

VOL 22 - Q3 2009

## Technology and Life Sciences Group Bulletin

# TechBrief

### Contents

> Google Book Settlement	02
> Consultation Phase for Gambling Industry Concluded	03
> 55% of Electronic Goods Websites in Europe Breach EU Law	03
> The Community Trade Mark - A Worthwhile Investment?	04
> New Bill Extends Data Retention Obligations to ISPs	05
> InBrief	06
> About Us	07

We hope you find TechBrief of interest. However, if you would prefer not to receive it in the future, please reply to our e-mail with "Unsubscribe" in the Subject box.

#### Coming Soon... BioBrief

The Technology and Life Sciences Group will shortly launch a bulletin looking at a range of issues and developments in law and regulation affecting the Life Sciences sector. For more details please contact: [gerardine.long@arthurcox.com](mailto:gerardine.long@arthurcox.com) or [lisa.kinsella@arthurcox.com](mailto:lisa.kinsella@arthurcox.com)

*This document contains a general summary of developments and is neither a complete nor definitive statement of the law. Specific legal advice should be obtained before taking action.*

In this the twenty-second edition of TechBrief, the Arthur Cox Technology and Life Sciences Group Bulletin, we look at a range of issues across our practice areas and some recent developments in law.

See the "InBrief" and "About Us" sections for some information on who we are and what we have been up to recently. As ever, any feedback you may have on these bulletins is welcome.

### Reminder regarding the Fourth Annual Data Protection Practical Compliance Conference

**Date:** 12 November 2009

**Venue:** The Radisson SAS Royal Hotel, Golden Lane, Dublin 8

**Keynote Speaker:** Billy Hawkes, Data Protection Commissioner

**Chairman:** John Menton, Partner, Arthur Cox

This conference gives practical advice regarding the most critical issues facing Irish data protection, privacy and information management professionals today. Ireland's largest Data Protection Conference is a one-day event specifically designed to cover new developments and to deliver the latest thinking, as well as useful guidance, in this rapidly expanding area. There will be plenty of time for questions and discussions with the presenters, as well as an opportunity for networking with other delegates.

The conference is presented in association with the Data Protection Ireland journal. There will be a drinks and canapés reception afterwards, sponsored by Arthur Cox. The event may be used for 5.5 hours professional development requirements. The event sold out last year, so early booking is recommended. You can find out more details about the Conference and make a booking at <http://www.pdp.ie>.

## Google Book Settlement

The Google Book Settlement is a significant development in the area of copyright, particularly digital copyright. If the settlement, in its current form or a modified version, is approved it could have wide ranging implications both in the US and across the world.

### Background

In 2004 Google announced that it had reached an agreement with a number of US libraries to digitise books and materials held in the collections of those libraries. The Google Book Service proposed to make up to 20% of a scanned book available for viewing for free, and the whole book available for a fee. In 2005, the Authors Guild and five members of the Association of American Publishers initiated a class action against Google claiming copyright infringement by the creation of digital copies of copyrighted work for commercial use. In its defence Google claimed it was entitled to scan the books under the 'fair use' provisions in US copyright legislation.

Following three years of litigation the parties reached a settlement in October 2008 (the "**Settlement**"). Court approval is required before the Settlement can become effective, but if approved, Google will be entitled to continue to make digital copies of the book collections available online. The Settlement distinguishes between those books that are in print and out of print. The authors of books that are in print must expressly opt into the deal, whereas for those out of print, the authors and publishers must notify Google that they do not wish their books to be available in this manner. The incentive for authors and publishers to opt into the deal is that they will receive 63% of the royalties on all Google revenues from the display of their work. The US Department of Justice has recently objected to the Settlement on the grounds that it is anti-competitive and may breach antitrust laws and has encouraged the parties to modify the settlement before presenting it to the courts for approval.

In the light of the comments of US Department of Justice, a status conference in the US District Court for the Southern District of New York has been scheduled for 7 October 2009 to determine how to proceed.

### Implications of the Settlement if Approved

As this is a class action, the Settlement will affect everyone who is a member of the 'class', even though they are not a party to the action against Google. The 'class' consists of all persons owning a 'US copyright interest' in a book or insert as at 5 January 2009. A US copyright interest will apply to a publication where it has been published in any of the following: (i) the US; (ii) any other Berne Convention Country (including Ireland); or (iii) another country which has copyright relations with the US. In addition, as many writers internationally are published through US publishers, the Settlement will affect writers and publishers worldwide, not just American writers living in the US.

