

LAWYERS NEED TO ALERT CLIENTS ABOUT THE NEED FOR CYBERSECURITY AND DATA PROTECTION - ONTIER

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Companies digitising their businesses need to adapt their entire client contracting process as well as changing their organisation's internal regulations

Technology, media and telecommunications (TMT) lawyers must do more to raise awareness among companies of the need to ensure they have adequate cybersecurity and data protection measures in place, says Joaquín Muñoz Rodríguez, partner at Ontier in Spain.

"Clients are increasingly aware of the challenges they face in protecting their intangibles – trademarks, patents, industrial designs, know-how and industrial secrets – from the moment they are created," Muñoz Rodríguez says. "In the majority cases, this requires developing a protocol for the protection of intangible assets that establishes their protection at each stage from conception." However, Muñoz Rodríguez says one of the biggest challenges faced by TMT clients relates to companies digitising their processes. "These companies find a form of technology that represents an improvement in their business, but this means adapting the entire contracting process with their clients, or adapting internal regulations at an organisational level," he explains. "In some of these cases, there is no single legal solution to solve the problem and TMT lawyers have to be creative in

order to provide not only a legal solution but also a business-oriented one."

In addition to the growing threat of cyberattacks, which has led companies of every size to review their cyberthreat protection policies, Muñoz Rodríguez has also observed the increasing availability of specialised TMT legal services. "This means that the client demands a higher quality and more accurate service every time." Furthermore, in-house counsel are increasingly becoming experts in the field and consequently are demanding higher quality services. However, many companies are still allocating insufficient resources to cybersecurity and data protection, for example. Muñoz Rodríguez says: "In that sense, TMT lawyers still have to raise awareness."