



## *Big Data for Emerging Companies and Startups*

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Effective collection, analysis and use of data often dictate success or failure for emerging companies. Big Data is the lifeblood for startups in nearly all industries, including financial services, healthcare, connected devices, real estate, cybersecurity, retail, marketing and human resources. But establishing and enforcing ownership and use rights for Big Data can be complicated, and the processing of such data is highly regulated. Successfully navigating these issues and appropriately protecting and monetizing valuable data are essential to turning emerging companies into established businesses.

### **PRACTICE AT A GLANCE**

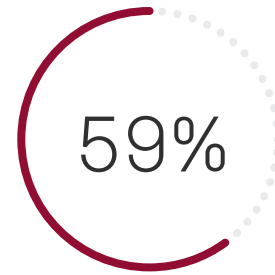
- WilmerHale’s Big Data Practice assists clients from their earliest stages through mid- and late-round financing, public offerings and beyond, helping them navigate regulatory and policy issues, privacy concerns, cybersecurity risks, data ownership issues, complex technology transactions and licensing, thorny IP applications and registrations, and disputes about who owns the algorithms, devices and insights that power the information economy.
- Our commitment to emerging companies is exemplified by WilmerHale Launch—our online platform dedicated exclusively to the needs of startup companies. And our innovative QuickLaunch Program allows us to provide the highest level of legal advice, strategic counseling and responsiveness in a cost-effective offering.
- We have over 100 dedicated corporate lawyers stationed in the most active startup markets, including Silicon Valley, Boston, New York and Washington DC. Other members of our expansive Big Data team include litigators, regulatory counsel, transactional specialists, enforcement experts and crisis managers in WilmerHale offices around the world. We help our startup clients navigate industry norms and disparate legal regimes governing Big Data in the United States and abroad.
- We can help level the playing field for startups working with larger corporations and investors by leveraging our experience with financing transactions, acquisitions, regulatory concerns, antitrust issues and a range of other matters.

**“By 2020, 1.7 megabytes of data will be created every single second per person on the planet; over 40% of that data will be machine generated data and enterprises will be liable for 85% of the digital universe.”**

— *Forbes*

## EXPERIENCE

- Counsel emerging companies on general privacy laws and regulations as well as sector-specific obligations governing the collection, use and sharing of highly regulated data such as precise location, financial information, health data, oral and electronic communications, biometric and genetic data, children's information, credit and background data, and many other types of sensitive data.
- Assist startups in obtaining intellectual property rights over datasets and data lakes, algorithmic processes, and the outputs of such processing.
- Draft and negotiate technology transactions and licensing agreements that involve access to and processing of vast amounts of data.
- Advocate for and defend emerging companies that have been targeted for enforcement actions and regulatory inquiries by the Federal Trade Commission, state attorneys general, Congress, and foreign regulators and data protection authorities due to the novelty of their products and business models and concerns about consumer protection and data use.
- Assisted startup clients in the fintech industry in filing patents for methods and apparatus for preventing fraudulent use of stolen payment card data for online or remote transactions.
- Negotiated licensing and joint development agreements for a software startup with a large OEM to develop software for facial recognition patterns.
- Advise companies in the computer vision and predictive analytics industries on intellectual property issues around the sources of data that they want to use for machine learning and natural language processing.
- Advise health and biomedical startups on privacy, security and breach notification compliance under specialized laws like the Health Insurance Portability and Accountability Act (HIPAA). We also develop procedures for ensuring that sensitive information is secured and de-identified in accordance with HIPAA standards.
- Counsel startups on the contractual, intellectual property and regulatory considerations involved in conducting data aggregation, de-identifying user information and reusing consumer information to monetize the data.
- Represented startups in protecting intellectual property for systems and methods for linking devices to user accounts, and for securely loading, storing and transmitting data from certain devices to systems.
- Negotiate analytics services agreements for use by startups in retail, video, healthcare, political campaigns and financial services.
- Draft and revise data security policies and procedures as appropriate for early-stage companies, including ensuring that such policies comply with the bare minimum required by such laws as the Massachusetts data security regulations, the US Gramm-Leach-Bliley Act, and the EU General Data Protection Regulation.



The number of respondents\* that consider Big Data and analytics either a top-five issue or the single most important way to achieve a competitive advantage.

— *Forbes*

\*Respondents include 316 senior data and IT decision-makers in large organizations

**“The big data technology and services market is expected to increase at a compound annual growth rate (CAGR) of 23.1% over the 2014-2019 forecast period, with annual spending reaching \$48.6 billion in 2019.”**

— *International Data Corporation*

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