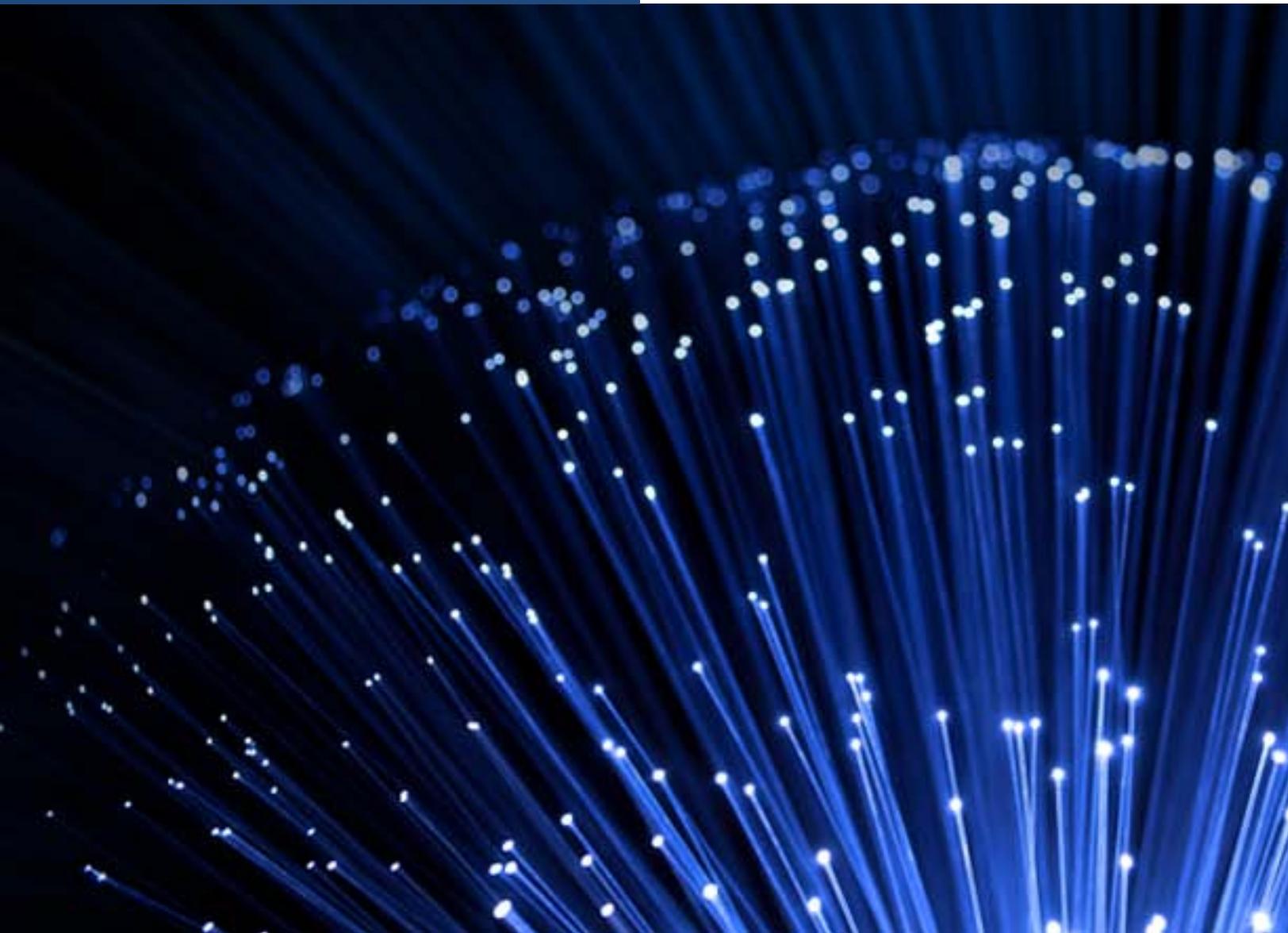


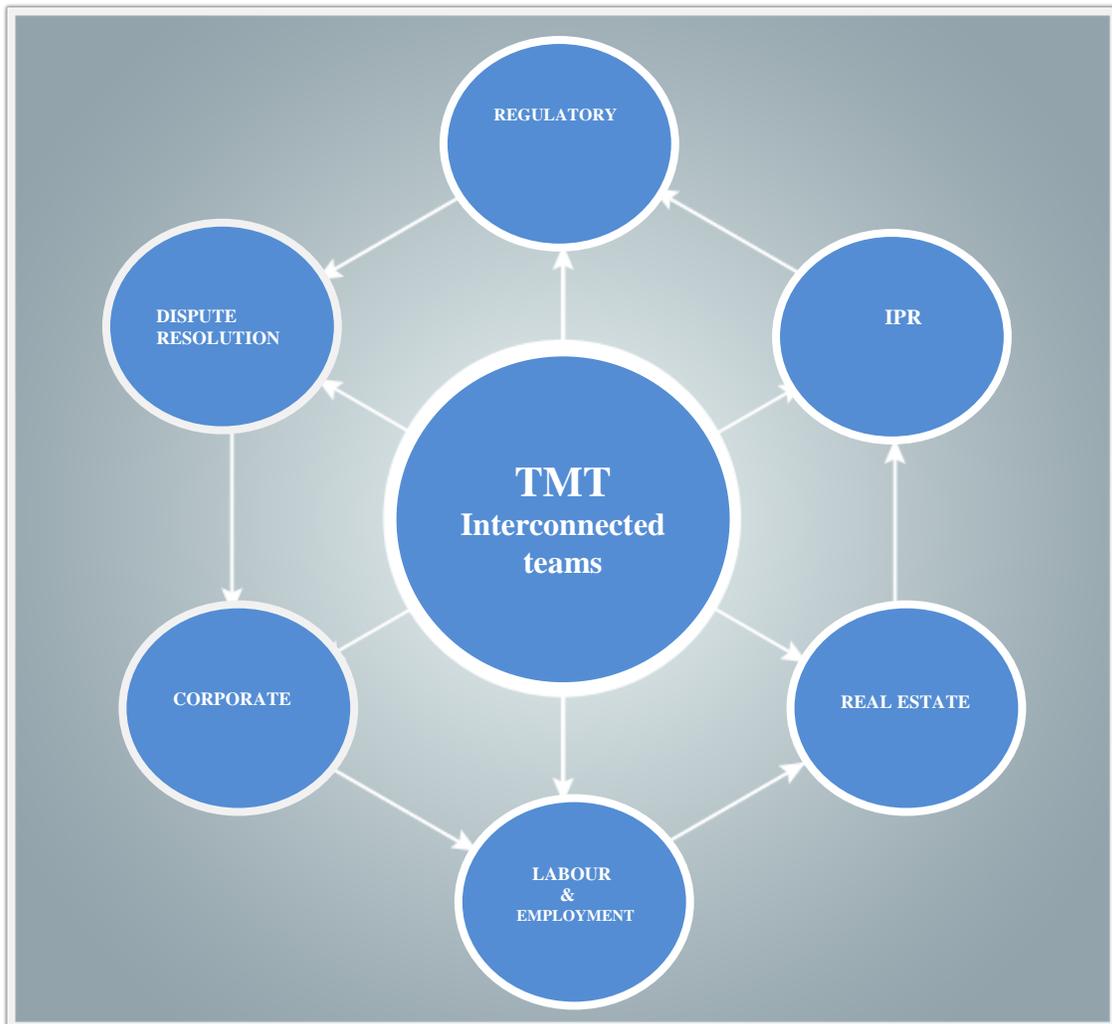
TECHNOLOGY MEDIA & TELECOM

Local Knowledge International expertise



## Sectoral expertise

Our sectoral expertise allows us to give our clients commercially driven advice across the full range of their business. We leverage our technical expertise in each of our core sectors to help our clients succeed within the context of their strategic and operational needs.



## Introduction

The King Stubb & Kasiva's Technology, Media and Telecom (TMT) team in India has a stellar reputation for TMT sourcing and disputes, intellectual property litigation and brand protection as well as data protection. We provide specialist legal services and advise for a wide range of TMT-related projects across all types of sectors.

## **TMT in India**

The surging demand for reliable and innovative communications and information technology systems has driven phenomenal TMT sector growth in India.

Dedicated partner led TMT practices in each of our offices across India are committed to providing clients with the expert on the ground resources to benefit from the region's growth.

