

# TECH DISPUTES WEBINAR SERIES

24 June 2020 | Global  
Webinars

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The increasing use of IoT, AI, big data, and smart technology is giving rise to complex, multi-jurisdictional disputes over IP, technology, software and data ownership.

At Herbert Smith Freehills our Tech Disputes team leads the way in helping clients to navigate multifaceted high-value technology disputes and in assisting businesses to minimise their exposure to risk. Starting on 20 May, we have begun to host a series of webinars on the legal issues to consider in the connected and digital world we live and work in, hosted by expert speakers from our intellectual property, data and cyber security practices. We will continue to add further webinars to this series to share additional perspectives from our global team. Please join us for some or all of the series. Each webinar lasts around 45 mins (including Q&A).

## **EP1: FRAND 2.0 - LICENSING IN A WORLD OF NEW STANDARDS**

20 May 2020

The law and practice around FRAND has evolved significantly since the days of disputes around standards such as recordable compact discs, 2G and 3G. With the advent of newer mobile telecoms standards such as 5G, as well as standards in new contexts (such as the internet of things and connected autonomous vehicles) and the fresh round of licensing that inevitably will follow, there is an opportunity to shape best practice still further.

In this presentation we focus on some of the practical guidance issued by the courts as to how to approach FRAND negotiations, focussing on Germany, France and the UK. What should prospective licensors and licensees do differently this time for forthcoming licensing negotiations on new standards? Are we in a better position now to avoid some of the previous challenges, such as patent hold-up and hold-out?

**Speakers:** [Andrew Moir](#), Partner, IP and Global Head of Cyber & Data Security, [Frédéric Chevallier](#), Partner, IP, [Ina vom Feld](#), Partner, IP and [David Webb](#), Associate, IP

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## **EP2: EVOLUTION OF COPYRIGHT IN THE DIGITAL WORLD**

3 June 2020

A review of the key points to consider in dealing with digital copyright, including the communication to the public right and issues around the use of material on the internet, together with a look at how copyright may change, both in the EU with the implementation of the Directive on Copyright in the Digital Single Market, and in the UK, post Brexit without the Directive.

**Speakers:** [Pietro Pouche](#), Of Counsel, [Heather Newton](#), Senior Associate and [Laura Adde](#), Associate

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## **EP3: CLASS ACTIONS AND OTHER DISPUTES FOLLOWING CYBER AND DATA SECURITY INCIDENTS**

10 June 2020

Cyber and data security incidents are a fact of everyday life. They strike at the confidentiality, availability and integrity of digital information, sometimes causing massive disruption. Severe and lasting damage can be the result for many businesses. In this webinar we look at the litigation which is so often the consequence of such incidents. The dialogue with the regulator which can end in court. The battles with your suppliers and partners about liability. The disputes with insurers and shareholders. The class actions brought by individuals seeking damages which can haunt you for years. Our experts in cyber and data security, contentious data privacy and cyber insurance share their knowledge and experience of the litigation landscape and explain what you can do to minimise litigation risk and reputational harm.

Speakers: [Kate MacMillan](#), Consultant, [Greig Anderson](#), Partner and [Elena Hogg](#), Associate

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## **EP4: THE IMPORTANCE OF TRADE SECRETS ENFORCEMENT TO INDUSTRY**

17 June 2020

In the digital economy, it is not enough for businesses to merely give a nod towards trade secrets. Nearly everything is expressed in data. This data has substantial value and businesses face disruption and potentially significant impact, if the data is vulnerable to loss, employee theft or cyber attack. It is therefore crucial for a business to implement practical steps to protect and monitor its valuable information, as well as ensuring that such information can be recognised as a 'trade secret' under law, and therefore garner the law's protection. There are numerous well-documented instances of misappropriation of trade secrets in key industries, from Formula One to emerging and developing technologies, such as around connected autonomous vehicles.

In this webinar, we focus on strategies for identifying and protecting trade secrets, as well as the tools and technologies that can be deployed to detect and contain unauthorised use, or theft, of trade secrets. Key for a business which has suffered unauthorised trade secret disclosure is the taking of swift and effective enforcement action to minimise its wider disclosure and mitigate the disclosure consequences. We cover civil enforcement options available under the law as well as the proactive practical steps which the aggrieved business should take to safeguard trade secrets

This webinar focuses on the position under UK/ EU law.

