



# **THE EU DIGITAL COPYRIGHT DIRECTIVE ((EU) 2019/790):**

**A Collaboration Between Practical Law, Bird & Bird and  
Associated Firms**



# Introduction

Practical Law is pleased to have worked in collaboration with Bird & Bird and associated firms on a suite of practical resources covering the key provisions and implementation of the [EU Digital Copyright Directive \(\(EU\) 2019/790\)](#).

Our team has meticulously curated a series of eight practice notes that provide an essential overview of the Directive's implementation across 26 EU Member States. Lawyers and in-house counsel will gain a competitive edge with our in-depth analysis and critical country-specific insights.

Bringing together the expert views of local copyright specialists (sourced from Bird & Bird's European offices as well as other top-ranking firms), our content set combines legal acumen with practical insights as to the status and nature of implementation of this significant piece of EU legislation in the relevant EU member states, ensuring you stay ahead of the curve in understanding the Directive's implementation. The content set will be updated by the relevant contributors on an annual basis to reflect changes to the implementation status in each member state.

The Directive entered into force on 6 June 2019 with the aim of adapting and supplementing the existing EU copyright framework, to modernise and further harmonise copyright and related rights in the digital single market. The Directive has implications for EU businesses, and businesses with an EU presence.

EU directives are binding as to the result to be achieved, but leave it to member states' discretion as to how to achieve the result. The Directive sets out a legal framework which EU member states must transpose into their national laws, including measures to:

- Adapt exceptions and limitations to copyright and related rights to digital and cross-border environments for specific purposes. The measures include provisions on exceptions for text and data mining.
- Improve licensing practices to ensure wider access to content, including the use of out-of-commerce works, collective licensing with an extended effect, and the online availability of audiovisual works on video-on-demand platforms.
- Achieve a well-functioning and fair marketplace for copyright. The measures include significant provisions which create a new right relating to the digital use of press publications, impose new obligations on online providers who store large amounts of user-generated content to reach agreement with rights-holders for the use of their works or to prevent their works being made available,

and set out terms to improve contract transparency, and access to fair remuneration for the benefit of authors and performers. There is also a mechanism for the revocation of rights that authors and performers have transferred on an exclusive basis.

The Directive imposed an implementation deadline of 7 June 2021, but by that date only three member states had implemented its terms into their national laws and since then, the speed and extent of implementation has varied across the member states.

The new [Digital Copyright Directive Toolkit \(International\)](#) is comprised of a series of practice notes that explain the key provisions of the Directive, and their implementation by the member states. The practice notes include [Practice note, Digital Copyright Directive: Member State Implementation: Overview](#), which provides an overview of implementation by each member state, and seven notes on the member state implementation of each of the key provisions.

The notes consider whether and how each member state has transposed the key provisions, including whether and how the member state's implementation differs from the Directive. Each resource contains valuable country-specific content contributed by local copyright specialists from each member state.

Our [Digital Copyright Directive Toolkit](#) and the notes in it are accessible via the Practical Law Global homepage. Some of the resources in the Toolkit are only available to users with an enhanced Global subscription. For questions about access to this content, please contact your Account Manager.

The resources in the Toolkit include the following:

- Practice Notes
  - [Digital Copyright Directive: key provisions.](#)
  - [Digital Copyright Directive: Member State Implementation: Overview.](#)
  - [Digital Copyright Directive: Member State Implementation: Articles 3 and 4.](#)
  - [Digital Copyright Directive: Member State Implementation: Article 12.](#)
  - [Digital Copyright Directive: Member State Implementation: Article 13.](#)
  - [Digital Copyright Directive: Member State Implementation: Articles 15 and 16.](#)

- [Digital Copyright Directive: Member State Implementation: Article 17.](#)
- [Digital Copyright Directive: Member State Implementation: Articles 18 to 20.](#)
- [Digital Copyright Directive: Member State Implementation: Articles 21 to 23.](#)
- Quick Compare Charts
  - [Digital Copyright Directive – Member State Implementation.](#)
- Video and audio
  - [Digital Copyright Directive: Content Overview.](#)
  - [Digital Copyright Directive: Member State Implementation: Autumn 2023 Update.](#)

Make this roadmap your go-to resource as you navigate the Directive's implementation across Europe.

# Austria

# D O R D A

## Contributors

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**Dr Axel Anderl, LL.M.** is Managing Partner at DORDA Rechtsanwälte GmbH. Since 2005, he heads the IT/IP and data protection group. Furthermore, he leads the DORDA Digital Industries Group providing legal support for digitalization and technology-related projects across legal disciplines. Axel is recognized as a Leading Individual in various lawyer rankings such as Chambers and the Legal 500 for IT, IP and data protection and is a member of the Legal 500 "Hall of Fame" for IT law. He has also been honoured twelve times with an ILO Client Choice Award. He lectures at various universities and universities of applied sciences and is the author of numerous relevant articles and books in the IT and IP field, such as #cybercrime and #blockchain with Lexisnexis or NISG and IP in practice with Manz.

**Ida Woltran**

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**Ida Woltran** joined the DORDA IT/IP & Data Protection team as an associate in 2019. She was promoted to Principal Associate in 2023. Her practice focuses on all aspects of intellectual property law, in particular copyright and trademark law, e-commerce law, unfair competition law and media law. She was recognized as "Rising Star by The Legal 500" and "Rising Star by IP STARS" in 2023. Ida regularly lectures at seminars and universities and is the author of professional articles and chapters in several relevant books in the IP and IT field.

# Belgium

# Bird & Bird

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### **Camille Vanpeteghem**

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I am an associate in the Intellectual Property and Tech & Comms teams in Brussels. My work covers a wide range of legal areas, including copyright, software rights, IT contracts, community designs, trademarks, and general commercial law.

Intellectual Property, and copyright in particular, is a subject that I am passionate about. I enjoy putting my theoretical knowledge into practice by working on contentious, as well as non-contentious, matters here at Bird & Bird. I also find it extremely interesting and challenging to work with new technologies and familiarise myself with our clients' businesses.

After graduating from the University of Ghent, I obtained a specialised Master's in European law from the Université Libre de Bruxelles. During my studies, I gained legal experience by completing several internships in IP/IT departments of Bird & Bird and other international law firms based in Brussels.

My native language is Dutch, and I am fluent in English and French.

