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CMS Our International Cyber Network

2013/14



CMS cyber liability and media capability



Cyber attacks, data security and system integrity represent a very real danger to business – across all industries and sectors. Cyber is no longer a ‘tech’ issue to be dealt with by the IT department: it is now a board level issue and should be treated as such. The impact of a cyber attack can be considerable, not only for business interruption, but also for reputational damage, PR and regulatory fines and penalties, loss of goodwill, or even claims against directors and other officers.

The cyber agenda is a key areas of focus for European and national policy, resulting in rapidly changing law and regulation. A core focus of data security is privacy and data protection, and the new European Data Protection Regulation, shortly to come into force, will be a ‘game changer’ for the industry. Corporates will be required to notify data subjects who are subject to a breach of security, and must do so as soon as practicable, and in any event within 48 hours. This issue, as much as any other, is driving the current growth in the cyber insurance market in Europe. In our experience, few clients have the technical or operational systems already in place to comply with this change in law.

Our European cyber team is already advising leading insurers who are writing such risks and we have a unique understanding of the issues being faced. Contact details and profiles of our specialist lawyers are provided within this document.



Your CMS contacts

United Kingdom



Tom Scourfield

Partner, Cyber, Media & Technology

E tom.scourfield@cms-cmck.com

Tom is a partner in the Technology department and heads up the Media team. As a solicitor advocate, Tom specialises in contentious IP and IT issues and has led cases in the High Court, Court of Appeal and Privy Council, as well as the first instance and full courts of the CJEU. He has considerable experience in advising on both policy coverage and the substantive issues associated with cyber liability policies, such as contentious data protection, breach of contract, nuisance and trespass, computer misuse, copyright and other IPR infringement, denial-of-service attacks, hacking and online fraud, reputation issues and brand tarnishment, among others.



Stephen Tester

Partner, Cyber Insurance

E stephen.test@cms-cmck.com

Stephen is a partner in the Insurance and Reinsurance Group. His background is in construction and technology insurance and he has been responsible for the development of a number of new products in these fields. Stephen has drafted cyber first party and liability policies and played a leading part in setting up the CMS Cyber Network, a group of CMS and associated firms currently covering 28 jurisdictions, committed to handling multinational cyber claims, particularly in emergency situations.

Denmark



Janne Glæsel
Partner
E jgl@gorrissenfederspiel.com
(In association with: Gorrissen Federspiel)

Janne has been working within the area of data protection, e-commerce and IT law for the last decades and is currently a member of the Danish Data Protection Council. Janne is one of the leading Danish advisors on data protection matters and has profound experience within the majority of fields of data protection and freedom of information.

Janne advises both international and Danish clients in relation to complex international data protection issues, including whistle-blowing schemes, binding corporate rules, international data transfer schemes and international data protection, and e-mail motoring policies.



Finland



Samuli Simojoki
Partner
E samuli.simojoki@borenius.com
(In association with: Borenius)

Samuli advises on intellectual property rights, technology law, and media related questions and transactions as well as on IPR strategies. He heads the Media & Technology practice at Attorneys at Law Borenius. Samuli is especially interested in technology and intellectual property rights transactions and licensing arrangements. He has wide experience in technology commercialization and IPR utilization models in different fields of business and technology. Samuli also handles a variety of assignments related to privacy and electronic communications networks.

Samuli has prepared a comprehensive report to the Finnish Ministry of Traffic and Communications on fundamental rights in information society services, data security and electronic communications regulations in Finland.

Samuli has been a partner at Attorneys at Law Borenius since 2010.



France



Anne-Laure Villedieu
Partner
E anne-laure.villedieu@cms-bfl.com

Anne-Laure advises on contractual matters and litigation in the field of information technology and intellectual property. She is specialized in IP licences, transfers and co-existence agreements, litigation concerning counterfeiting, unfair competition, copyright infringement and, more generally, contractual or criminal liability in these areas.

Her main practice areas are IT and data protection. She is an active member of the French Data Protection Association (AFCDP) as well as the International Association of Privacy Professionals (IAPP).

