

Overview

Innovation is at the heart of every sustainable, competitive business. We have advised clients concerned with the opportunities and challenges that come with innovation for over 100 years. Right now, digital technologies, open standards, social media, intergenerational change, mobility, and consumer demand are key drivers of innovation. What hasn't changed is the need to focus on capturing its value, minimising its risks, and responding with agility to today's business challenges.

Innovative change requires innovative advice which is commercial and pragmatic, yet still robust. You need experts that are operating at the leading edge of best practice in these areas.

We can help you to navigate the complexity and competition that comes with innovation to ensure your business remains competitive and sustainable. Whether your current challenge is bringing new products to market, developing content and user experiences, the impact of regulation on technology, or dealing with regulatory frameworks, we partner with our clients to provide tailored legal solutions addressing the impact of technology and innovation in business.

Representative Experience

Telecommunications

With so much of modern business and the digital economy reliant on robust, resilient, and reliable telecommunications services, these arrangements are as important as ever. No matter what role you play in the market, whether you're a small or large customer or supplier, or somewhere in the middle, we can assist you to obtain an optimal telecommunications solution.

Our experience includes advising:

- A large telecommunications supplier on its response to the Ministry of Business, Innovation and Employment Telecommunications-as-a-Service ICT Common Capability technology services developed for government.
- Crown Fibre Holdings Limited on the procurement of fibre and layer two electronics in relation to the New Zealand ultra-fast broadband rollout.
- Another large telecommunications supplier on the procurement and support of network equipment and systems.

IT Contracts

New technologies, effectively implemented, can provide cost savings and competitive advantages through improved business processes and better customer service. But in order to achieve these benefits, technology implementation projects need to be effectively managed, with contracts that commit the suppliers to deliver the required outcomes. Our experience includes advising:

- Fletcher Building Limited on the outsourcing of its information technology services, as well as the renegotiation of its Australasian telecommunications services arrangements.
- A major trading bank on the drafting and negotiation of two business critical 24*7*365 outsourcing and procurement

contracts for another major trading bank. The core banking system was reliant on the supply under both contracts.

- New Zealand Immigration Service on its major multi-year software development project under which it replaced all its core immigration systems.

'As a Service' Agreements

IT systems, products, and services are no longer necessarily seen as capital items, but as flexible, scalable, and accessible services that are able to be rapidly provisioned as the needs of your business evolve. We have been closely involved with suppliers and customers who choose to exploit the increasing variety of 'as-a-service' offerings and opportunities.

Our experience includes advising:

- Several banks, airlines and other corporate and government entities on the legal and other issues related to the use of cloud technology and legal issues relating to big data analytics, including privacy, data sovereignty and tax record retention issues.
- An international accounting solution provider in relation to the legal terms of its online software-as-a-service product.
- Several government entities on their use of All-of-Government Infrastructure-as-a-Service and Telecommunications-as-a-Service offerings, including tailored arrangements to meet their specialist requirements.

Commercialisation of IP

We draft, review and negotiate commercial contracts in which IP is a core component, including IP and software licences, R&D agreements, reseller agreements, marketing and sponsorship agreements. These are each critical to release and generate revenue streams and goodwill for your business.

Our experience includes advising:

- Equinox IT on the development and launch of an innovative new software performance product, Wild Strait. The product integrates with Microsoft Visual Studio Enterprise and Tableau 'business intelligence' software and is used by performance testers and developers to substantially reduce the time and cost required to ensure that web-based business systems are stable and respond quickly.
- Formway Design Studio on their international IP licensing arrangements with distributors in Australasia and around the world for their innovative furniture products.
- Cancer Society to draft and negotiate their sponsorship agreements which provide important revenue streams to this significant NZ charity, and enhance the reputation of their branding and products.

Technology Products

Whether you're launching a new product, or bringing an existing product into a new market, we can guide you through the legal landscape and help you maximise the return on your investment. We solve compliance challenges, identify creative solutions, and develop appropriate terms for the market to help your technology products reach your customers.

Our experience includes advising:

- A wealth management business on the contractual arrangements for its platform technology services, investment management, and asset administration services.
- Two household name technology companies on the privacy and other legal implications of using drones and a number of businesses (including a worldwide retail chain) in relation to CCTV cameras and footage, GPS tracking and other monitoring technologies.
- Product compliance for a large range of technology products (including drones, financial services technologies, wearable technology and quasi-medical technology). This often involves advising on intellectual property, radio spectrum licensing rules, electrical product regulations, and other product specific requirements, and preparing

appropriate terms of use and disclaimers

Marketing and Sales Channels

Businesses are increasingly transacting electronically. Even organisations that don't do business online are finding that an effective website and the clever use of social media are important ways of generating business. Our lawyers understand the legal challenges associated with e-commerce and the new set of risks that must be effectively managed, including online security, the protection of personal information, and intellectual property protection.

Our experience includes advising:

- A global social media corporation on New Zealand privacy legislation and prohibitions on unsolicited electronic messages as it might apply to one of its targeted advertising offers and use and commercialisation of data it has collected about its members. This advice included a review of the standard terms for use with advertisers and members and advice on the model proposed.
- Several businesses on the establishment and operation of online shopping and other e-commerce services, electronic contracting and internet based competitions, including preparation of appropriate website terms and conditions and privacy policies.
- Several businesses on agreements for web-hosting, content provision, webpage development and website promotion.

Start-Ups

We have considerable experience acting for initial as well as mid-late start-up businesses, particularly in the technology area, to strategise and develop priorities around protection of IP and confidential information, website and online sales terms and licensing agreements, as well as privacy issues and compliance, to help start-ups unlock their potential as quickly and efficiently as possible.

Our experience includes advising:

- A venture start-up on building a wireless network across Asia Pacific to service 'Internet of Things' (IoT) type devices.
- Equinox IT on the development and launch of an innovative new software performance product, Wild Strait, including establishment of a new company Wild Strait Limited and all related arrangements.
- 21C Skills Lab to provide critical initial advice on issues around data protection, privacy and licensing of IP from off shore, in the education and technology sector.

Big Data Analytics

Big Data and Analytics have the potential to deliver significant insights, drive revenue, and obtain efficiencies. We help businesses embrace these opportunities and harness the power of these technologies across many sectors. We are also well equipped to advise you when you need to strike an appropriate balance between exploiting those opportunities to the maximum extent and mitigating legal risks and reputational consequences.

Our experience includes advising:

- Several organisations (including one of the largest global social media platforms) on utilising big data within their organisation or as the base for new ventures utilising big data analytics.
- Big Data Analytics service provider on viability of varying options of benchmarking and analysis products it could offer using data in the banking sector while complying with the Privacy Act, Banking Code and banking secrecy implied by contract and as an equitable duty.

Your Key Contacts

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