# Bulgaria

Bulgaria has not yet implemented the Directive.

**Contributed by Georgi Spasov, Managing Partner, Spasov & Bratanov.**

# Croatia

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Tatjana Radmilovic is an experienced legal professional with more than 15 years of working experience and her area of expertise comprise corporate transactions, with a focus on mergers & acquisitions and capital markets. As a part of her work on high profile commercial and corporate transactions, she acted as lead

counsel, covering structuring as well as work-out of transactions. Tatjana advised clients on a number of public offerings and private placements of various types of securities, both on domestic and foreign markets. Her professional work also includes advising on a regulatory and antitrust matters.

Tatjana has been recognized by leading professional directories in several practice areas including banking and finance, capital markets, commercial, corporate and M&A.

# Cyprus

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Michalis was born in Limassol, Cyprus on 14 December 1980. He was admitted as Advocate of the Supreme Court of Cyprus in 2006. He studied Law at Athens University, Law School (2000 - 2004) and graduated with an LL.B Merit degree. He obtained an LL.M degree in International Business Law at London University, University College London with Merit. He also obtained a Master 2 Professional in International Commercial Law at University of Paris 1, Pantheon - Sorbonne with grade Bien (equivalent to 2:1).

He has been a member of the Cyprus Bar Association and Limassol Bar Association since 2006. His professional interests focus on company law, banking and finance law, business and commercial law (both local and international), competition law, dispute resolution, arbitration, and international tax law.

Michalis has considerable experience in corporate and finance transactions, re-organizations, joint ventures, mergers and acquisitions, corporate insolvency, and advising banks and corporate clients on a number of issues including the preparation and negotiation of legal documentation. His experience includes acting as Cyprus counsel to leading international financial institutions.

Michalis is recommended for Banking and Finance and Corporate and M&A matters by the Legal 500 Europe Middle East and Africa ([www.legal500.com](http://www.legal500.com)).



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Olga Lambrou was born in Limassol, Cyprus, on 20 July 1978. She was admitted as Advocate of the Supreme Court of Cyprus in 2002. She is a member of the Cyprus Bar Association and the Limassol Bar Association. She studied law at Athens University, Law School (LL.B).

Olga's professional interests are mainly concerned with civil and commercial litigation, intellectual and industrial rights disputes, employment law, family law, property law and general practice. Olga has considerable experience in data privacy and personal data protection laws.



# Czech Republic

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I enjoy working with innovative, creative and technology-rich businesses. Having joined our firm in 2009, I head up our Intellectual Property and Tech & Comms Groups in the Czech Republic and Slovakia.

Although I have quite a broad focus, I mainly specialise in all aspects of intellectual property and technology law, whether contentious, commercial or regulatory. My expertise covers, for example, litigation over copyright, trade marks, designs and patents, fighting against counterfeit products, negotiating licence agreements as well as a variety of IT contracts, managing cross-border projects and

advising on brand portfolios. I also assist clients with numerous matters in the field of data protection, competition law and pharmaceutical, telecoms and broadcasting regulation.

Being a technology lawyer, I currently take immense interest in topics like Generative AI, application of blockchain technology in business and the advancements in quantum computing.

Operating among the leading experts in intellectual property law in the Czech Republic, I have been repeatedly awarded the Managing IP Star, been recognised by Who's Who Legal and I am listed in the Gold Tier by the World Trademark Review, IAM Patent, Chambers and Legal500.



### Martin Taimr

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I am a junior associate at the Bird & Bird's office in Prague, a member of the Intellectual Property and Tech & Comms groups.

My passion for innovative thinking and creativity drew me to intellectual property law – all aspects concerning patents, copyright and trademarks, with a particular focus on matters related to new technology solutions and their implementation. I also support clients advising on employment and competition law issues.

Before joining Bird & Bird, I worked for a recognised Czech copyright law boutique firm and spent part of my studies in Berlin specialising in IP law.

As Bird & Bird is a household name for IP and tech-driven legal work, the opportunity to work here as a junior associate has allowed me to develop my passion. An innovative approach to problem solving and an ethical firm culture is what I value the most about working here.

I speak Czech, English, German and Dutch.



**Petr Kalenský**

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I am an associate with a key focus on intellectual property law, both in the context of commercial transactions and in litigation matters. I also provide legal advice to tech start-ups, scale-ups and large companies alike in M&A transactions with investors and in other transactions in the fundraising process.

As a lawyer, my focus is not only on providing the client with an efficient legal solution to a problem but also on providing one that is commercially and practically feasible. As a big fan of cutting edge technology, I always enjoy dealing with issues that are both legally and technologically exciting.

My areas of key focus are copyright, trademark and unfair competition related matters, but I also have experience in patent litigation. My intellectual property law expertise is complemented by my previous experience as a group in-house counsel, where I had helped to create the first 'unicorn' company in the Czech market in the context of several fundraising rounds and an international corporate restructuring.

# Denmark

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### **Amalie Gustafsson**

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I am a junior associate in our Intellectual Property team, based in our Copenhagen office. I advise national and international clients on a broad range of aspects of IP law, with a particular focus on media, entertainment and life science.

As part of our international Intellectual Property team, I assist our clients in all areas of IP law, including disputes within the music industry, copyrights, trademarks and defamation.

As an advisor, I am efficient while ensuring that quality is still my utmost priority. No matter how complex the legal issue may be, I strive to always provide comprehensive and reliable advice.

Due to my upbringing abroad and international work experience, I understand the importance of cultural awareness, which I utilise to the benefit of Bird & Bird's international clients and when advising in cross-border issues.

# Estonia

# SORAINEN

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**Olivia Kranich**

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With a focus on advising clients in the fields of Intellectual Property and Life Sciences & Healthcare, my everyday work includes assignments in regard to trademarks, domain and business names, utility models, patents, industrial designs, geographical indications and copyrights, as well as pharmaceuticals and medical devices. Dealing additionally with commercial contracts gives me a clear advantage in drafting related agreements.

**Professional highlights**

**Trademarks.** I manage the trademark portfolios of many well-known local and international clients. This includes taking care of registration, renewals, licensing and assignment.

**Domain names.** I assist clients in domain name registration and disputes. For example, Carri Ginter and I represented the Estonian president in a dispute over retrieving a domain comprising her full name.