An Irish author will be a member of the Settlement class as long as he/she has not completely assigned the copyright in the works to a third party. Further, an Irish publisher, or an owner/exclusive licensee of the copyright work will be covered by the Settlement. Commentators have also warned that it is highly likely that Google will seek to replicate this deal with publishers across the world, including in Ireland.

### Response to the Settlement

It has been reported that Google has already digitised more than seven million books, including millions of books which are still in copyright in the US.

However, there has been widespread criticism of the deal since the details of the Settlement were published. In particular, concerns have been raised over Google's rights over what are known as 'orphan works', works that are still in copyright but whose authors are unknown or cannot be found. In effect the Settlement would give Google the sole control of such works. Critics have argued that public bodies, rather than commercial organisations such as Google, should be granted the right to scan, hold and take charge of books. Critics have also pointed out that this deal is a further example of the power of Google. The Settlement appears to require a significant effort on the part of individual copyright holders to stay out of the deal whereas there is little obligation on Google to seek individual permission.

The German government has lodged an objection to the deal claiming that such a deal would undermine the rights of German authors within the US. The German government submitted that such an agreement would violate the 1996 WIPO Copyright Treaty and threatens the European Commission's attempts to establish public digital libraries. On 7 September 2009 France joined Germany in its objections claiming that the Settlement could lead to a new world wide copyright regime in which Google could occupy an authoritarian position.

On 22 September 2009, following an investigation of the deal, the US Department of Justice criticised the Settlement on the basis that it presented antitrust issues. The US Department of Justice urged the parties to agree to a modification of the settlement. On 24 September 2009, the judge overseeing the Settlement, Judge Chin, announced that the hearing scheduled for 7 October 2009 was postponed and status conference would take place instead. It has been commented that this decision means that the current settlement is effectively at an end and the parties must now renegotiate the Settlement.

However, it should be noted that many are equally in favour of the proposal and have opined that the Settlement presents an opportunity for out-of-print works to earn revenue again. In addition, it means that authors will no longer be dependent on their publishers' decisions on whether or not to reprint publications. Google claims it is seeking to bring 'new life to old works'.

### European Developments

In 2005 the European Commission set up its own digital library of Europe's digitised books and has already scanned in approximately 4.6 million books. However, unlike Google's plan, the EU's existing digital library does not scan in copyrighted books or orphaned works that are still protected by copyright. Copyright is governed differently in the US than in Europe: in the US any work published before 1923 is out of copyright whereas in Europe copyright exists in a work until 70 years after the death of the author.

The European Commission is currently holding a consultation, which will run until 15 November 2009, on how best to operate the digital library. The European Commissioner for Information Society and Media, Viviane Reding, indicated that in the coming weeks she wants to consult with all stakeholders, including

Google, authors, editors, publishers, academic libraries and bookshops, to find a solution to this copyright issue and to create a common set of rules whereby books will be available to all EU consumers but will also ensure that authors benefit from profit revenues. Ms Reding acknowledged that each member state in the EU has different copyright rules. However, she noted that the digital world is borderless and in this respect, a European copyright law should be introduced.

Ms Reding stated that it is hoped that there will be 10 million books digitised in the European library by 2010.

### Conclusion

It would appear therefore, that while the Settlement in its current form may not be approved, the issues surrounding the digitalisation of books will increasingly become a consideration for authors. It may become difficult for authors to control the digital reproduction of their works and perhaps it should be welcomed as a means in which income can be generated, rather than resisted as a loss of control over how works are used. In any event, all eyes will be on the US courts in the coming months to see if Google's plan, to make available large collections of books online, will in fact succeed.

## Consultation Phase for Gambling Industry Concluded

The latest public consultation period on gambling control in Ireland closed on 30 September 2009. The background to this most recent consultation was the publication of a report of the Casino Regulation Committee (the "CRC") by the Minister for Justice, Dermot Ahern on 10 July 2008. On foot of the recommendations of this Report, the Government established the "Casino Gaming Control Section" (the "CGCS") in the Department of Justice as an "interim gaming regulatory authority".

