



IP & TELECOMMUNICATION, MEDIA AND TECHNOLOGY (TMT) PRACTICE GROUP

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THE FIRM

At CM Advocates LLP, we pride ourselves on being able to provide our clients with consistently timely, high quality, innovative and commercially relevant legal advice. Since technical know-how is not adequate, we constantly seek to build excellent working relationships with our clients and clearly understand their businesses and the realities and imperatives they face. Our strategy is to build teams that are specific to our clients' needs and also combine specialist legal skills, industry experience and practical know-how.

Our focus is getting to the core of our clients' legal needs, creating and adding value to them; by delivering timely, innovative and commercially-sound advice and legal solutions. We have set up robust systems to ensure consistently high quality out-put in every assignment we undertake and we are uncompromising in our quality control. Moreover, we always seek to protect our clients' interests, mitigate their risks and create superior outcomes for them.

Our achievements for clients are made possible by our professional team of technically and commercially brilliant lawyers led by our Managing Partner at the fore front of every transaction, who are singularly focused on their clients' success. In other words, our pride is to make you succeed in your business or project.

We have a culture of professionalism, team work and respect, where talented professionals with different views, experiences and backgrounds can thrive. To remain on the cutting edge, we put extra emphasis on continuous learning, knowledge sharing and peer reviews. This has enabled the Firm to carve a niche for itself in the existing as well as new and emerging branches of law. The Firm's local and international clientele cuts across various sectors of our economy like financial services, real estate development, manufacturing, telecommunication, agribusiness, tourism and hospitality, energy and mining.

OUR PRACTICE AREAS

1. Anti-Bribery & Anti-Corruption
2. Asset Tracing & Recovery
3. Aviation Law
4. Capital Markets
5. Charities and Not-for-Profit Organizations (NPOs)
6. Commercial/Business Law
7. Construction & Infrastructure Law Unit
8. Corporate Law
9. Cyber Security, Privacy & Data Protection
10. Debt Recovery, Restructuring & Insolvency
11. Dispute Resolution
12. Employment, Labour Relations and Immigration Law Advisory
13. Energy, Mining & Extractive Industries
14. Entertainment & Sports Law
15. Family Law, Estate Planning & Probate Administration
16. Forensics & Investigations, Risk & Compliance
- 17. IP & TMT (Telecommunications, Media & Technology)**
18. Lobbyist & Policy Practice
19. Multi-lateral Organizations. Foreign Embassies & Consultants
20. Non-Compete, Non-Solicit & Trade Secret Practices
21. Private Equity & Venture Capitalist
22. Real Estate, Banking & Finance
23. Shipping, Logistics & Admiralty Law
24. Start-ups & Small & Medium Sized Enterprises
25. Tax Law Advisory

IP & TELECOMMUNICATION, MEDIA AND TECHNOLOGY (TMT)

Our TMT team has an in-depth understanding of the framework for the regulation of the telecommunication sector and of the commercial and technological aspects of telecommunication, media and technology. We pride ourselves on our understanding of the sector, and place great emphasis on maintaining proximity to the industry, with our partners having worked in the sector at service provider levels. Through this proximity, we are able to anticipate and advise our clients on industry changes.

Our team regularly advises and represents local and international clients in a broad range of issues including but not limited to telecommunications law and regulatory practice, media law, internet and e-commerce transactional advice, financial technology (Fintech), legal advisory services, tax consulting, intellectual property advisory and protection and related matters.

We work with multi-media, telecommunications and web-based companies to navigate emerging intellectual property rights issues in new media and online technologies and assists entities with their online activities by crafting policies and agreements for use of the website, user generated content, and personal data, as well as formulating internal compliance procedures and audits relevant for these technologies.

(I) TELECOMMUNICATIONS

We offer a full spectrum of legal advice on the licensing and regulation as well as transactional advice of telecommunication operators. We also advise them on, inter alia, on competition (anti-trust) law matters, gaming laws, mergers and acquisition, project financing, infrastructure sharing, taxation, employment matters, competition issues, intellectual property matters and dispute resolution.

The firm also has a wide experience in drafting agreements and contracts essential to the ordinary course of the telecommunication business including system and supply contracts, interconnection agreements, agreements for the sale, leasing and sharing of switches and other equipment, distribution agreements, branded Reseller/Mobile Virtual Network Operator (MVNO) agreements, co-location and infrastructure sharing agreements, distributorship agreements, dealership agreements, franchising agreements, telephony service agreements, aggregator agreements, sponsorship agreements and cross-border mobile commerce agreements.