**Copyright.** I am dedicated to ensuring proper copyright regulations in employment, services, licensing and assignment agreements.

**Life Sciences & Healthcare.** Being co-head of the firm's Life Sciences & Healthcare sector in Estonia requires an in-depth understanding of regulation on pharmaceuticals and medical devices, as well as the everyday business of sector clients.

**Commercial contracts.** I draft both general and tailor-made agreements such as non-disclosure, co-operation, service, franchising, actors, intellectual property licensing and assignment agreements.

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**Henri Kaikkonen**

Partner

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I am a partner in our Helsinki office and head of our Finnish Intellectual Property Group.

Disputes concerning trademarks, patents and unfair business practices form the core of my practice. Having represented clients in numerous IP infringement and invalidation actions, preliminary injunctions, IP related damages claims and criminal enforcement of IP rights, I have gained valuable experience and insights of all kinds of IP disputes, including those with cross-border elements. My litigation expertise also covers trade secrets, marketing, consumer protection, technology transfers and license agreements.

On the non-contentious side, I regularly advise in local, EU and international brand protection measures, such as clearance searches, IPR application strategies, oppositions and office actions, co-existence agreements and trademark watching. In addition, I support our clients in developing and implementing IP strategies, and have devised several employee invention policies for innovative companies. During my career of over 10 years, I have had the privilege to work with the most prestigious brands and fascinating technologies from Finland and abroad.

In addition to IP enforcement and protection, I am an experienced negotiator of IP intensive agreements. In this regard, I support our clients' research and development activities, advise on how to acquire or sell technology, brands or other IP assets, and consult in the licensing of industrial data, for example. Additionally, I regularly advise clients from heavily regulated industries, especially from the life sciences, healthcare or food and beverage sectors, on different distribution, reselling and contract manufacturing arrangements as well as making sure our clients' marketing campaigns and product launches are done lawfully.

I am an active member of the Finnish IP community, and currently acting as the secretary of the Finnish Association for Industrial Property Rights. I have also served as secretary and board member of the Finnish Anti-Counterfeiting Group. In addition, I regularly lecture on various IP topics.

My expertise has been recognized for several years by the leading international legal directories. As an attorney, I have been characterized by others as practical, efficient, reliable and easy to work with.

# France

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I am Of Counsel at Bird & Bird in Paris, specialising in IP/IT law and international dispute resolution, dividing my time between our IP and dispute resolution teams.

I am a full-time professor at the University Paris 1 Panthéon/ Sorbonne where I mainly teach copyright law in its internal, European and international dimensions.

During my PhD at Paris I Panthéon-Sorbonne, I was a Fulbright visiting scholar at Columbia Law School.

I am the author of numerous articles dedicated to copyright law, private international law and European intellectual property law published in French and English, the co-editor of two books on those issues and the co-author of a casebook dedicated to 'International Copyright Law – US and EU perspectives' (ed. Edward Elgar Publisher with Jane C. Ginsburg as a co-author).

My main areas of expertise are copyright law and the intersection of intellectual property and private international law/conflict of laws. I often speak and present at professional events here in France and internationally.

I have been appointed as a member of the International Law Association's Committee, dedicated to intellectual property and private international law. In 2014, I was a visiting professor at Columbia University Law School where I taught international copyright law. I am currently directing the Master 2 D2A in Economic Law and Audiovisual Management at the University of Paris 1 Panthéon/Sorbonne.



### Pava Vrhovac

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As an associate in our Intellectual Property Group in Paris, I assist our French and international clients on a variety of contentious and non-contentious IP matters.

Prior to joining Bird & Bird in 2022, I completed my law studies at NYU's School of Law and gained further extensive experience in international law firms, working on different aspects of intellectual property law, particularly patents, trademarks and unfair competition. These experiences enabled me to acquire a multidisciplinary, strategic and international perspective on intellectual property.

Together with the IP team, I advise and assist French and international companies in various sectors of activity, mainly retail, media, entertainment and sport. I mostly deal with copyright or trademark infringement, unfair competition and free riding issues.

Furthermore, I work in close collaboration with the foreign offices of Bird & Bird, assisting them in the management and protection of IP interests in France.

# Germany

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### **Dr. Niels Lutzhöft, LL.M.**

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I am a strategic advisor and litigator for life science and digital media companies – stepping in at the crossroads of IP and sector regulation.

As a Frankfurt-based IP partner, I lead the music subsector and am the Co-Head of the International Copyright & Design Group.

I represent media and entertainment clients in disputes on copyright, unfair competition and media regulation before courts and authorities. My media and entertainment practice focuses on platforms, streaming services, games and music – intellectual property and reputation management in digital media. Current areas of advice include platform regulation under the EU Copyright Directive and the Digital Services Act, IP-issues relating to the development and use of artificial intelligence, and content moderation. Copyright disputes over licences, industrial design and adequate remuneration concern companies in different business areas, inside and beyond the media & entertainment sector.

In the life sciences sector, I represent food and tobacco manufacturers as well as pharmaceutical and food supplement companies in unfair competition and regulatory disputes over product communication: advertising and claims. Advice and disputes revolve around novel foods and novel tobacco products as well as pharmaceuticals and food supplements. Regulated claims and the requirement to ensure a sufficient evidence base for product-related claims in health advertising involve both a medicinal and pharmaceutical background as well as food, tobacco and pharma regulation.

One area of focus in the life sciences sector is advice and litigation in the medicinal Cannabis and CBD space. My team assists Cannabis manufacturers with market entry in Germany, in litigation over product-regulatory and advertising disputes and in proceedings and negotiations with public authorities. We also advise our Cannabis and further life science clients on current legislative processes and develop positions and opinions.

Legal disputes in particular over TV and online coverage on good and pharma companies have taken increasing significance among our media and life science disputes. With a background in journalism (M.A.), focus on media economics and on-the-job journalism training at a public service TV station, I understand the logic of journalistic production and assist our clients on legal issues in PR crises.

I am a guest lecturer for Intellectual Property and Digital Media at the University of Regensburg and teach bar exam classes on IP.



### **Lea Noemi Mackert, LL.M.**

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As Counsel in our Commercial and Intellectual Property Practice Groups, and our Media, Entertainment & Sport and Technology & Communications Sector Groups in Düsseldorf, I advise domestic and international clients on contentious and non-contentious IT, media and commercial matters, with detailed practical knowledge and experience in copyright topics.

