



Big Data Practice

Collection, analysis and monetization of Big Data are rapidly changing the face of the global economy. The impact is far-reaching, including in industries like energy, equipment manufacturing and automobiles that traditionally have not played a big role in the information ecosystem. Big Data brings with it tremendous promise in the form of exciting innovations, new revenue streams and even revolutionary treatments for life-threatening diseases. But with that great promise also comes a multitude of legal and other challenges.

PRACTICE AT A GLANCE

- WilmerHale’s Big Data Practice helps clients address privacy concerns and cybersecurity risks; complete complex technology transactions and licensing agreements; tackle thorny IP applications and registrations; and resolve disputes about who owns the data, algorithms, devices and insights.
- The firm’s Big Data team is organized by industry expertise to respond to each sector’s specific legal challenges.
- This interdisciplinary practice includes regulatory counsel, litigators, crisis managers, and transactional, IP, antitrust, international trade, and enforcement lawyers.

INDUSTRY-SPECIFIC ISSUES

- Financial institutions, healthcare companies and communications infrastructure providers must grapple with industry-specific privacy and data security laws.
- Online and technology companies face antitrust questions from regulators eyeing their greater access to Big Data.
- Manufacturers of consumer electronics, wearables, appliances and other equipment must address how they will process data arising from the Internet of Things.
- Energy companies and utilities face unique smart grid and cyber threat issues.
- Car and insurance companies are encountering regulatory and public relations concerns from drivers and passengers uncomfortable with the wealth of information collected through modern connected cars.

\$187 Billion

The projected size of the Big Data analytics market by 2019.

“Market research firm IDC forecasts a 50% increase in revenues from the sale of big data and business analytics software, hardware, and services between 2015 and 2019. Services will account for the biggest chunk of revenue, with banking and manufacturing-led industries poised to spend the most.”

— *Information Week*, 2016

EXPERIENCE

Financial institutions engaged in analytics and data mining: We help global banks, large and small investment advisors, insurance companies, and others identify and implement lawful ways to draw insights from the data they collect and obtain.

Connected cars: We advise automobile manufacturers and others in the automotive ecosystem on privacy, security, contracts, IP/data ownership, consumer protection and public relations considerations with respect to data collected in connection with cars, from real-time location data to driving telemetry data to in-dash browsing data.

Online companies, data brokers and others grappling with antitrust issues: We counsel clients on evolving legislative proposals and developments, merger filings and regulatory approvals, and Big Data-related investigations by authorities for potential abuse of market power. These issues affect data brokers and the online ecosystem, including social networks, mobile app developers, search engines and online advertising technology providers.

Electronics and equipment manufacturers navigating the Internet of Things: Mobile devices, televisions, home speakers, thermostats, wearables and even refrigerators are collecting significant amounts of data about consumers. We advise clients on the multiple legal regimes, contractual obligations, public relations concerns, data security considerations and other factors that dictate what can be collected, how it can be used and who it can be shared with.

Energy producers and utilities: We counsel energy clients through serious data breaches and data security missteps, as well as the potential regulatory and public relations fallout. We also advise utilities on their mining of Big Data to detect electricity theft, including illegal connections, unbilled consumption and nonpayment. We understand the unique legal issues in this highly regulated space, including testing, reporting, record keeping, reliability and financial disclosures.

Technology companies entering into data-centric transactions and licensing agreements: Increasingly, technology transactions and licensing agreements involve parties receiving access to large sets of data, potentially triggering privacy and data security issues. We draft data licensing agreements, public-facing website terms of service, and other service agreements for clients whose business models focus on collecting data and/or exploiting it.

Companies and government entities negotiating international trade deals: A number of recent trade negotiations (including the Trans-Pacific Partnership and the Transatlantic Trade and Investment Partnership) have included important provisions on data localization, data transfer and data use. We have helped different clients lobby and negotiate such Big Data issues in the context of trade agreements.

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CLIENT SECTORS

- Automotive industry
- Communications companies and Internet service providers
- Defense contractors
- Educational institutions and the service providers that support them
- Energy producers and utilities (both traditional and green)
- Electronics and equipment manufacturers (consumer appliance, audio system, mobile computing device, wearable and networking equipment makers)
- Financial institutions (banks, investment advisors, broker-dealers, insurance companies and online banking alternatives) and FinTech companies
- Healthcare providers, biotechnology and pharmaceutical companies, insurance companies, medical device and equipment manufacturers, and health software providers
- Law enforcement and government entities leveraging Big Data for policing, public assistance programs and government services
- Restaurants, hotels and transportation providers
- Retailers
- Social networks, search engines, software developers and mobile app developers
- Startups and emerging companies providing innovative services