She advises French and international firms on all data protection and freedom of information matters. She has an extensive experience in the communication sector. She aims to deliver practical solutions that solve legal challenges without compromising on commercial priorities.

Germany



Michael Kamps
Partner
E michael.kamps@cms-hs.com

Michael specialises in information law compliance issues, including data protection law (advising national and international clients from various industries (including media, insurance/financial institutions, information technology, consumer products) regarding all data protection issues and representing clients vis-a-vis supervisory authorities and in court proceedings), information technology law (advising and representing in relation to all legal issues in connection with IT based processing of (business critical) data, including IT litigation, IT/ business process outsourcing and IT related issues in M&A transactions), e-Commerce / e-Media law (advising in relation to all legal issues in connection with the distribution of goods and (digital) information products and services), copyright law, unfair competition law, and media/press law.

Greece



Spyros G. Alexandris
Partner
E s.alexandris@bahagram.com
(In association with: Bahas, Gramatidis and Partners)

Spyros specialises in commercial law and in particular corporate law, industrial property, commercial contracts and corporate restructuring. He focuses on media and telecommunications law, economic crime, and civil law and personal data.

He has a vast array of experience in cyber law, including cyber liability regarding the violation of intellectual property; multinational companies' websites and forums, legal formalities for the registration of the websites' users and processing of their personal data; and online social networks.

Hungary



Dr. Péter Mitták
Associate
E peter.mittak@cms-cmck.com

Péter is an associate supporting the work of the Commercial Practice Group in the Budapest office. He is experienced in litigation and dispute resolution issues, including contentious issues related to intellectual property rights and claims related to the technology and telecoms sectors. He also has considerable experience of drafting various general commercial as well as IT/telecommunications contracts and agreements. He has experience in insurance law, providing legal advice to a wide range of clients on insurance matters, including branch establishment, policy drafting as well as the management of claims. Besides Hungarian, Péter speaks fluent English and French.

Ireland



Pearse Ryan
Partner
E pearse.ryan@arthurcox.com
(In association with: Arthur Cox)

Pearse developed an interest in cyber due to his practice in outsourcing and in particular cloud- computing areas, where insurance in respect of cyber and data matters has come to the fore. In addition, clients have shown an increased awareness of the risk factors associated with large-scale data processing, whether in-house or by a third party service provider. Pearse is a leading practitioner in the IT and outsourcing areas. This includes a familiarity with both big-data and risk management.

Over the last year Pearse has expanded his knowledge in the area of cyber/data insurance, including attending the recent C5 London conference on the topic and by meeting a range of Dublin/London based insurers and brokers. During that period Pearse has commenced working in the area, primarily by advising in relation to policy wording.



Israel



Naomi Assia
Partner
E nassia@computer-law.co.il
(In association with: Naomi Assia & Co.)

Naomi is a pioneer of computer law practice in Israel. With more than 20 years of experience in the fields of Intellectual Property, Computer Law, Corporate and Commercial Law, she has represented a diverse collection of public and private companies, including companies in the technology, software, financial and Internet industries, both in Israel and internationally. She has had significant involvement in large-scale international technology transactions.

In her capacity as the representative of the Israeli Bar Association committees for science and technology and intellectual property in the Israeli Parliament, Naomi has participated in drafting local laws relating to copyright, the computer act, privacy, and more. She has also participated in drafting laws dealing with genetic cloning, protection of DNA information and organ transplants, electronic signature 2001, computer acts 1995, and amendments for Privacy law and for copyrights act.



Italy



Italo de Feo
Partner
E italo.defeo@cms-aacs.com

Italo joined CMS in 2012 and he is based in our Rome Office. Before joining CMS, Italo worked at the Rome and London offices of other international law firms. His practice focuses on corporate and commercial law, with a particular interest in Intellectual Property & Technology law. In particular, he advises Italian and international clients on technology procurement, outsourcing, joint ventures and other commercial agreements.

His experience also includes advising in connection with licensing and exploitation of intellectual property, broadcasting law, international framework agreements for global hardware supply, software development and supply for turn-key solutions, data protection, internet and e-commerce issues, telecom regulation.