I advise hardware manufacturers, importers and dealers in copyright levy litigations before all German civil courts, including the German Copyright Arbitration Board, the German Supreme Court and the German Constitutional Court.

In addition, I advise both providers and customers on IT and content projects, contracts and convergence topics, and also specialise in licensing issues, especially in mobile/ecommerce, software and digital media.

In recent years, I have coordinated large and complex multi-jurisdictional projects and transactions involving cross-practice group teams, including commercial roll-outs and due diligence across various international markets.



**Dr. Christoph Hendel**

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I am an associate in our commercial team in Düsseldorf where I specialise in copyright, media, unfair competition and advertising law, advising our clients in the media and entertainment industries as well as in the consumer products and healthcare sectors.

Before joining our firm, I worked as legal counsel at the German collective management society GEMA focusing on German, European and international copyright and collective rights management. This experience provided me with an in-depth knowledge of collective licensing and related issues in the music and broadcasting industries.

Today, besides providing advice on media law and copyright matters, I handle regulatory issues related to consumer and pharmaceutical products, including the launch of new products, advertising and distribution as well as respective claims and litigation.

Outside my practice, I publish regularly on topical issues in copyright, media and unfair competition law.



**Dr. Simon Hembt**

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Senior Associate for IP, Copyright, and Industry Regulation – with a focus on Digital Media, Games, and Cannabis.

I assist clients in the Digital Media sector in implementing their ideas legally and strategically. This includes addressing contract and intellectual property issues to develop, launch, and distribute games, advertising, or other content. I specialise in providing advice on all aspects of Digital Entertainment, particularly immersive (luxury) consumer goods, NFTs, mobile and blockchain games, synchronization rights, music streaming, digital rights management, user-generated content, and the metaverse. Additionally, I regularly support our clients in media law, gambling law, and (technical) youth protection.

One of the main areas of my practice is platform law and artificial intelligence. I specialise in all aspects of (EU) platform law and the platform economy, especially online copyright law (e.g., according to the EU Copyright Directive), as well as provider liability, provider regulation, and content moderation (e.g., under the EU Digital Services Act). Furthermore, I advise our clients on the implementation of (generative) artificial intelligence, both internally within their companies (such as handling training data and AI output) and in relation to their products (e.g., advertising, games, or platforms). I provide guidance on all matters concerning intellectual property and regulation (e.g., within the framework of the EU Artificial Intelligence Act).

Regularly, I advise our clients in matters of communication and advertising law, with a focus on consumer goods (food and cannabis), particularly in cases of false reporting and PR crises (reputation management). Additionally, I provide comprehensive support on advertising claims and marketing campaigns for food and dietary supplements, scientifically supported health advertisements (according to the German Medicines Advertising Act), online and influencer marketing, and contests.

A particular emphasis is placed on cannabis, especially regarding product communication, youth protection, and distribution in light of the planned decriminalisation in Germany. I assist our clients in complying with legal requirements, shaping their business models related to cannabis (such as CBD products or medical cannabis), and effectively communicating their ideas.

I regularly represent our clients in court and before authorities.



# Greece

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Eirini is a member of the Intellectual Property and TMT group. Although she has a very broad focus, she mainly advises on all aspects of intellectual property, media and technology law, whether contentious or non-contentious. Eirini also assists clients in the field of telecommunications law.

Eirini handles litigation cases relevant to advertising, unfair competition, trademark and copyright infringement and software piracy before the Greek civil courts of all instances, and on brand strategy and management of brand portfolio, license agreements, as well as on a variety of IT contracts.

Eirini is also an expert in personal data protection law and GDPR. Eirini plans and oversees the implementation of GDPR compliance projects. Areas of expertise include monitoring and surveillance in the employment context; banking privacy; and processing of special categories of personal data.

Eirini is a member of the International Trademark Association (INTA) and the German Association for the Protection of Intellectual Property (GRUR).

# Hungary

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### **Dr Adél Gelencsér**

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I am an associate in our Budapest office and a member of our Intellectual Property and Tech & Comms groups.

Since joining Bird & Bird in 2018, I have gained considerable experience in trademark prosecution and enforcement. Along with my colleagues, I regularly assist clients with complex trademark application strategies and portfolio management. My daily tasks also include preparing submissions to the EUIPO and the Hungarian Intellectual Property Office, as well as courts, in various trademark matters and preparing licensing agreements and other documents in litigious and non-litigious

IP matters. Furthermore, I am involved in other fields of law related to brand protection, such as copyright, consumer protection law and advertising law.

I also advise companies from the TMT sector in connection with electronic communications regulatory matters and assist with their representation in front of the Hungarian regulator, the National Media and the Infocommunications Authority.

I graduated from the Faculty of Law of the Eötvös Loránd University in 2018 and obtained my second degree in international business from Corvinus University of Budapest in 2022. This helps me better understand the operation of our clients as businesses.

I have a strong commitment to the field of copyright; I wrote my thesis on user uploaded content in copyright, which won second place in the Hungarian Copyright Forum's Apáthy Award.

# Ireland

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I am an experienced Irish lawyer. I specialise in complex technology, data and IP transactions, and advise innovative clients on the laws and regulations applicable to related products and services offered in Ireland and other parts of the European Union.

I relish playing a meaningful role in our clients' projects, collaborating to ensure that their products and transactions achieve their commercial objectives, while complying with legal obligations. As I have many years' experience advising technology companies and innovative organisations doing business in Ireland, I often act as lead Irish counsel on multi-jurisdictional projects, cross-

border contracts, and legal analysis of new products or services. Clients appreciate the pragmatic, calm and commercial approach I take to tasks.

I advise on the regulation of technology, gaming and gambling, consumer goods and services sold digitally, content and data-rich industries in Ireland. I am particularly focused on artificial intelligence, robotics, social media, m/e commerce, big data, digital supply chain, and 'frontier' technologies. Clients in these sectors value the help I give them in modelling legal relationships, and in applying appropriate weighting to their regulatory obligations.

My practice involves advising clients on the data protection and privacy obligations arising in their transactions, in respect of their employees, and the goods and services that they offer for sale in Ireland and other parts of the EU. I have extensive experience analysing a party's roles and responsibilities and determining how best to comply with the consequent GDPR and Irish laws in contracts, policies, products and services. Where a cyber security incident or data breach occurs, I help clients to see the big picture, and to sensibly manage the legal risks, contract performance issues, regulator interactions, insurance obligations and other breach concerns.

