



Data Protection and Cyber Security *(Including Privacy)*

The Data Protection & Cyber Security Practice of The Valid Points Law Offices strives to advise clients on various legal, tax and regulatory aspects of securing an idea, formulating a business, planning an investment, expanding a trade/business, advising and counselling. We offer solution-centric approach to our clients on creation of Joint Ventures (JVs), technology transfers, licensing & distribution of software, IT-enabled services and strategic alliances.

A. Day-to-day Advisory: on a wide range of issues emanating from technology dealing with usage, supply, licensing, protecting data, cyber security, privacy, computer services, server related issues, cloud based services, website policies and executing various technology or commercial agreements; competition law issues involved in development, supply, marketing, consulting and other agreements and arrangements; structuring the business contracts based on the specific models adopted by the companies; compliances and structuring of business based on data protection norms, and assistance in necessary paperwork.

B. Transactional Advisory: by drafting/reviewing documentation of M&A deals, JVs, inbound/outbound transactions, investment proposals, restructuring, PE & VC Investment and employee transfer to protect data and ensure cybersecurity; assistance in preparing the organizations for any strategic alliances, collaborations, technology transfers and licensing.

C. Agreements & Policies: Drafting and reviewing of various agreements including Master Services Agreement, NDAs, Confidentiality Agreements, License Agreement, Annual Maintenance Agreement, MOUs, LOIs, Tooling Agreement, Technology Transfer Agreement, User Agreements, Web Designing Agreements including negotiating the terms and conditions and assistance in updating the agreements constantly to keep them in sync with legal amendments and developments in the IT sector, including hardware and software; standardization of contracts includes assisting companies in creating standard contracts or terms & conditions for day-to-day usage. Drafting/reviewing of organisational policies for data safety, cyber security, privacy, data storage, data transfer, data sharing, data authentication, cross-border data transfer, incident reporting, social media rules and usage of third-party data.

D. Audit: encompassing assessment of compliance standards with applicable data protection and cybersecurity laws, including intermediary guidelines or applicable cross-border laws, terms & conditions of the applications/websites, including the IP policy and disclaimers; adherence to confidentiality, IP assignment, compliances and security measures.

Representative experience:

- ❖ Drafting and reviewing of various agreements including Master Services Agreement, NDAs, Confidentiality Agreements, License Agreement, Annual Maintenance Agreement, MOUs, LOIs, Tooling Agreement, Technology Transfer Agreement, User Agreements, including negotiating the terms and conditions.
- ❖ Advised companies on the general terms and conditions of sale and purchase and updating them constantly to keep them in sync with legal amendments and developments in the IT sector, including hardware and software.



Data Protection and Cyber Security *(Including Privacy)*

- ❖ Advised several MNCs re their data safety and server related issues.
- ❖ Advised clients on a wide range of issues emanating from technology dealing with usage, supply, licensing, protecting data, security, privacy, computer services and executing various technology agreements.
- ❖ Advised Indian technology companies in web designing contracts and finalization of web content, drafting license/service agreements.
- ❖ Counselling clients from IT companies in reviewing internet risk management policies concerning IP which can be incorporated in the staff procedural manual, advising on adequately protecting data by effective use of agreements and disclaimers, and drafting employee privacy policies to ensure that the company is not held liable for any breach by the employee with respect to such confidential data. Also, advised on legal and regulatory issues of specialized segments such as internet-banking, and telecommunications.
- ❖ Counselling clients on best practices for protection of trade secrets, and conducted IP audits and due diligence for several companies.
- ❖ Advised global clients including investors and businesses in competition issues involved in development, supply, marketing, consulting and other agreements and arrangements.
- ❖ Advised technology companies and ITeS companies on various aspects of the information technology regulations in India and on security and privacy issues surrounding Indian IT including forming policies while dealing with personal and sensitive information for 3rd parties.
- ❖ Advised a multi-national company on the specific rights of an inventor, the regulations related to the R&D activities and ways to secure the best interest of the company and drafting agreements involving the sale of goods and services where manufacture, distribution, marketing and sale are protected by IP laws.
- ❖ Audited online business models of companies in India, including an IT major MNC and also assisted in re-structuring, including an NBFC and a US subsidiary.
- ❖ Audited the ongoing businesses of Indian companies from applicable IT or sectoral regulations on data protection perspective and suggested corrective measures, including a US subsidiary.
- ❖ Counselling IT major companies in their IT related disputes, conducted investigations, assisted in preparing reports, meet compliance requirements and negotiate with other companies.
- ❖ Advised companies in all applicable data protection laws, including those from outside India.
- ❖ Reviewed existing agreements of companies from GDPR compliance perspective.