The Report triggered much debate on the future of gambling in Ireland. After an internal discursive phase concluded, the Government began a consultation phase (the "Consultation"), inviting opinion from interested parties. The Consultation was begun with an eye to creating a new legal framework for the regulation of gambling in the State, most likely by means of new gambling legislation. This phase drew to a close on 30 September last.

The Government now appears to take the view that gambling is a legitimate form of entertainment, and will not seek to criminalise or unnecessarily discourage gambling. The CGCS will now consider the current national law in Ireland and similar international provisions (in particular the Gambling Act 2005 in the UK) to assess the effectiveness of current or potential provisions, and will consider the submissions received from industry and other parties interested in the promulgation of the new laws. It is hoped that agreement can be reached between all parties on the future of gambling in Ireland.

The Consultation signified a shift in gears by the Government and a readiness to begin drafting new gambling legislation. We await

the proposals of the CGCS with interest and in the expectation that they will form the basis of a pragmatic and effective law.

*For a more detailed version of this article, to receive gaming and betting updates (including a comprehensive note on the recent decision of the ECJ in the "Bwin Liga" case), or further information please contact: rob.corbet@arthurcox.com or emmet.ogrady@arthurcox.com.*

## 55% of Electronic Goods Websites in Europe Breach EU Law

### European Commission Investigation

The results of a recent investigation into 369 European websites selling popular electronic goods revealed that over half of those websites are not complying with a number of EU Directives which govern the area of misleading advertising and unfair practices in online sales. The European Commission instigated the investigation which was carried out by national consumer agencies in each Member State.

### Irish Websites

Irish websites investigated by the National Consumer Agency were slightly below the European average with six out of fifteen Irish websites checked showing irregularities. The main problems identified involved the provision of misleading information about consumer rights, the provision of misleading information about the total price, and the absence of, or provision of incomplete contact details for the trader. The importance of complying with the relevant Directives has now been emphasised by the EU Commission who have threatened enforcement proceedings if the offending websites are not rectified.

### Overview of Relevant Irish Law

EU Directives which govern the area of misleading advertising and unfair practices in online sales are implemented into Irish law by the Distance Selling Regulations 2001, the E-Commerce Regulations 2003 and the Consumer Protection Act 2007 and companies operating online need to comply with their specific requirements.

The Distance Selling Regulations 2001 set out the minimum information which must be provided to consumers by online retailers. This includes the: (i) identity and address of the service provider; (ii) main characteristics of the goods or services; (iii) price including all taxes; (iv) delivery costs, where appropriate; (v) arrangements for payment, delivery or performance; (vi) existence of a right of cancellation; (vii) cost of using the means of distance communication, where it is calculated other than at the basic rate; and (viii) period for which the offer or the price remains valid.

The consumer has a period of seven working days in which to cancel a distance contract without giving a reason and the only cost payable by the consumer is the direct cost of returning the goods. Where the service provider fails to provide the necessary

written confirmation required, this “cooling off period” is extended by an additional three months. There are some exemptions from the cooling-off/cancellation right, for example for the sale of newspapers and magazines, but these are limited in both scope and number. A person guilty of an offence under the Distance Selling Regulations 2001 shall be liable to a fine not exceeding €3,000.

The E-Commerce Regulations 2003 set out additional obligations for those who provide services or sell goods online. Subject to certain exceptions relevant service providers must provide additional information including but not limited to: (i) details of how natural persons can register their choice regarding unsolicited commercial communications; and (ii) the service provider’s VAT registration number (if relevant). A person guilty of an offence under these Regulations shall be liable to a fine not exceeding €3,000 or imprisonment for a term not exceeding three months or both.

The Consumer Protection Act 2007 prohibits unfair, misleading and aggressive commercial practices towards consumers and applies to online as well as offline dealings. In addition the Act sets out eight specific types of aggressive commercial practices which are prohibited even without proof that they affect a consumer’s decision to enter into a transactions. Criminal sanctions for breach of the Act range from fines of €3,000 and three months imprisonment up to fines of €100,000 and up to two years imprisonment. The Act also provides for civil remedies including prohibition orders and damages where a consumer has suffered because of the unfair, misleading and aggressive commercial practices.

### Conclusion

This report should be viewed as a warning for all online retailers to bring their websites in line with EU law or risk the imposition of penalties. National consumer agencies will contact the traders responsible for the non-compliant websites, requiring them to correct the irregularities or face legal sanctions. Failure to rectify will result in EU consumer laws being enforced and sanctions and penalties being set at national level.