I also help clients to proactively manage conflicts, disputes, investigations and regulatory obligations involving technology, data, AI or IP assets, and related contracts.

I am a member of the Intellectual Property & Data Protection Committee of the Irish Law Society, a founding leader of the Irish chapter of CHIPs, and a member of the AI forum and data working group of Technology Ireland. I am a member of the Society for Computers & Law and an external lecturer for the Law Society of Ireland.



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I am an associate in Bird & Bird's International IP, Privacy and Data Protection Group, based in the Irish office where I am a member of the Dispute Resolution team. I advise across a broad spectrum of technology, data and IP issues.

Prior to joining Bird & Bird in October 2022, I was an Associate at a top five Irish law Firm for over three years specialising in disputes, regulatory investigations and commercial technology. I advised clients on both contentious and non-contentious matters across a broad range of areas including Intellectual Property (copyright, trademarks & patents), Privacy and Data Protection (including the

General Data Protection Regulation). During this time, I completed a secondment advising Airbnb's Global business on risk and regulatory matters including litigation, public policy and privacy.

Prior to joining the above Firm, I practiced as a barrister for several years. This experience brought me before all levels of the Irish Courts and various regulatory tribunals. My practice had a particular focus on commercial litigation and judicial review of statutory bodies such as the DPC. During my time at the Bar, I was part of the legal team advising a financial institution in both regulated and unregulated fund litigation arising from the collapse of Bernard Madoff Investment Securities LLC. I was also appointed by the Minister for Justice and Equality to hear and determine appeals made by the International Protection Office on applications for protection in the State.

Italy

Bird &amp; Bird

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I am an Of Counsel in the IP team, and work between Milan and London on copyright and trade mark issues. I am also a law academic and have authored hundreds of articles on IP issues and two monographs on EU copyright law.

I regularly advise clients in the creative and technological sectors.

I am a tenured associate professor in IP law at Stockholm University (Sweden), a Guest Professor at CEIPI-Université de Strasbourg, a Research Associate at LegalEdhec at EDHEC Business School (France), and an Associate at the Centre for Intellectual Property and Information Law at the University of Cambridge (United Kingdom).

I am an Editor of the Journal of Intellectual Property Law & Practice (Oxford University Press), and have written extensively in the IP field. My latest monograph, 'Copyright and the Court of Justice of the European Union' (Oxford University Press:2019), explores the role, action, and legacy of the highest EU court's copyright case law.

I regularly comment on IP issues for well-known blogs the IPKat (most popular IP blog of all time according to the Justia rankings as of 1 July 2019) and The 1709 Blog, for which I have authored several hundreds of posts over the past few years.

I have prepared technical briefings at the request of and delivered talks to several international organisations and EU institutions and agencies (including WIPO, European Parliament, European Commission, and EUIPO), as well as international professional bodies and organisations (including ALAI, INTA, AIPPI, LIDC, and ECTA).

Having trained and previously worked for Bird & Bird, I re-joined as an Of Counsel in 2019.

## Contributor

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### Lūcija Strauta

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Lucija Strauta is an associate at Sorainen Latvia, specializing in regulatory matters, intellectual property law with a focus on copyright issues, and contract law within the firm's Commercial & Regulatory practice group.

#### Professional highlights

Regulatory matters. I work with licensing and other regulatory requirements across a wide range of areas, including telecommunications, technologies and media, civil aviation and transport, pharmaceuticals, food, alcoholic beverages and tobacco, gambling and advertising. A large part of my work is related to consumer protection issues.

Copyright matters. I advise clients on various intellectual property issues, especially in the field of copyright. I help clients with the development of intellectual property contracts and licences, explaining the existing regulation, as well as with the protection of their rights and interests, in the event of a copyright infringement or dispute.

Different types of contracts. In addition to intellectual property agreements, I also work with franchise agreements, sale of goods and services agreements, online terms of use for mobile apps and websites, and other documents.

#### Academic background

University of Latvia, Latvia (LLB, LLM)

I am a member of The Latvian Bar Association.

# Lithuania

# SORAINEN

## Contributor

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### **Dr. Stasys Drazdauskas**

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Dr. Stasys Drazdauskas co-heads Sorainen's Technology, Media & Telecommunications team in Lithuania. His main areas of expertise include information technology law plus intellectual property and data protection. Stasys is also a lecturer at Vilnius University, specializing in Contract Law, Information Technology and Data Protection.

In his legal work, Stasys helps clients with trademark registration, advises on copyright protection matters, and drafts contracts for IP transfer or licensing. He advises clients on contract matters related to IT acquisition, be it cloud services, artificial intelligence solutions, or core business systems.

Stasys is involved in several ongoing data protection projects implementing the EU General Data Protection Regulation and also provides advice on GDPR application.

From time to time Stasys acts as an arbitrator in commercial disputes, such as transportation, energy, information technology and general contractual disputes.

He is also a member of the Copyright Law Commission, functioning as an advisory body under the Ministry of Culture and Lithuanian Bar Association.

# Malta



## Contributors

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### **Dr. Paul Micallef Grimaud**

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Paul Micallef Grimaud is a partner at Ganado Advocates and heads the Intellectual Property, Technology, Entertainment and Data Protection practices of the firm. Paul brings together over 20 years of experience in litigation, regulatory and advisory services applied mainly to the technology, luxury, life sciences, automotive and entertainment industries.



### **Philip Formosa**

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Philip Formosa is a Senior Associate within Ganado Advocates' intellectual property, TMT and data protection practice group. Philip's core areas are intellectual property and data protection compliance and he regularly assists an extensive portfolio of clients on such matters, both local and international.



# The Netherlands

# Bird & Bird

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### Manon Rieger-Jansen

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I am a partner in our Intellectual Property Group with over 20 years' experience, and I head up our leading IP team in the Netherlands. On the industry side I am head of our international luxury, fashion and retail team, and head of the Dutch Retail & Consumer Group.

As an experienced litigator, I specialise in trademark, design, copyright and advertising, and have a particular focus on cases involving product design. I handle cases in front of the courts as well as many proceedings at the Benelux trademark office and EUIPO.

