
Online Ecosystem

Big Data

The collection, use and sharing of Big Data present complex and constantly evolving challenges for companies throughout the online ecosystem, including social networks, cloud providers, search engines, online advertising networks, mobile application providers, content-streaming services and software developers. Whether they are global behemoths or tiny startups, all online companies must grapple with a constellation of interrelated, data-centric issues that go far beyond ensuring customer privacy and securing data from cyber threats. These issues include negotiating appropriate data ownership and licensing agreements, establishing and enforcing intellectual property rights, complying with international data transfer prohibitions and data localization requirements, navigating thorny antitrust issues, responding to data incidents and other crises, and addressing concerns raised by policymakers and consumer advocates about data processing. Successfully navigating these challenges is essential to success in an increasingly competitive online marketplace.

WilmerHale's Big Data practice is particularly well suited to help participants in the online ecosystem address these types of issues. Our interdisciplinary team includes regulatory counsel, crisis managers, transactional attorneys, IP counselors and litigators, antitrust counsel, international trade practitioners and enforcement attorneys who work together to address Big Data issues in a holistic, cooperative manner rather than the traditional siloed approach. Our team also includes lawyers from each of our worldwide offices, giving our practice global perspective on the legal and business challenges confronted by companies in the online ecosystem.

For more information, visit our Big Data page or contact us at big.data@wilmerhale.com.

Industry-Specific Issues

Antitrust and competition

Online companies increasingly face antitrust questions from regulators who allege that the companies' greater access to and use of Big Data may stifle competition. Indeed, antitrust laws have been used as a basis to deter or prevent transactions by players in this space. We advise

clients on merger filings and regulatory approvals before US and foreign competition authorities, as well as in Big Data–related investigations involving potential abuse of market power.

Privacy and cybersecurity

Participants in the online ecosystem must comply with a bewildering array of sometimes contradictory privacy and data protection laws spanning the globe. We help a wide range of online companies navigate 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, and credit and background check data.

Technology transactions and licensing

The interconnectedness of the online ecosystem, and the multiplicity of relationships with entities outside of it, require a complex web of technology transactions and licensing agreements, as well as vigilant efforts to establish and protect companies' intellectual property. We negotiate on behalf of our clients and counsel them on the differing IP rights available. And we advocate for our clients in litigation and other IP enforcement contexts both within and outside the United States.

National security

Participants in the online ecosystem face increasing pressure from local, state, federal and international law enforcement to partner in criminal investigations and antiterrorism efforts, forcing companies to strike the difficult balance between ensuring public safety and keeping confidentiality promises to their customers.

Intellectual property

Online companies are regularly under fire from policymakers and consumer advocates for their Big Data practices. Companies in the crosshairs need guidance on how to avoid controversy, and how to address it when it arises. We advocate for and defend online companies that have been targeted for enforcement actions and 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.

Public policy and legislative affairs

Designing and executing proactive congressional and regulatory strategies from the outset and enacting them before a company faces policy hurdles is key to success, particularly for pioneer companies in the information economy. We counsel our clients on evolving legislative proposals and developments and advise on regulatory and congressional strategies to preempt and assuage concerns about the collection, use and sharing of Big Data in the online ecosystem.

Experience

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