

ALLEN & OVERY

Our Luxembourg IP and TMT sector capabilities

Luxembourg 2022



“Allen & Overy Luxembourg’s distinguished practice advises clients on contentious and non-contentious matters within the IP and TMT fields. Highly experienced in assisting with multi-jurisdictional matters, supported by a wide European network.

“In terms of IP, the firm’s expertise covers a broad range of issues concerning trademarks, patents, copyrights and trade secrets. TMT practice focuses on outsourcing, IT security, e-commerce and regulatory disputes. Also active within the life sciences, financial and insurance sectors.

“Strengths Clients commend the team’s excellent quality of service, saying: ‘They are very reactive and always comply with given deadlines. Communication is very smooth and legal advice is always clear and detailed.’”

“Sources also note that the lawyers have ‘a good understanding of our needs and our business. They are able to offer us clear and practical solutions’.”

Chambers Europe

Catherine Di Lorenzo is a noted practitioner in the fields of data protection and IT, advising on regulatory compliance and investigations. Interviewees report that she is a “very capable data protection lawyer.”.

Chambers Europe 2020

About us

Our Intellectual Property and Technology, Media & Telecommunications practice has a significant and long-standing local presence in the IP and TMT sectors. The practice comprises a multi-disciplinary team and is one of the largest fully dedicated teams in Luxembourg. Our aim is to provide you with cutting-edge advice, hands-on solutions and a seamless service to meet your business objectives.

Complimented by our unrivalled international network, our dedicated TMT sector group ensures that we have a ready resource of expertise in a number of jurisdictions, including those in emerging markets, and that we are well positioned to advise on cross-border work.

As your chosen legal counsel, you benefit from our experience and knowledge. Not only do we provide you with pragmatic, innovative legal solutions, but offer a seamless service in an efficient and cost-effective way.

“This magic circle firm’s team handles the full spectrum of IP and IT mandates, and has an international outlook and multidisciplinary approach. Its diverse, high-end clientele includes e-commerce and pharmaceutical players, as well as some of the largest new media and technology businesses on the market. The team regularly advises on trade mark and patent litigation.”

Chambers Europe (IP & TMT)

What we offer our clients

Multi-disciplinary

Our capability gives us a truly all-round approach to our clients' IP/TMT needs. It draws on our industry knowledge in different sectors and specialists from a variety of disciplines – intellectual property, outsourcing, regulatory, regulatory litigation, financial services and life sciences. Comprising a dedicated and seasoned group of lawyers, we encourage ourselves to see challenges as opportunities, as they are vital in stimulating progress and the changing face of business.

Know-how

We have significant know-how and involvement in the drafting of law reforms on a wide range of IP and TMT issues. This involvement gives us first-hand knowledge of the underlying issues and experience for instance on advising on the new draft trademark Directive and draft CTM Regulation, as well as on the introduction of criminal sanctions for IP infringement in Luxembourg law.

Moreover, we also maintain a strong working relationship with professional, industry bodies and regulatory authorities in Luxembourg and across the globe via our network. This has enabled us to develop a nuanced understanding of the attitude of regulators, monitor developments, participate in key industry discussions, and garner keen insights to assist you with your risk-based analysis.

Business-oriented, practical solutions

We understand your business needs and expectations, so we adapt our advice and working to suit you. Our goal is to bring your projects to a successful conclusion and provide any assistance required in this regard. This can, for instance, include coordination with your dedicated teams or bespoke training sessions or customised presentations for your staff members. We also share our knowledge with our clients through tailored seminars, and often produce articles, consultation responses and other research for our clients and the press.

International to the core

Our team can provide you with seamless advice in a fully integrated fashion. Our global presence, across 31 countries and 44 offices, along with the extensive experience of our integrated international TMT sector, sets us apart from many of our competitors.

The multi-faceted nature of IP/TMT issues across different jurisdictions means that our hands-on experience of differing legal systems, cultures and regimes is invaluable.

Our IP/TMT experience

Intellectual Property

In Luxembourg we have significant expertise in the full spectrum of IP rights advice, covering, for example, copyright, trademarks, patents, domain names, trade secrets, databases and know-how.

We can provide you with any assistance you might need concerning the possibilities to protect IP, the scope and limits of the protection, as well as the use and enforcement of these rights.

Range of our IP advice

Enforcement

- Strategy advice and representation from warning notices over settlement negotiations to litigation before Luxembourg or European courts (including preliminary injunctions and infringement seizure orders)
- Advice and assistance with respect to procedures in front of local and European IP registers (including drafting of co-existence agreements)
- Advice on legal issues arising from the virtual world (including open source, illegal downloads, ad words, cybersquatting, social media, etc.)
- Anti-counterfeiting and customs surveillance

Protection

- Advice on whether and how to protect IP rights
- Structuring your IP portfolio to take advantage of the Luxembourg favourable tax regime or incentives schemes for IP rights or R&D activities
- IP audits and detailed due diligence reviews and verification exercises

Licensing

- Advice on structuring, drafting and negotiation of licence agreements, technology transfer agreements, R&D collaboration agreements, franchising and distribution agreements
- Advice on the use of IP rights to support financing and provide security

Life Sciences

The Luxembourg Life Sciences group, as part of our global group, strongly supports the government of Luxembourg in its efforts to promote research and development and innovation activities.

We advise public research institutions, as well as private researched-based pharmaceutical and healthcare companies, and have an in-depth knowledge and understanding of the life sciences and pharma sector. We are also regularly involved in legislative and technical committees in the life sciences field.