### Other Developments in EU Consumer Law

On a related note, the European Court of Justice has decided in a German case that consumers cannot be charged for the use made of a product by them unless it was used in bad faith or for ‘unjust enrichment’. The transaction in question related to the sale of a laptop online to a consumer who was charged for the nine months use she enjoyed before the laptop failed and the consumer terminated the agreement. German law had allowed for retailers to charge for the benefit that consumers derived from the goods prior to returning them. However, the ECJ held that this would breach the Distance Selling Directive which applied in this case. There is no express provision under Irish law that would have allowed for a retailer to charge for use of a product. However, this decision clarifies the position in relation to the seven day cooling off period (or seven days plus three months in certain circumstances, as described above), that a charge for use of the product during that time cannot be levied by the retailer unless such use was in bad faith or for ‘unjust enrichment’.

## The Community Trade Mark - A Worthwhile Investment?

### Overview

A trade mark is a vitally important company asset that can create, or contribute, to a company’s commercial identity and help to set a company apart from its competitors. With the investment of considerable time and money into brand development and promotion, it is advisable to consider the best ways to protect that brand from its use (and misuse) by third parties, and in particular competitors.

With this in mind, it is certainly worth considering the merits of registering a Community Trade Mark (CTM) with the Office for Harmonisation of the Internal Market (OHIM) and thus ensuring that your trade mark is protected in all EU member states (the “Member States”). With the expansion of the European Union to 27 countries, it is becoming increasingly important and advantageous for businesses to register their trade mark(s) as CTMs, and not just as national trade marks.

### What is a Community Trade Mark?

A CTM registration is a single registration process which offers the advantage of being enforceable in each Member State. In contrast, a national trade mark only offers protection in the market of the country in which it is registered. In this way the CTM gives equivalent protection to a national registration in each Member State. It is important to note that the CTM registration system does not replace national trade mark rights, rather, it co-exists with them.

### Advantages of the CTM

The benefits of registering a TM as a CTM are manifold but can be summarised as follows:

- › The proprietor of a CTM is entitled to prevent unauthorised third parties in any Member State from placing the registered CTM onto their goods or packaging; offering, putting on the market or stocking goods for commercial purposes using the registered CTM; offering or supplying services carrying the registered CTM; importing or exporting goods under the CTM; or using the CTM on business papers and in advertising;
- › One filing procedure at the OHIM removes the need to file in each individual Member State; and
- › The CTM gives wide ranging legal protection as infringement proceedings can be brought before all national courts, the decisions of which are enforceable in every Member State.

The registration procedure is relatively simple and the cost of filing a CTM application is significantly less than the cost of multiple filings in each individual member state. The present cost for registration is €1050 if the application is in paper form and €900 if filed online. If the application contains the registration of more than three classes of goods and services, there is a fee of €150 for each additional class.

While the CTM registration may be cancelled if the mark is not used for a period of more than 5 years, the obligation to use the mark can be fulfilled in just one of the EU countries in order to maintain the trade mark in all other countries.

### Disadvantages of the CTM

The disadvantages of registering a CTM are relatively small in number.

The principal disadvantage of the CTM is its *'unitary'* nature. If the trade mark is not available or is objectionable in just one of the EU countries, then the entire CTM application is rejected. However, the application may still be converted to national applications in countries selected by the applicant where there has been no objection.

A further disadvantage is the opposition-based nature of the registration procedure since the only way of dealing with prior conflicting rights before registration is by way of filing an opposition with the OHIM. Hence a CTM registration may face numerous oppositions to registration and the continuing expansion of the EU increases the probability that there will be third parties who believe that the CTM application conflicts with their trade mark rights.

### The registration process

The CTM registration system is administered by the OHIM office (the "Office") based in Alicante, Spain. Once a CTM application is filed, it undergoes an examination process. The Office will only examine whether or not the applicant is entitled to be a proprietor of the CTM and whether there exists absolute grounds for refusal. Such grounds include: (i) the sign being non-distinctive; (ii) the sign being of such nature so as to deceive the public; and (iii) trade marks consisting of signs or indications that have become customary in current parlance or commercial practice.

It is important to note that while the Office will do a search for earlier conflicting trade marks, they send the results to the applicant only. In this way, the Office does not have the power to reject a CTM application in the event of them finding an identical mark. Instead, it is up to the relevant third party to discover the infringement and then file the objection.