The Firm also advises private equity clients intending to invest in or purchase government-owned telecommunications companies in Kenya on a broad range of corporate, tax, regulatory, securities, intellectual property,

competition, consumer protection regime and related issues that arise from such matters.

(II) MEDIA LAW

We have practical experience on advising publishers, broadcasters, online content providers, outdoor advertising companies, reporters, film makers, authors, and other key players in the media industry on a wide range of contentious and non-contentious issues including but not limited to publishing rights, content acquisition, pre-publication rights clearance, intellectual property law matters, licensing and regulation matters, data management rights and privacy matters.

We have also been involved in drafting and review of publishing agreements, endorsements agreements, arts and music rights recording agreements, non-disclosure agreements, royalty agreements, non-competition agreements etc.

We also advise and provide representation to clients on contentious matters including libel and defamation, invasion of privacy and related claims.

(III) TECHNOLOGY

Our firm provides strategic advice and guidance to help clients navigate the ever-changing technology market. We advise clients on a full spectrum of regulatory, transactional, compliance, legislative, taxation, corporate and financial transactions enforcement and litigation issues.

We have an unparalleled combination of experience in cutting-edge legal issues relating to information technology, financial technology, gaming and betting, internet and electronic

commerce, life science and biomed (healthcare, medical and pharmaceutical inventions), and other technology intensive services.

Our range of services include; reviewing, drafting and negotiation on IP and ICT based agreements related, inter alia, to procurement, technology procurement, technology development, escrow arrangements, outsourcing, manufacturing, media, web, software, franchise, publishing, distribution, licensing, hosting, co-location, data and content management and service level agreements.

We also offer legal advice in relation to internet use (advertisement, e-commerce, sector-specific legislation in banking, insurance and medical care and other sectors).

In relation to technology, the firm also offers legal advisory services on a full range areas including:-

(a) FINTECH

Fintech is the intersection of finance and technology and one of the most challenging and fastest-growing segments in the financial services sector. We provide our clients with innovative and strategic guidance in navigating through the legal and regulatory issues. We offer guidance in identifying opportunities, licensing requirements and preparations for compliance procedures.

We help our clients identify legal risks and understand the regulatory compliance issues within which their technologies operate.

Our fintech team comprises lawyers with expertise in various areas of law from tax, private equity, commercial, intellectual property, banking and finance, competition, data protection and cyber security, anti-money-laundering

and anti-bribery, corporate governance, compliance and investigations.

Our services include -

- financial services regulations;
- capital markets regulations;
- debt and equity financing;
- intellectual property;
- data privacy and cyber security;
- anti-money laundering and Know Your Customer (KYC) rules;
- information technology;
- legal compliance audits and remediation;
- legal advisory on regulatory approvals and regulatory compliance;
- lobbying for regulatory measures;
- dispute resolution; and
- competition and consumer protection.

(b) BLOCKCHAIN

In Kenya, there is no comprehensive law governing blockchain but there are various pieces of legislation that address different aspects of blockchain transactions. Nevertheless, Kenya is one of the leading countries in terms of cryptocurrency holdings and blockchain related technologies. At CM Advocates, we are ready to offer packaged solutions or separate tools that will help your business in the era of the rising blockchain world. We develop tailor made solutions specifically for each of our client's requirements and we are always there to adapt to

a rapidly changing and developing industry. Our field of expertise lies in areas of legal consulting, regulatory compliance and approvals, technology and intellectual property related matters.

(c) TECHNOLOGY PROCUREMENT, DEVELOPMENT AND LICENSING

Technology has evolved to become an essential part of many businesses. The evolution of technology has created opportunities and challenges in the same measure.

At CM Advocates, we assist clients on legal and commercial issues that arise in connection with the protection, acquisition, exploitation and use of technology related assets.

Our areas of focus include -

- negotiation, development, drafting, review and implementation of technology development agreements, technology acquisition agreements, licensing agreements, joint ventures agreements, and other contractual agreements;
- privacy policies and terms of use;
- intellectual property;
- e-commerce;
- outsourcing;
- procurement;
- joint ventures;
- technology transactions; and
- telecommunications.