Many of the contentious matters I work on have an international angle, and over the years I have developed a particular experience in pan-European enforcement strategies of trademarks and designs, including customs and parallel import enforcement strategies. In these multi-jurisdictional cases, I very much enjoy working closely with colleagues in other offices across the firm to provide the best service to our clients, keeping in mind not only the legal issues but the business side as well.

Apart from contentious work, my practice also provides global strategic advice on IP rights, and the protection and registration of trademark and design portfolios. Alongside my team, we offer cradle-to-grave trademark services, thereby combining our experience in both contentious and non-contentious matters.

I assist many businesses in the retail sector, including the world's best known brands. Working in the sector and heading both the Dutch Retail & Consumer Group and the international fashion, luxury and retail team, gives me a good understanding of the industry and the issues impacting it. I can help clients in finding the right lawyer to assist them.

During my career journey I have been named in the 'top 250 women in IP' globally (MIP) and won both 'Trade Mark Lawyer of the Year' and 'Copyright Lawyer of the Year' (Women in Business Law Europe Awards).



### Clemens Molle

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I am an intellectual property lawyer advising clients from a range of IP-rich industries on copyright, trademark, and other IP related matters.

Both non-contentious work and dispute resolution are part of my practice. This leads to a thorough understanding of matters from start to finish. I regularly advise clients in the media and entertainment sector, on IP protection, infringement and regulatory topics, as well as contracting with IP. Copyright is of particular interest to me, both in terms of substance (what can be protected and what is infringing?) as well as copyright related platform regulation.

Since time is of the essence in many IP related cases, I find it vital to establish an effective relationship with clients right from the start. In my view, open communication and clear expectations lead to an effective and valuable client relationship.

Each case is different. In addition to handling national IP matters, we are more than well-equipped to handle matters which involve multiple jurisdictions. I collaborate with lawyers in our other offices around the world on a daily basis, offering our clients seamless cross-jurisdictional advice and a one-stop-shop approach.

Recently, we have seen the rise of generative AI challenge legal frameworks, such as current copyright legislation. The area of tension between, on the one hand, being able to instantly generate output and, on the other hand, protecting IP rights, is thought provoking. I enjoy working on such complex (and also more straightforward) legal IP issues.



**Laurens Buijtelaar**

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As an attorney who specialises in intellectual property law, I combine my enthusiasm and knowledge of the field with my desire to represent the interests of my clients in the best possible manner.

My practice focuses on general advice and disputes in the areas of copyright, trademarks, patents, databases, designs, trade names and trade secrets. I work with a variety of clients from start-ups in the tech industry, to larger companies and global corporate businesses.

In addition to my work as a lawyer, I am also active as an academic. With three years of experience researching and lecturing on national and international IP law at a Dutch university, I have published various articles and participated in expert panels on policy issues in order to contribute to the overall improvement of the legal IP framework.

I am very much interested in new technological developments and the interplay with IP rights. One of my recent publications involves a call upon the European legislator to introduce new IP rights for the protection of creations of artificial intelligence.

# Poland

# Bird & Bird

## Contributors



### Paweł Lipski

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I am a partner based in Warsaw. My main focus is e-commerce, IP and digital transformation.

I have been advising clients since 2006 and specialise in contentious soft IP matters, e-commerce business models and legal issues relating to new technologies, as well as handling matters relating to consumer, data protection, advertising and contract law.

I support clients on complex e-commerce projects, legal compliance within their business models, on litigation and proceedings before the data protection and consumer regulators, as well as with due diligence projects and development of IP management strategies.

I advise on online legal infringements, including high-profile cases of Internet platforms liability. I also regularly represent companies in criminal and civil proceedings regarding infringement of IP rights. I advise main players as well as start-ups.

I also regularly speak at conferences on issues surrounding e-commerce, IP and new technologies. I am recognised by legal directories as a leading expert in intellectual property law in Poland.



### Zuzanna Morawska-Zakroczymska

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I am an associate in the Intellectual Property team in Warsaw.

I have been advising clients since 2017, specialising in contracts, e-commerce, consumer protection, copyrights and data.

My expertise includes offering guidance to online platforms and entrepreneurs in the online retail sector to ensure compliance with legal requirements, encompassing the implementation of the Copyright Directive and Omnibus Directive. I also advise on the launch of online platforms,

stores, and mobile applications, as well as reviewing associated documentation and processes, such as user journeys and cancellation procedures.

I support clients in litigation regarding online legal infringements and the liability of Internet platforms for content uploaded by users.

As part of my broader practice, I support clients in effectively managing consumer complaints, including those related to product defects, and represent them before various regulators, such as the Polish Competition and Consumer Protection Office, and local consumer ombudsmen.

I have a strong interest in the legal aspects of the application of emerging technologies, including artificial intelligence (AI), the Internet of Things (IoT), and LegalTech.

Prior to joining Bird & Bird, I gained professional experience working for leading international law firms, as well as for the Polish Ministry of Digital Affairs, where I worked on the implementation of the GDPR in Poland.



**Karina Balcer-Kopka**

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I am an associate in the Intellectual Property team in Warsaw, specialising in drafting and negotiating IT contracts.

I have been advising clients since 2017, in particular on matters related to intellectual property, new technologies, and the implementation of e-commerce solutions.

I specialise in contract law in the IT sector and in consumer law. I also advise entrepreneurs on the development of their businesses by assisting them in the process of negotiating and concluding franchise agreements.

I have been involved in many projects that involved the creation and implementation of bespoke IT solutions for businesses. I prepare legal opinions, draft and negotiate copyright agreements, develop policies for the use of open-source software within organisations, and provide training in the field of intellectual property.

I have carried out e-commerce projects, ventures involving the implementation of online platforms and shops, and business projects for the online offering of products. I assist clients with preparing and adapting the rules and regulations of their services to the ever-changing legal environment, making sure their business processes comply with the applicable regulations, and running loyalty programmes and promotional campaigns in line with the regulatory guidelines. I also support clients in resolving consumer disputes.

Before joining Bird & Bird, I provided comprehensive legal services to entrepreneurs and gained professional experience as an in-house lawyer in a group of IT companies with offices in Poland, the USA, the Philippines and Singapore offering technological solutions to clients from all over the world, including some listed in the Fortune500 ranking.



**Cezary Opaliński**

Lawyer

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I am a lawyer in the Intellectual Property team in Warsaw.