Speakers: [Joel Smith](#), Partner & Head of IP UK, [Jessica Welborn](#), Senior Associate and [Rachel Montagnon](#), Professional Support Consultant

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## **EP5: THE GROWING USE OF INJUNCTIONS TO ENFORCE ACROSS ONLINE PLATFORMS**

24 June 2020

In today's world, infringers increasingly use the services of online intermediaries for the purpose of their infringing activities. Due to difficulties with identifying, contacting and enforcing IP rights against online infringers themselves, it is often the intermediaries who are in the best position to help block further and ongoing infringement. It is now well-settled that copyright and trade mark owners may seek to enforce injunctions against ISPs and other intermediaries, in order to enforce their rights against infringers online.

In this webinar, we recap on the development of the routes available for copyright owners to enforce their rights online; the expansion of this remedy to address counterfeits and trade mark infringement online, and the impact of the most recent case law in this area, including the CJEU's recent decision in *Coty v Amazon*. We also consider upcoming developments, such as the possibility for further expansion of brand owners' rights to seek redress for infringements against online marketplace operators as primary infringers, rather than as intermediaries, in certain situations. We cover the civil options available under the law, as well as the practical steps which IP owners can take to address infringements online.

This webinar focuses on the position under UK/ EU law.

Speakers: [Joel Smith](#), Partner & Head of IP UK, [Victoria Horsey](#), Senior Associate and [Joanna Silver](#), Senior Associate

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## **HIGH TECH DISPUTES: A ROUND-UP OF KEY ISSUES**

08 October 2020

The increasing use of IoT, AI, big data, and smart technology is giving rise to complex, multi-jurisdictional disputes over IP, technology, software and data ownership. At Herbert Smith Freehills our Tech Disputes team leads the way in helping clients to navigate multifaceted high-value technology disputes and in assisting businesses to minimise their exposure to risk.

In the final session of our [Tech Disputes webinar series](#), **High tech disputes: A round-up of key issues**, Joel Smith will host a panel session with speakers Kate Macmillan, Alexandra Neri, Peter Dalton, Andrew Moir and Ina vom Feld, to discuss their insights into the following key areas:

- **What role will data class actions play in shaping the new digital landscape?**  
What might damages in such claims look like? What will we be compensating individuals for?

- Given that algorithms and AI are likely to underpin high tech developments in the next decade, are our IPR systems fit for purpose to protect these assets?
- **What impact will the Copyright Directive have in terms of enforcement** against unauthorised use of content upon social media and other content sharing sites?
- **Will the UK courts become the ultimate determinators of international FRAND disputes**, now the Supreme Court has decided the Unwired Planet case on Fair, Reasonable and Non-Discriminatory (FRAND) licensing terms, and what impact would this have on technology licensing overall?
- **Reliance upon trade secrets and their use to enforce protection of key business information and processes** - what is driving this?

Please register to join our discussion, which will take place on **Thursday 8 October at 2pm**. There will be an opportunity to ask questions throughout the session.

Speakers: [Joel Smith](#), Partner, Head of IP UK, London, [Kate Macmillan](#) Consultant, London, [Alexandra Neri](#), Partner, Paris, [Peter Dalton](#), Senior Associate, London, [Andrew Moir](#), Partner, Global Head of Cyber Security, London and [Ina vom Feld](#), Partner, Dusseldorf

[Register now](#)

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## CLIENT TESTIMONIALS

*"Speakers were very knowledgeable and the materials were really interesting. Thank you!"*

**Senior Commercial/Technology Lawyer, Manufacturing company**

*"I thought the speakers shared a wealth of useful insights and demonstrated considerable expertise on the subject matter."*

**Group Data Protection Officer, Global consultancy company**

*"All speakers very good, really interesting real world cases, excellent balance between the drier legal framework and interesting practical steps to take. Thank you."*

**General Counsel, Multinational non-alcoholic beverages company**

## LEGAL NOTICE

The contents of this publication are for reference purposes only and may not be current as at the date of accessing this publication. They do not constitute legal advice and should not be relied upon as such. Specific legal advice about your specific circumstances should always be sought separately before taking any action based on this publication.

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