### **What areas of technology do we cover ?**

Our TMT team acts for both suppliers and customer organisations in both the public and private sectors. Clients include technology suppliers, multinational companies, central Government departments, international telecoms providers and technology companies exploring new markets and products. Our team advises on all areas of commercial and technology related law including:

- Technology and business process outsourcing;
- Software and systems procurement;
- Software development, licensing and distribution;
- Intellectual Property;
- Data Protection;
- Internet and e-commerce;
- Telecom;
- Employment, compliance, regulatory and commercial advice.

### Some recent highlights of the services rendered by the Team are as follows

- Advising a Canadian telecom major on regulatory issues in India. Advisory included liaison with the Telecom Ministry as well as discussions with the central government on the process of maintaining and using data, procedures on information sharing as well as approvals;
- Advising a Chinese major on its investments into India and advisory on Indian e-commerce as well as telecom laws. The engagement also included drafting necessary documentation and agreements in relation to the India business;
- Advised a US IT company in its acquisition of an Indian IT firm. Transaction included hiving of IP assets to Singapore as well as structuring off-shore entities to protect IPR;

- Advised the government of Karnataka and Tamil Nadu on its e-commerce policy initiatives. The engagement included drafting and review of tenders as well as laying down the approval process for specific IT infrastructure in these states;
- Advised a leading e-commerce company on competition law issues arising from its acquisition of another e-commerce company. Transaction included review of the documentation executed as well as conducting an on-site audit;
- Advising a major e-commerce company in India in relation to data privacy and confidentiality obligations. Engagement included representation on certain litigations across India;
- Advising a UK based Indian subsidiary on the risks involved with procurement of cloud based services from a Hong Kong company;
- Advised a US based company advised on the renegotiation of the existing agreement and the successful move from a single-source model to a multi-source model, with the customer bringing some of the services in-house and assuming the role of service integrator, and re-procuring other services from alternative suppliers;
- Advised Singapore based company on Issues pertaining to content production, broadcasting, Guidelines for Uplinking of News and Current Affairs TV Channels from India, CAS (conditional access systems) operations for foreign and Indian news channels and news production houses;
- Advised German company on Import and use of Virtual Private Network (VPN) products, communications hardware products (e.g. routers), and encryption software for internal communication and related reporting requirements and custom duty issues;
- Advised Indian IT major on structuring its telecom system integration service within the Indian telecommunications regulatory framework including advice on issues surrounding the re-sale of telecommunications services by offering bundled services, such as intra-corporate networks; the provision of computer hardware, software and support services; and management of customer relationships with underlying service providers

## **Assessment and Audit**

We provide evaluation of the company's ability to maintain and communicate privacy and security policies and procedures that are compliant with applicable legal and contractual requirements. It evaluates the level of the company's compliance with applicable laws. It also measures the employees' awareness of privacy and security issues, and their understanding of the applicable laws, regulations, guidelines, standards, and jurisprudence. Commercial Contracts E-commerce, outsourcing, hosting, online business, cloud computing, storage, disaster recovery services, marketing, advertising, distribution, partnering, vendor, web wrap, SLA and numerous other services agreements allow service providers to have access to a large amount of personal data. Each of these transactions raises a wide variety of issues associated with the protection of personal data, from privacy to security, e-discovery to cross-border transfers, breach of security to identity theft. Each commercial relationship has its own idiosyncratic requirements, and there is no simple one-size-fits-all answer.

## **Cloud Computing**

The success of a cloud computing arrangement depends in great parts on the extent to which the client has understood the risks that it was taking and has selected accordingly the types of data that could be hosted in the cloud. As privacy and security counsel to a business, we ensure that our client understands these risks. We draft and review the related terms of service, ease of access, ease of transmission, and ease of processing, etc.

## **Compliance with Data Security Laws**

We assist each company that collects, processes, shares, stores, or disposes of personal data to ensure that these data are protected with the appropriate security measures. We also assist in arriving at appropriate security policies and procedures

## **Compliance with Privacy Laws**

Our compliance services aim at providing companies with the ability to understand the requirements of the numerous Indian data privacy laws that impact their businesses. These complex and ever changing laws, regulations, guidelines, and standards create requirements, restrictions, obligations, and prohibitions that affect most companies' corporate or commercial transactions, marketing and business development activities, and interaction with their workforce.