I have been advising clients since 2019, handling matters involving consumer law and e-commerce. I specialise in the law of intellectual property, new technologies and e-commerce.

I participate in projects involving the assessment of retail company compliance with consumer protection law. I assist with drafting online sales terms and conditions (B2B and B2C) as well as terms and conditions for competitions, lotteries and promotional campaigns. I advise both suppliers of internet platforms and providers of financial services, assessing the compliance of their business models with applicable legal requirements. I support the team in representing businesses in proceedings pending before the Chairman of the Office of Competition and Consumer Protection, the Trade Inspection Authority and the courts.

My experience also includes assisting clients in handling consumer complaints and in proceedings with the participation of consumer ombudsmen.

Before joining Bird & Bird, I gained professional experience at a Warsaw law firm and in the complaints department of an international technology company.

# Portugal



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## Contributors



### Ana Rita Paíinho

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At SÉRVULO since 2019, Ana Rita Paíinho is a partner in the Life Sciences, Intellectual Property and TMT departments, working in the areas of trademarks and patents and, in the information technology field, focusing on software, e-commerce, data protection, marketing and advertising. A specialised Lawyer in Intellectual Property, by order of the General Council of the Bar Association of 2007, and Postgraduate in Industrial Property by the Faculty of Law of the Modern University, in 2003. CIPP/E (Certified Information Privacy Professional Europe) certification, by the IAPP (International Association of Privacy Professionals), in 2018. Before joining SÉRVULO, she was a consultant and partner at Anselmo Vaz, Afra & Associados between 2008 and 2019, a lawyer at Abreu, Cardigos & Associados

between 2000 and 2007, and a trainee at Veiga Gomes, Bessa Monteiro, Marques Bom & Associados between 1998 and 2000. She joined the Portuguese Bar Association in 2000. Ana Rita is Chairman of the Tax Council of AIPPI Portuguese Group, Ombudswoman of the Portuguese Association of Travel and Tourism Agencies and a member of UNION and IAPP. She is a regular speaker at conferences related to her areas of specialisation.



### Ana Mira Cordeiro

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At SÉRVULO since 2021, Ana Mira Cordeiro is a principal associate in the TMT, Intellectual Property and Life Sciences departments. She has recently attended several specific training courses in the fields of Telecommunications, Personal Data Protection, Administrative Law and Administrative Litigation. She concluded the LL.M / Masters in Law in International Trade and Business Law, from Universidade Católica Portuguesa, in 2008, where she also concluded a Post-Graduate degree in Commercial Law, in 2002, and her Graduation in Law, in 2000. Between 2019 and 2021, she was an in-house lawyer at a multinational company in the textile, accessories and lifestyle retail area. Ana Mira Cordeiro was a lawyer at ANACOM – Autoridade Nacional de Comunicações, in the Litigation and

Administrative Offenses Division (DCC), between 2014 and 2019, and a senior lawyer at the law firm «ABBC, Azevedo Neves, Benjamim Mendes, Carvalho & Associados», between 2006 and 2014, having started her career as a trainee and associate at the law firm «ACA, Abreu, Cardigos e Associados», between 2002 and 2004. In July 2022, Ana won the Art & Telecommunications Lawyer of the Year awards at the IP&TMT Awards organised by Iberian Lawyer. She joined the Bar Association in 2003.

# Romania

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With over 20 years of legal practice, Ana Maria Kusak is an Intellectual Property and Competition specialist. She has accumulated her wide expertise in IP matters during her 8 years with prominent local law firm Musat & Associates, 3 years with Clifford Chance Bucharest office and 5 years as partner and IP and Competition Head of Practice with Mares, Danilescu, Mares.

With 18 years' experience as IP counselor (Trademarks), certified with the Romanian Office for Inventions and Trademarks (OSIM) and being a European Trademarks and Design Attorney (registered with the European Union Intellectual Property Office (EUIPO)), Ana has assisted both local and international clients in a wide range of IP matters, including issues related to trademarks and designs protection, complex copyrights issues, including dealing with the Romanian Copyright Office (ORDA) and collective managing copyrights institutions (UCMR-ADA, CREDIDAM, COPYRO, UPFR, DACIN-SARA, etc).

Ana's expertise also includes assisting clients in the advertising, media, PR & Communication sector, having significant experience in specific industry-related matters, including representing clients' interests in Court or before relevant institutions, such as the Romanian Advertising Council (RAC) the Audio-Visual National Council (CNA), etc.

Ana also has vast experience in the Life Sciences field, having assisted international and local clients active on the pharmaceutical, medical equipment and cosmetics market in various industry-related matters, including dealing with relevant authorities in this field: The National Audio Visual Council, National Agency for Medicines and Medical Devices and Ministry of Health.

Ana is a member of the Bucharest Bar and the Romanian Bar Association since 2002.



### Elena Stan

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Elena is a Managing Associate specialized in all TMT sectors, with a particular focus on Intellectual Property, Data Protection, Gaming, Gambling and Advertising.

With over 12 years of experience as a lawyer, she has represented clients operating in various industries, covering the full array of IP related services, including advice on patentability, utility models, work inventions, trademark and branding strategies, as well as designs, copyright and domain names.

Elena has tackled data privacy related matters since 2015 and throughout the years has deepened her knowledge and experience, becoming a specialist in this legal area. She has assisted clients with GDPR data mapping audits, offering support in implementation of compliance measures, advice and representation services in data breach cases, as well holding specialised data privacy trainings for clients operating in various sectors. Elena has been highly involved in various legal tech endeavours and has even won the Special Focus award at the first Legal Global Hackathon where she and her team created a GDPR compliance platform.

Given her life-long passion for Technology inspired by her inventor father, her vast experience with IT service agreements, software development and licensing agreements, as well as her involvement in high profile tech and IP asset transactions, Elena has become one of Romania's go-to tech lawyers.

One of the more special focuses that need mentioning is the Gaming sector, where Elena has been highly active in the past couple of years, assisting game studios, as well as publishers, developing a close relationship with the Romanian Game Developers Association (RGDA) and speaking at various gaming events, including Dev.Play.

Elena is also specialised in Gambling, representing clients in front of the Romanian Gambling Office (ONJN) for obtaining and renewing gambling licences, as well as offering day-to-day regulatory advice to one of the largest Romanian gambling operators. She also regularly holds specialised gambling trainings offering clients a fresh, market-oriented approach to regulatory matters.

