

NICHE TMT FIRMS BATTLE BIG PLAYERS

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Google “right to be forgotten” dispute shows even the smallest TMT firms can handle major cases

The market for telecommunications, media and technology-related (TMT) legal advice in Iberia is being shaken up by smaller, innovative niche law firms that are successfully challenging the larger, more traditional firms for market share.

This increased competition means firms are fiercely battling each other on price to win business. As one Madrid-based TMT partner says: “The TMT sector is highly customised and includes lots of niche firms. This means the sector is very competitive and therefore firms are able to offer fees that are very attractive to clients.”

Cecilia Álvarez, counsel at Uría Menéndez in Madrid, says up-and-coming lawyers are increasingly being attracted to the TMT sector. “Young lawyers wanted to go into capital markets, for example,

but we now have lawyers interested in technology. Young lawyers are major users of technology so they effectively transmit the issues."

Javier Marzo, partner at Garrigues, says that there are a number of small boutique firms in the TMT sector, which is leading to increased competition. He adds the challenge is to provide legal advice in an environment that is very fast-moving. "You have to follow the sector and compete with smaller more flexible firms," he says.

Smaller firms have also been successful in winning major instructions in the TMT sector. Abril Abogados founding partner Ignacio Temiño cites the example of the Svensson case – where the Court of Justice of the European Union held that websites that redirect internet users via hyperlinks to protected works that are already freely available online does not infringe copyright – and the Google "right to be forgotten" case" as examples of how even "tiny firms with young lawyers" can handle the most important TMT cases.

However, Gómez-Acebo & Pombo partner Almudena Arpón de Mendivil argues that TMT departments in larger full-service firms can offer additional support for clients on matters that embrace different areas of practice. "Knowing the rules is not enough, understanding the technical aspects is necessary, but combining this with tax and international law, for example, is important. TMT lawyers need to come with support teams," she says.

Hogan Lovells partner Gonzalo F. Gállego, says: "Even when they are dealing with a pure TMT matter, many companies do not seek advice from TMT lawyers able to provide specialist advice. However, this may change soon as TMT lawyers are always in the press. It's an innovative, new, young and attractive sector."

Small firms go "head to head" with major players

Legal directories demonstrate that smaller law firms have built strong reputations in the TMT sector and are successfully competing with larger firms. DLA Piper partner Diego Ramos says that, in legal directories, "you see lots of firms listed in the TMT section that you do not see listed in other practice areas".

According to the Legal 500 and Chambers & Partners directories, the "top tier" firms for TMT work in Spain and Portugal are:

Spain

Bird & Bird; Ecija Abogados; Uría Menéndez; Garrigues; Baker & McKenzie; Clifford Chance

Portugal

Morais Leitão, Galvão Teles, Soares da Silva & Associados; pbb (Pedro Pinto, Bessa Monteiro, Reis, Branco, Alexandre Jardim & Associados); PLMJ; SRS Advogados; Vieira de Almeida & Associados