## **Data Transfer and Sharing**

Numerous laws and regulations restrict or regulate personal and financial data transfers to, or sharing with a third party. These transfers or sharing may require the prior consent of the individual data subject or the prior approval of the regulators. In most cases, they also require the negotiation of data transfer agreements or data use agreements that set the limits on the permitted uses, and include stringent requirements for confidentiality and security.

## **Dispute Resolution**

In addition to the firm's dispute resolution in our four offices, we have empanelled lawyers in over 350 courts and quasi judicial forum across 750 locations in India and actively assist clients specifically on dispute resolution, consumer disputes, vendor audits, insurance, real estate, criminal, tax and labour related matters in these jurisdictions.

## **IT Marketing & Sales and Product Liability**

We assist in having good advertising, marketing and sales agreements that are critical ingredients for the expansion of a company. The use of personal data in connection with advertising, marketing and sales presents unique data protection challenges for companies. Companies invest in sophisticated advertising, marketing and sales tools in order to collect reliable personal data and build databases of personal data, so that they can target more efficiently the potential purchaser of their products or services.

## **Personal Data**

Different issues arise depending on the nature of the data, and the types of promises that have been made to the individual data subjects. Customers, distributors, and other outsiders are usually subject to different agreements or rules than employees, contract employees, retirees and other insiders. Each of the related policies or contracts has to be examined separately.

## **Policy and Procedures**

Since each company has its own DNA, its policies and procedures are also unique. A company's privacy and security policies must reflect its actual practices, not those of another company's. Companies have been penalized by regulators for failing to abide by, or acting contrary to, the representations made

in these policies. We help draft and review these policies and procedures on a regular basis.

### **Security Breaches**

A company's task in the event of a breach of security is extraordinarily complex. The nature of the event, and its serious effect on individuals, require that the company ensure that it handles the breach as smoothly as possible. In addition to the need to comply, fully, carefully, and cautiously, with all applicable legal laws, and to make the required filings with the applicable agencies, a business that is affected by a breach of security must ensure that it interacts in an appropriate manner with the affected individuals, in order to limit the exposure to significant financial consequences to the individuals and to the company itself. We assist in evolving good practices in the event of such breaches.

### **Social Media and Social Networking**

Social networking sites provide children, young adults, and others with the ability to share with each other much personal data. However, with the many benefits of sharing information with friends and colleagues also comes the risk or danger that this information might also be accessible to unwanted parties, aggressive marketers, stalkers, or criminals. We assist in establishing their data handling practices, privacy policies, user tools.

### **Real Estate**

We assist in conducting legal due diligence and providing opinions on the real estate and infrastructure required to conduct the business, including head offices, logistic godowns, factories, branch offices across different cities and towns, etc.

### **Intellectual Property**

We assist in the prosecution, enforcement and dispute resolution relating to Trade Marks, Copyrights, Designs, Service Marks, Trade Secrets, Non Disclosure and Confidentiality agreements, etc.

## Contact us:

### **DELHI**

Unit-14, Ground Floor  
DLF Tower-A, Jasola  
New Delhi-110027  
Tel : +91 11 41318190, 41318191, 41032969  
Fax: +91 11 41329569  
E-mail: info@ksandk.com

### **BANGALORE**

1A, Lavelle Mansion, 1/2, Lavelle Road  
Bangalore-560001  
Tel : +91 80 41179111, 41179222, 41179333  
Fax : +91 80 88920280  
E-mail : bangalore@ksandk.com

### **MUMBAI**

1st Floor, Parinee Crescenzo, C38 & C39,  
G Block, Bandra Kurla Complex,  
Bandra (E), Mumbai – 400051  
Tel: +91 22 33040610  
Fax: +91 22 61554899  
E-mail: mumbai@ksandk.com

### **CHENNAI**

Old No 75/A, New No 76,  
Ellaiamman Koil Street,  
(Off. 8th Cross Street, Shastri Nagar)  
Vannanthurai, Adyar,  
Chennai 600020.  
Tel: +91 44 45511798  
Fax: +91 44 45511798  
E-mail: chennai@ksandk.com