Advertising is one of Elena's specialities and she is constantly offering legal advice to various brands, PR agencies and well-known Romanian influencers. Her expertise includes revising both offline and digital campaign materials, revising and negotiating advertising and marketing agreements, offering insight on the technical specifics of social media marketing services, as well as SEO and PPC services, whilst carefully observing inherent data privacy implications.

Elena is highly involved in the development processes of several Legal Tech solutions aiming at ensuring clients' compliance with specific regulatory concerns, as well as platforms dedicated to legal professionals targeting the improvement of lawyers' productivity by eliminating unnecessary grunt work.

She has graduated from the Faculty of Law, University of Bucharest, is a member of the Bucharest Bar since 2011 and is an industrial property counsellor specialized in Trademarks and Geographical Indications (certified by the State Office for Inventions and Trademarks) and official representative of the European Office for Intellectual Property) with her specialization in Trademarks and Geographical Indications.

## Contributors



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I am an associate and member of our Technology & Communications and Intellectual Property Groups, based in our Bratislava office.

My primary focus is IP/IT law, commercial law and regulatory affairs, including new areas of technology and fast growth tech issues. In addition, I use my experience of complex legal strategy to advise clients in the life sciences, healthcare, gambling, technology and other industries. I guide our clients in intellectual property litigations and protect their business interests.

I have advised clients who include international and local market-leading companies, as well as government and European institutions. My ambition is to provide the best and most suitable advice to our clients in a pragmatic, solution-driven and innovative manner.

Bird & Bird has been recognized by our clients as a great international team. Frequently, I provide advice in connection with multi-jurisdictional projects for companies with multinational operations, including M&A transactions and the implementation of global business strategies and risk management.

I also have extensive experience in dealing with the day-to-day commercial issues that companies face such as regulatory, contract management, outsourcing, process infrastructure, advertising, AML compliance, privacy, cybersecurity, product liability and employment related issues.

Before joining Bird & Bird in 2016, I worked for a reputable local Slovak law firm. Prior to that I had work experience from a prosecutor's office in Bratislava and a law firm in Birmingham, UK.



### Katarína Ondrovicová

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I am a senior associate in our Bratislava office with over 15 years' experience mainly in commercial contracts, corporate and employment law. I have a strong focus on the technology & communications sector.

I also have experience in compliance and regulatory topics, data protection and public procurement. Contract negotiation is one of my strongest legal skills.

My clients include leading international technology corporations, as well as local companies. I also enjoy providing legal support to start-ups bringing new technology to life, which is usually a challenge; however I like to face it and cope with it.

Before joining Bird & Bird, I worked for five years as a country Legal In-house Counsel for an international IT corporation. As a member of the country management team, I held overall responsibility for the legal agenda. My role included the preparation and negotiation of contractual terms for various contracts - service contracts, outsourcing, licensing, cloud computing matters, and other IT-related contracts. I worked extensively on international projects and the local implementation of global agreements and policies. I prepared T&Cs, contract templates and provided cross-departmental legal support. My responsibilities also encompassed employment law, corporate law, public procurement, data protection and compliance. This in-house experience helped me to see my clients' problems and issues through their eyes, and I learnt to take into account the impact on business and to provide business-oriented legal support.



# Slovenia



## Contributor

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Simon Bračun is a partner and a cofounder of the law firm Kavčič, Bračun & Partners. Simon has more than 15 years of experience in advising both domestic and international clients from various sectors. He regularly advises domestic and international clients in major M&A transactions as well as transactions on the purchase of performing and non-performing loan portfolios, restructuring, refinancing and sales of claims. He also has extensive experience in commercial law and corporate law, where he was and is involved in the majority of matters that happened and are still happening on the Slovenian market.

Simon actively cooperates with the Faculty of Law of the University of Ljubljana, attends conferences in the field of commercial law (IBA European Corporate and Private M&A Conference, etc.) and also contributed to M&A guides.

# Spain

# Bird & Bird

## Contributor

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### David Fuentes

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I am an associate in Bird & Bird's Intellectual Property department in the Madrid office.

I have experience across a wide range of Intellectual Property work, and I have a particular interest and expertise in media, entertainment, aeronautical, gastronomical and technology sectors. In this sense, my practice covers all IP-related matters, including patents, as well as industrial designs, trademarks, domain names, trade secrets and unfair competition, with a particular expertise in copyright and related rights.

My work includes advising large companies and individuals on intellectual property matters and representing companies in negotiations (v. gr. conflicts with Copyright Collective Management Organizations; FRAND licenses; publishing, music and film contracts; etc.). Litigation is also an important part of my work since I have been involved in major intellectual property-related litigation cases before the Spanish Courts.

I am a service-minded Spanish IP lawyer, who really enjoys working in an international environment and helping my clients with their issues.

I have worked in our IP Litigation team in Spain since 2020. I usually publish legal studies and articles; both on websites and in prestigious national publications and I have won several regional and national legal awards for them.

I consider not only the legal aspects of a matter but also my clients' business reality and needs, and I look forward to hearing your concerns and priorities as I am always looking for my next challenge.

# Sweden

# Bird & Bird

## Contributor

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### **Mattias Lindberg**

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As head of the Commercial Group based in Stockholm, I focus on providing commercial advice on complex and strategic agreements, outsourcing, procurement and privacy law issues.

I have wide-ranging experience of complex and commercially decisive agreements and transactions, and possess all the relevant expertise necessary from a legal, commercial and strategic perspective. My clients appreciate the fact that I combine my commitment and dedication with an in-depth understanding of the commercial and technical conditions of the industry.

I represent clients in a large number of disputes and I regularly speak on various aspects of commercial law.

I advise on complex legal and strategic issues in assignments and procurements regarding strategic agreements, outsourcing deals and digitalisation projects.

I advise on data privacy and protection matters by providing companies with tools, in the form of both projects and internal training, so that they can ensure that the processing of personal and patient data is conducted in accordance with the GDPR.

I advise on IT-related disputes (including but not limited to assessments, risk analysis and other kinds of special assignments in various types of dispute-like situations).

I have worked for many years as an expert adviser, both as in-house counsel and for well-renowned law firms and prior to joining Bird & Bird I was the founding partner of a leading commercially-focused law firm.