

UP TO SPEED



The fast-evolving technology industry can leave lawyers quickly feeling disoriented, as a result practitioners need to become ultra-specialised

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The pace of change in the technology sector is frantic. As a result lawyers often find themselves wrong-footed by new innovations that do not have a relevant legal framework. As a result, it's vital that technology lawyers are familiar with all the latest ground-breaking concepts and products, but this is no easy task. Consequently, there is a growing trend for technology lawyers to become ultra-specialised.

The technology media and telecommunications (TMT)

& new technologies sector is changing so rapidly that new problems are continually emerging that need resolving with the help of legal advisers. Ecija's IT/IP manager **Carolina Garcia de la Rasilla** says the TMT landscape is changing dramatically. "As previous embryonic technologies are experiencing exponential growth, the greatest opportunities for law firms in the TMT sector arise from the development of these new technologies," she says. Meanwhile law firms themselves will also be able to benefit from these technological developments, according to Garcia de la Rasilla. "Law firms will be able to use more precise tools to offer the best advice to clients as artificial intelligence (AI) will naturally help to solve legal issues," she argues. Garcia de la Rasilla says that the media industry, in particular, will be impacted by the latest technological trends. "Over-the-top technology providers have taken the lead in choosing Spain for producing series and cinema, for example, and this will definitely represent new work for firms," says Garcia de la Rasilla. She adds that, as a result of all the opportunities emerging, there are more mergers between law firms that want to succeed in an extraordinarily competitive market. Such mergers help firms grow in terms of clients, practice areas and new territories, which enable them to better help clients to drive innovation in new segments of the market.

NEED FOR AGILITY

Uría Menéndez partner **Leticia López-Lapuente**, says the

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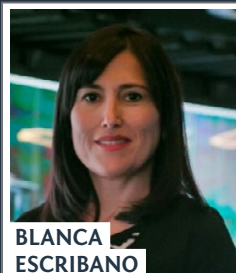
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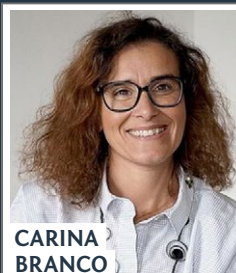
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establishment of new types of digital rights are creating legal challenges for companies that "require specialised legal analysis". With regard to the biggest challenges TMT & New Technologies lawyers face, López-Lapuente says that technology-related businesses are becoming more and more complex so legal advice may require very different areas of law to be taken into account. "In many cases, TMT and privacy rules need to be combined with a labour law, criminal law or tax law perspective," she explains. García de la Rasilla believes that the challenges being posed by the TMT sector are exciting for any lawyer that appreciates the potential of technology. She adds that lawyers will need to be "flexible, agile and quick, and be willing to adapt to changes, understand new businesses, and specialise in new practice areas in order to ensure they offer the best advice to clients".

CCA Law partner **Filipe Mayer** says developments such as the 'Internet of Things' (IOT), Fintech, Insurtech and AI continually pose new challenges for lawyers. However, he adds that there are more traditional areas of TMT that are also constantly evolving. "See 5G, as well as personal data that has been generated by the publication of the national legislation that implements the General Data Protection Regulation," he says. The complexity of the issues raised by these sub-sectors explains why TMT lawyers are increasingly specialising. "It is precisely in the area of TMT that we are increasingly witnessing the ultra-specialisation of lawyers, that is a great opportunity for legal professionals in this field," Mayer says.

Examples of areas in which lawyers in Portugal are going down the path of ultra-specialisation are online games and eSports. "The constant discovery of new areas, with new topics, where specialisation is a necessity, are the greatest opportunities," adds Mayer.

RAISING QUESTIONS

Morais Leitão partner **Gonçalo Machado Borges** says the run-up to 5G is generating significant regulatory work for lawyers in Portugal – this includes advice on spectrum availability and the terms under which the frequency bands will be awarded. "The ongoing tender procedure for the installation and management of a spaceport on the island of Santa Maria (Azores) is a challenging matter and is expected to generate a significant amount of legal work relating to space activities in the near future". Machado adds: "The implementation of the European Electronic Communications Code will raise questions related to the qualification of specific applications and connected services as electronic communications services." A range of industries, including banking, insurance, agriculture, oil and gas, sports, energy and health are being disrupted by technology, according to **Magda Cocco**, partner at Vieira de Almeida and head of the firm's information, communication and technology practice. Examples of the new opportunities being created as result of this disruption include the "use of AI in the

sport sector to assess player performance, the use of remote sensing satellites for agricultural purposes, autonomous cars, the use of drones to supervise energy networks, IOT solutions in the insurance sector, facial recognition technology in the banking sector, gaming, gambling, the 5G roll out, media services and sophisticated new features of digital marketing".

RECESSION LOOKING MORE LIKELY

Firms need lawyers in all sectors and departments to have a digital perspective and the appropriate expertise. Machado Borges warns that the "possible weakening of economic conditions, with some form of recession looking increasingly likely", could prove to be a significant challenge for law firms over the next two years. He adds that anticipating, and helping to shape, policy and regulation in fields such as artificial intelligence and blockchain will be an interesting,

but very challenging, process. However, the biggest challenge for lawyers is keeping fully up to date with the latest developments. This not only involves keeping abreast with the applicable legal framework, but also the market to which it applies. This can be difficult for TMT lawyers, especially in a market that is changing at a breakneck pace, says Mayer. "In fact, the very concept of keeping up to date has changed because it is becoming more crucial to keep abreast of technology developments than to be up to date with the applicable legal regime because often there is still no applicable law." Another challenge for lawyers is realising that in order to successfully evolve, they need to integrate multidisciplinary teams that include technicians from other sectors – such as engineers – and even machines. Mayer says: "We have to take into account the technological solutions that are emerging every day in the legal market, as they will be also part of the TMT legal teams of the future". ■

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