If the Office has no objections, the application is then published in the CTM journal provided and from the date of publication, the proprietor of an earlier right wishing to file an opposition has only three months to do so. Once the three months have elapsed and if no opposition has been filed, the CTM will be registered.

### Conclusion

So is it worth applying for a Community Trade Mark? Well this will depend largely on the market in which the company operates. If a business is operating in different EU member states or has plans to do so, then the registering of a CTM certainly merits consideration, as a single successful application will protect the trade mark across all EU Member States and therefore cover a market spanning some 360 million consumers.

## New Bill Extends Data Retention Obligations To ISPS

The Communications (Retention of Data) Bill 2009 (the "Bill") published by the Department of Justice in July represents a deviation from data protection principles under Irish law in

the interests of the common good, essentially to aid the Gardaí, the Defence Forces and the Revenue Commissioners in the investigation, detection, prosecution and prevention of serious crime including terrorist offences, to safeguard the security of the State and finally to ensure the safety of human life.

Enactment of the Bill will fulfil Ireland's obligation to implement the EU Data Retention Directive 2006/24/EC. It will also greatly broaden the scope of lawful interception of data in Ireland. Currently the area is governed by Part 7 of the Criminal Justice (Terrorist Offences) Act 2005 which requires providers of fixed and mobile telephony services to retain communication data, i.e. location and traffic data. There is no requirement to retain the content of such communications and this aspect is not amended by the introduction of the 2009 Bill. The data to be retained includes details of to whom a person has sent a text or email or to whom a person has made a telephone call, together with the location of the sender and receiver at the time of the making of such a communication.

Section 3 of the 2009 Bill as drafted obliges service providers to retain fixed network telephony and mobile telephony data for a period of two years following processing and obliges internet services providers to retain internet access, internet email and internet telephony data for a period of one year following processing. The obligations provided for under section 3 are for the purpose of disclosure to the Gardaí or the Defence Forces upon receipt by the service provider of a disclosure request pursuant to section 6 of the 2009 Bill, as currently drafted. Under the new Bill a disclosure request can also be made by a senior officer of the Revenue Commissioners where a revenue offence is under investigation.

The subject of the request must remain limited to location and traffic data, however this includes location and traffic data relating to unsuccessful attempts at communications covered by section 3.

A disclosure request must be made in writing by the body seeking access to the data, except in exceptional urgency where it may be provided orally but must be confirmed in writing within two working days of the date of the request.

On whom the cost of retaining the data under the proposed legislation will fall is unclear, as the Bill fails to deal with this issue. It can only be assumed therefore that the ISPs and telephone service providers will be forced to bear these costs in the absence of an amendment before enactment of the Bill. It is worth noting that the UK draft Regulations make provision in certain cases for government reimbursement of these costs to service providers.

Provision is also made in the Bill for the safeguarding of retained data by the service providers. The service providers will be restricted from accessing the retained data except: (i) at the request and with the consent of the data subject; (ii) for the purpose of complying with a disclosure request; (iii) by order of court; or (iv) as may be authorised by the Data Protection Commissioner. Furthermore, the Garda Commissioner, the Chief of Staff of the Permanent Defence Forces and the Revenue Commissioners must submit to the Minister of Justice an annual report specifying the instances when section 3, when enacted, was invoked.

A complaints procedure is also established in the Bill whereby a complaint can be made by a data subject, who suspects, following a disclosure under section 3, that their data has been accessed.

Where such a complaint is neither frivolous nor vexatious, it must be investigated by a Complaints Referee and if the complaint is well founded then the Referee must report these findings to the Taoiseach. While the Bill provides that the Referee may also order that the data be destroyed and compensation paid to the

data subject, the Bill also states that contravention of the Bill once enacted will not in itself constitute a cause of action. This may be seen as a weakness in the Bill in terms of data protection. Importantly however, the Bill states that a cause of action for breach of a Constitutional right will not be affected.

## InBrief

In this section, we let you in on what we have been up to in the past few months. If you would like further information about any of the items below, please contact any member of the Technology and Life Sciences Group.

