

Lawyers need to alert clients about the need for cybersecurity and data protection

Companies digitising their businesses need to adapt their entire client contracting process as well as changing their organisation's internal regulations



Joaquín Muñoz Rodríguez

Technology, media and telecommunications (TMT) lawyers must do more to raise awareness among companies of the need to ensure they have adequate cybersecurity and data protection measures in place, says Joaquín Muñoz Rodríguez, partner at Ontier in Spain.

"Clients are increasingly aware of the challenges they face in protecting their intangibles – trademarks, patents, industrial designs, know-how and industrial secrets – from the moment they are created," Muñoz Rodríguez says. "In the majority cases, this requires developing a protocol for the protection of intangible assets that establishes their protection at each stage from conception."

However, Muñoz Rodríguez says one of the biggest challenges faced by TMT clients relates to companies digitising their processes. "These companies find a form of technology that represents an improvement in their business, but this means adapting the entire contracting

process with their clients, or adapting internal regulations at an organisational level," he explains. "In some of these cases, there is no single legal solution to solve the problem and TMT lawyers have to be creative in order to provide not only a legal solution but also a business-oriented one."

In addition to the growing threat of cyberattacks, which has led companies of every size to review their cyberthreat protection policies, Muñoz Rodríguez has also observed the increasing availability of specialised TMT legal services. "This means that the client demands a higher quality and more accurate service every time." Furthermore, in-house counsel are increasingly becoming experts in the field and consequently are demanding higher quality services. However, many companies are still allocating insufficient resources to cybersecurity and data protection, for example. Muñoz Rodríguez says: "In that sense, TMT lawyers still have to raise awareness."

Portuguese firms' TMT expertise in demand around the world



Magda Cocco

Technology, media and telecommunications (TMT) lawyers in Portugal are able to provide an effective range of legal services to foreign clients acting in other jurisdictions, says Magda Cocco, partner at Vieira de Almeida in Lisbon. "It's not very common for a Portuguese law firm to have clients without a global presence," she says. "However, this specific sector is a niche one, and we advise clients in countries where we don't have offices - in fact, recently we were invited by a Washington firm to participate in a project in a remote area of the Pacific; they told us they were amazed there was a firm in Portugal with this kind of TMT knowledge."

Fellow Vieira de Almeida partner Fernando Resina da Silva adds: "We are well positioned as we have been working in TMT since the early nineties advising clients on a daily basis, both on the legal issues associated with their day-to-day operation and management, and in

strategic and highly innovative projects."

Cocco says lawyers have to understand technology in order to provide legal advice to clients in the TMT sector. "It is because of this combination of technical and commercial know-how and in-depth legal expertise in the relevant fields of law that a Portuguese law firm like ours is in demand when it comes to advice in other jurisdictions," says Cocco. Resina da Silva adds: "We understand the sector-specific principles, the rules and their impact, so we essentially need the support of the local lawyers in relation to non-sector-specific legal issues in the countries where we don't have offices." It is vital that technology is incorporated into the way in which law firms serve clients. "Many years ago, we learnt how to integrate technology and all related issues in the way we provide legal services," he says. "It enables us to apply the same principles in different jurisdictions."