He is recommended in the area of technology, regulatory communications, data protection, internet and e-commerce law by some of the most important legal directories such as Chambers and Partners, Legal 500 EMEA and Who's Who Legal.

Malta



Michael Zammit Maempel
Associate
E michael.zammitmaempel@gvthlaw.com
(In association with: GVTH Advocates)

Michael graduated as Doctor of Laws in 2001 and was called to the Bar in 2002. He is one of the firm's senior associates. Apart from forming part of the firm's litigation department, Michael's areas of practice include IT Law, e-Commerce and Data Privacy in Telecommunications. He has been involved in the preparation of due diligence reports preceding Bond Issues for one of Malta's most prominent group of companies, and has handled due diligence audits as part of the privatisation of a national airline. Michael formed part of the team that advised in the acquisition of one of the island's leading telecoms providers and, more recently, he has been involved in the privatisation of Malta's public transport systems.



Netherlands



Wouter Seinen
Advocaat
E wouter.seinen@cms-dsb.com

Wouter heads the CMS Derks Star Busmann data privacy team, which regularly assists national and international clients with respect to Personal Data Protection regulations and issues concerning ownership and protection of electronic data.

He has recently assisted a large financial institution in the response to a data loss (hacking) incident and represented a data vendor in a commercial data theft matter, where the clients rights were secured through enforcement of criminal law, database law and data protection law.

Wouter is author of the Dutch chapters of the WLG Guide to Whistleblowing Programs and the CMS European survey on e-archiving.



Norway



Kaare M. Risung
Partner
E kmr@schjodt.no
(In association with: Schjødt)

Kaare is the Head of trade/industry and TMT and co-chair of the Advisory/ Transaction Department. He specialises in regulatory and transactional work, with a particular focus on trade/Industry and TMT markets. He is a graduate of Davidson College, North Carolina where he majored in economics, and he also holds a Master's degree from the Faculty of Law of the University of Oslo, including foreign studies at Universität zu Kiel. Prior to joining Schjødt as a partner in 2002, he spent five years with a law firm in Oslo, three years with the legal department of Telenor and two years with Technology Law Partners, a firm he co-founded in 2000. Kaare holds extensive experience advising clients on regulatory matters, intellectual property rights, contracts and transactions within the IT/E-commerce and TMT sectors. He was the Managing Partner of Schjødt from 2006 to 2008.

Russia



Leonid Zubarev
Partner, Head of Insurance and Funds
E leonid.zubarev@cmslegal.ru

Leonid is the head of the CMS Insurance and Funds industry group and a lead partner of the CMS, Russia Commercial practice group. He is based in Moscow and has been involved in advising on insurance related matters since 1997.

Leonid and his team has been advising many of the foreign insurers and re-insurers on various aspects of their business in Russia, from entry strategies and new insurance products launch to regulatory issues, licensing, M&A, competition, claims handling and insurance litigation, to data protection issues, outsourcing, IP and IT, employment and general commercial issues.

Leonid advises a number of insurance companies and their clients on directors and officers' liability insurance issues. He is a highly regarded expert in insurance market and is often invited to speak at major international insurance events.

Leonid has also advised a broad range of clients on a variety of issues in pensions law.



Serbia



Đorđe Popović
Senior Attorney
E djordje.popovic@cms-rrh.com

Đorđe Popović is a senior associate at CMS Belgrade with more than seven years of relevant experience and is currently a primary point of contact at CMS Belgrade for all regulatory matters. He obtained his master's degree from the University of Bonn and Securities Law specialist degree from the University of Belgrade.

Đorđe has extensive experience in providing legal support to major international clients on Serbian, Montenegrin and Bosnian corporate law, real estate, finance and regulatory matters. He has advised in a number of prominent transactions in the CEE region, including mergers, acquisitions, takeovers (friendly and hostile), buyouts, privatisations and joint ventures. Additional areas of Đorđe's specialization include telecoms and IT and PPPs.

Among his clients are Merrill Lynch, Goldman Sachs, Hypo Alpe-Adria-Bank International AG, Michelin, Erste Bank, Delhaize Group, America Movil, ZTE Corporation, Vestas, Mundoro Capital Inc., PepsiCo International, News Corporation, Plaza Centers, EBRD, RWE Power AG, Government of the Republic of Serbia, Dundee Precious Metals Inc., etc.