### > *Data Protection:*

**Rob Corbet** and **Úna Ní Mhurchú** have written an article for this month's Privacy and Data Protection journal entitled "Standard contractual clauses for data transfers outside of the EEA." **Rob Corbet** will be speaking at the Law Society's Contract Law and Commercial Practice Update on 6 November on the topics of data protection and recent developments in Internet case law.

### > *euroITcounsel:*

**Pearse Ryan** and **Professor Robert Clark** attended the first 2009 bi-annual meeting of euroITcounsel hosted by Roschier in Helsinki in June 2009. *euroITcounsel* is a circle of IT specialist lawyers of which Arthur Cox is the Irish member. See [www.euroitcounsel.com](http://www.euroitcounsel.com).

### > *Online Contractual Obligations:*

**Rob Corbet** has recorded a webcast for the Law Society's eCPD Law series on "Online Contractual Obligations".

### > *Data Loss:*

**Pearse Ryan** co-wrote an article with Andrew Harbison of Grant Thornton entitled "Data Leakage and Data Compromise: Causes and Preventative Steps" published in the June/July 2009 edition of *Computers & Law*, the magazine of the Society for Computers and Law, also available at [www.scl.org](http://www.scl.org).

### > *Extra-Territorial Reach of US Law:*

On 20 July, Arthur Cox in conjunction with Lovells' New York, hosted a lunchtime presentation on the extra-territorial reach of US law, covering cross-border investigations, Foreign Corrupt Practices Act, SEC and US DOJ enforcement and private civil litigation.

### > *Intellectual Property:*

**Colin Rooney** spoke on implementing an IP Policy at the Training Course for Managing IP for the Institutes of Technology which took place on 15 June in the Crowne Plaza, Santry.

### > *Start-Up Companies and Fundraising:*

**Emmet O'Grady** attended a briefing at the offices of Enterprise Ireland in its new Enterprise Stabilisation Fund, which aims to help viable but vulnerable companies sustain and develop their business during difficult times. On 11 June, **Colin Kavanagh** attended the launch by Intertrade Ireland of the All-Island Seedcorn Business Competition 2009. On 16 September, **Emmet O'Grady** attended the Halo Business Angel Network (HBAN) breakfast briefing in the Irish Stock Exchange. HBAN is jointly funded by InterTradeIreland and Enterprise Ireland and offers a new approach to early stage venture capital in Ireland. **Emmet** also presented to participants on the Campus Company Development Programme in NovaUCD in September on a diverse range of topics ranging from company formation and commercialisation to taking investment.

### > *Franchising:*

The Irish Franchise Association recently circulated its first ezine to members which included a legal guide by **Emmet O'Grady**. This article can be accessed at <http://www.irishfranchiseassociation.com/documents/FranchisingandtheLaw.pdf>.

### > *Pharma:*

On 9 and 10 June, **Declan Hayes**, **Colin Kavanagh** and **Lisa Kinsella** attended the 4th Annual EU Pharma Law & Regulation event hosted by C5 in the Grosvenor Hotel, London, UK where representatives of the pharmaceutical industry, regulators, associations and law firms discussed the latest on the EU Sector Inquiry and new legal, regulatory and legislative developments. On 6 and 7 July, **Gerardine Long** attended the IBC Legal Conferences' 6th Annual Pharmaceutical Law Summer School 2009 where a variety of topics covering intellectual property, licensing, regulatory compliance and the future of European pharmaceutical law were discussed.

### > *Biotech:*

On 30 June, **Lisa Kinsella** attended "Investing in Biobanks - Getting to Cures Faster", a BioConnect event hosted by Trinity College Dublin where the speakers included Professor Gerry Thomas, Professor William Watson and Dr. Jan Guerin.

## About Us

### The Technology and Life Sciences Group at Arthur Cox



**John Menton** Partner

+353 (0)1 618 0558

john.menton@arthurcox.com

John is head of the Technology and Life Sciences Group. He specialises in computers, software, internet and venture capital for technology companies, in addition to advising on intellectual property and research transactions involving Universities and other research institutions.



**Declan Hayes** Partner

+353 (0)1 618 0590

declan.hayes@arthurcox.com

Declan deals with a wide range of commercial work including reorganisations, insurance, mergers and acquisitions, MBOs, venture capital finance and joint ventures. He also acts for a number of international and domestic clients in respect of regulatory and intellectual property issues including clients in the pharmaceutical and manufacturing industries.