We can assist you on the specific regulatory, intellectual property (including patent life cycle management), data protection issues (for instance on the processing of genetic data), and public tender procedures affecting your sector, as well as on drafting-related agreements (eg R&D agreements, clinical trial agreements).

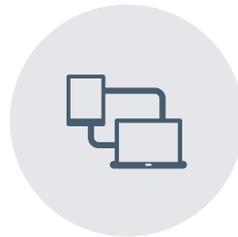
Technology, Media and Telecommunications

Our experience in the TMT sector includes:



IT security

(eg advice to the Luxembourg government and assistance to clients regarding data breach issues)



IT outsourcing

(full range of assistance, either to service providers or private clients: contract drafting, negotiations, liaising with regulators)



IT infrastructure requirements

(eg in the energy sector or the financial sector)



eArchiving

(eg assistance to operators and clients; we are co-authors of the related Luxembourg bill and regulations)



Cloud computing

(eg member of the Luxembourg government's ad hoc working party, assistance of major local cloud operators on contractual issues)



Telecom

(eg participation in a presentation on net neutrality made to a delegation of the Luxembourg parliament)

Data Protection

We can provide you with the full spectrum of data protection advice on all aspects of compliance with data protection and privacy law. This ranges from data protection audits (on-site or remote) to the performance of the necessary compliance steps, such as filings with the data protection authority and drafting of information notices to data subjects. You will also benefit from our experience when reviewing or drafting data protection policies and procedures related to corporate and HR policies, as well as privacy policies dedicated to your clients.

Our hands-on advice is customised to your industry (be it the financial, health, e-commerce or any other sector).



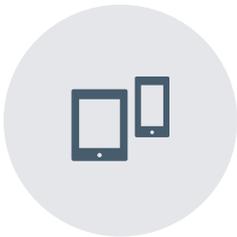
Media

(eg assistance regarding broadcasting questions, licence applications, collective rights schemes)



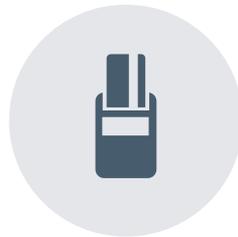
Social media

(advice and seminars on social media)



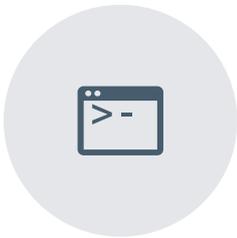
Bring your own device

(eg drafting/review of BYOD policies)



E-money/Mobile payment

(eg advice on and creation of the first e-money institution)



Software

(eg protection, drafting and negotiation of licence and distribution agreements)



Digital trust and certification

(eg advising the Luxembourg government)

You receive guidance on all relevant processing types, such as geo-location services, genetic data processing, telephone recordings, whistleblowing, CCTV, processing of employees data, subject access requests, developing consents and notices which balance business needs and regulatory requirements. Additionally, our team has significant experience when it comes to working together with members of your legal/compliance department in case of formalities to be carried out by local data protection authorities or data breaches.

With us you will find an innovative team whose members are at the origins of ground-breaking decisions from the Luxembourg data protection authority, including our involvement in the first set of Binding Corporate Rules (for cross-border personal data transfer) approved in Luxembourg.

Commercial Law

Realising your IP or TMT-related projects often involve commercial law. Our team has a sound experience of handling both litigious and non-litigious matters in this field of law. You will benefit from a full range of services in this respect, including, of course, consumer protection law.



About A&O in Luxembourg

Why Allen & Overy

For 25 years, clients have been at the heart of everything we do. Our clients are central to our strategy, culture and the way in which we deliver our advice. While each client is unique, our standards of excellence are universal. More than legal advisers, we aim to become strategic business partners for our clients. We support them at all stages of their development, and offer them a full range of legal services. We advise many of Luxembourg's leading businesses and public bodies, and the world's leading corporations, financial institutions, insurance companies and asset managers.

Our clients face complex opportunities and threats that cross borders. They require high quality and tailored legal advice, quickly. We deliver that through our leading Luxembourg practice, seamlessly integrated into a global network of local experts and dedicated industry practice groups. We invest heavily in client relationships, for example by opening Luxembourg desks in major financial centres where our clients operate, offering training (in Luxembourg and beyond) which is dedicated to our clients' needs, and being flexible and competitive when it comes to fee arrangements.

Culture and values

Our culture defines us and the values we share inspire the way we work and behave:



Allen & Overy in Luxembourg in numbers



Our team



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“Closely integrated with the firm’s extensive Benelux, European and global networks, the Luxembourg branch of Allen & Overy fields one of the largest IP teams in the country, which adeptly counsels a throng of prestigious international brands. One peer considers it ‘the very best full-service firm on the Luxembourg market’.”

World Trademark Review 1000

“In addition to her IT contracts and outsourcing expertise, counsel Catherine Di Lorenzo is recognised as a ‘true expert of privacy-related matters’ and has been at the forefront of the firm’s GDPR-related work.”

Legal 500 – 2020



For more information, please contact:

Luxembourg

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Global presence

Allen & Overy is an international legal practice with approximately 5,600 people, including some 580 partners, working in more than 40 offices worldwide. A current list of Allen & Overy offices is available at www.allenoverly.com/global_coverage.

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The term partner is used to refer to a member of Allen & Overy LLP or an employee or consultant with equivalent standing and qualifications or an individual with equivalent status in one of Allen & Overy LLP's affiliated undertakings. A list of the members of Allen & Overy LLP and of the non-members who are designated as partners is open to inspection at our registered office at One Bishops Square, London E1 6AD.