Slovakia



Ján Azud
Partner
E jan.azud@rc-cms.sk

Ján joined Ružička Csekes s.r.o. in 2006 from T-Mobile Slovensko where he was Senior Manager of the Legal Department. Prior to this he was a compliance supervisor at Amslico AIG Life and then led the legal department at T-Mobile Slovakia.

He specialises in various areas of law, especially in insurance, infrastructural projects, general corporate and commercial law, project financing, IT, and public procurement.

Ján regularly speaks at local and international expert forums – conferences and seminars and contributes to professional journals, magazines and newsletters.

He has also delivered numerous training programmes for clients. Ján is fluent in English, Slovak and has a good working knowledge of German.

His experience is widely appreciated by clients:

'Ján Azud is very forthcoming, inventive and commercially oriented when dealing with regulatory issues.'



Spain



Blanca Cortés
Associate
E blanca.cortes@cms-asl.com

Blanca has extensive experience in advising on all aspects of intellectual property. Her practice spans both contentious and non-contentious issues in relation to trademark, patent, design, copyright, passing off and confidentiality matters. She also has substantial experience in the areas of anti-counterfeiting and customs. Blanca also advises on strategic and other intellectual property considerations in corporate transactions, as well as several competition law, advertising, information technology and data protection issues.

Blanca advises clients across a wide range of industry sectors. Her main clients include publishing and recording companies, audiovisual producers, advertising agencies, art galleries, architecture studios, media, television channels, IP rights collecting societies, end users of copyright, pharmaceutical companies, consumers and users, artists, athletes, owners of commercial brands, FMCG producers, software developers, telecoms, and information technology companies, both on a national and international level.

Blanca has been selected as a leading lawyer in IP by the prestigious publications Chambers and Partners and Best Lawyers.

Sweden



Anders Ericsson

Partner

E anders.ericsson@vonlode.com

(In association with: Von Lode)

Anders heads Von Lode's corporate and commercial team. Anders is foremost aimed at technology related work and his experience includes various industries and products such as mobile telephones, electronic payments, internet gaming and software/hardware development.



Commended for his 'top-level negation skill', is representing a payment solutions provider and advising on a divestiture in the IT/telecoms sector.

(Legal 500 EMEA 2011)

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Switzerland



Dr. Robert G. Briner

Partner

E robert.briner@cms-veh.com

Robert heads the IT/IP Team. His main practice areas are intellectual property and technology law. In technology law, he is regularly involved in IT matters including licensing, project contracts and outsourcing as well as protection of software related copyrights.

In addition, he advises clients in e-commerce, domain name litigation and advises on the legal compliance of websites, particularly in sectors with pronounced regulatory frameworks such as the pharmaceutical and finance sector, and he further advises on the legal compliance of IT structures under the perspective of the Sarbanes- Oxley Act and the Basel-II Agreement.

In intellectual property law, his regular work comprises a lot of trademark law, but his particular focus is on patent, copyright and related unfair competition law issues.



Robert G. Briner is an 'outstanding and experienced computer and software lawyer.' He represents clients in IT-related transactions and litigation. One interviewee described the 'practical and analytical' expert as a 'very clever fox with a wealth of experience.'

(Chambers Global 2007)



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CMS Cameron McKenna LLP
Mitre House
160 Aldersgate Street
London EC1A 4DD

T +44 (0)20 7367 3000
F +44 (0)20 7367 2000

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CMS Cameron McKenna LLP is a member of CMS, the organisation of 10 European law firms providing businesses with legal and tax services in 32 jurisdictions, with 56 offices in Western and Central Europe and beyond. CMS aims to be recognised as the best European provider of legal and tax services. Clients say that what makes CMS special is a combination of three things: strong, trusted client relationships, high quality advice and industry specialisation. CMS combines deep local expertise and the most extensive presence in Europe with cross-border consistency and coordination.

Registered address: Mitre House, 160 Aldersgate Street, London EC1A 4DD.