**Rob Corbet** Partner

+353 (0)1 618 0566

rob.corbet@arthurcox.com

Rob's practice is primarily focused on the legal aspects of technological innovation. He has been recognised by *Chambers Europe* as a "leading individual" for his IP and IT practices. He has particular experience in data protection and he has successfully represented the Data Protection Commissioner in several landmark court cases. He is editor of Data Protection Ireland ([www.pdp.ie](http://www.pdp.ie)) and co-author of Technology and IP Law. Rob is also a leading adviser on e-business with particular expertise in the area of betting and gaming.



**Pearse Ryan** Partner

+353 (0)1 618 0518

pearse.ryan@arthurcox.com

Pearse specialises in outsourcing, sourcing and technology transactions, including business process, information technology and facilitates management outsourcing, system and software procurement. Pearse also practices in related areas, involving e-commerce, computer fraud and IT-related disputes. Pearse acts for a broad range of customers and suppliers, with an emphasis on project work and public procurements.



**Colin Kavanagh** Partner

+353 (0)1 618 0548

colin.kavanagh@arthurcox.com

Colin has a broad based commercial practice and a particular focus on the Media Industry. Colin's corporate and commercial practice focuses principally on commercial arrangements between companies and corporate reorganisations across a wide range of industries. Colin is also head of the firm's Media and Entertainment Group and advises a broad spectrum of clients on commercial, regulatory and intellectual property matters relating to the media industry.



**Professor Robert Clark** Consultant

+353 (0)1 618 0594

bob.clark@arthurcox.com | robert.clark@ucd.ie

Bob specialises in intellectual property law. He has published the definitive intellectual property law texts: Irish Copyright and Design Law, Intellectual Property Law in Ireland, and the most up to date contract law text: Contract Law in Ireland (6th edition) 2008. He has recently been appointed to Chair the Sales Law Review Group, a body that will report to the Government on necessary changes to Irish Sales law in 2010.



**Colin Rooney** Senior Associate

+353 (0)1 618 0543

colin.rooney@arthurcox.com

Colin advises on intellectual property, e-business and information technology issues. He specialises in data protection, freedom of information and information management issues, with a particular emphasis on advising in these areas in the context of e-commerce matters.



**Emmet O'Grady** Associate

+353 (0)1 618 0541

emmet.ogrady@arthurcox.com

Emmet specialises in intellectual property and IT matters. He also has expertise in e-commerce matters, including domain name issues and other internet-related matters. Emmet's background is in commercial law and he advises on a wide range of commercial contracts generally. He also has experience in the areas of sports law and betting, gaming and lotteries.



**Gerardine Long** Associate

+353 (0)1 618 0554

gerardine.long@arthurcox.com

Gerardine focuses on commercial contracts and on regulatory matters in the life sciences sector. She also advises on a wide range of commercial transactions including reorganisations, acquisitions and MBOs.



**Shirley Black** Associate

+353 (0)1 618 1117

shirley.black@arthurcox.com

Shirley advises on intellectual property matters and commercial contracts relating to IT products and services. Shirley also advises on consumer law, particularly in the area of e-commerce, social media, brand management, regulatory compliance in relation to labelling and packaging and promotional competitions, prize draws and lotteries.



**Lisa Kinsella** Associate

+353 (0)1 618 0573

lisa.kinsella@arthurcox.com

Lisa advises on a wide range of commercial contracts and corporate transactions and advises clients in the food, pharmaceutical, cosmetics and medical devices industries on all aspects of legal and regulatory issues affecting the life sciences sector.

**Dublin**

Earlsfort Centre, Earlsfort Terrace, Dublin 2, Ireland  
tel: +353 (0)1 618 0000 | fax: +353 (0)1 618 0618  
email: dublin@arthurcox.com

**London**

12 Gough Square, London EC4A 3DW, England  
tel: +44 (0)20 7832 0200 | fax: +44 (0)20 7832 0201  
email: london@arthurcox.com

**Belfast**

Capital House, 3 Upper Queen Street, Belfast BT1 6PU, Northern Ireland  
tel: +44 (0)28 9023 0007 | fax: +44 (0)28 9023 3464  
email: belfast@arthurcox.com

**New York**

300 Park Avenue, 17th Floor, New York NY 10022, USA  
tel: +1 (1)212 705 4288 | fax: +1 (1)212 572 6499  
email: newyork@arthurcox.com