

LEGALINK

IP, IT and Data Protection
Interview Series

April 2023

A black and white portrait of Eyal Roy Sage, a middle-aged man with a receding hairline, wearing a dark suit, white shirt, and patterned tie. He is sitting at a desk with his hands clasped in front of him. The background is a dark teal color with a subtle geometric pattern.

Eyal Roy Sage
Head of Law & Tech

AYR – Amar Reiter Jeanne Shochatovitch & Co.

Which areas of IP/IT is your firm active in?

Our Law & Tech practice group provides legal counsel in the areas of IT and IP law, to industry leaders in the technology, telecommunications, retail, insurance, and financial sectors.

In the IT field, we specialize in offering advice on privacy, information security, and data protection. Our team handles complex technological issues relating to data processing and cyber protection, including in commercial transactions, and M&As. We continuously monitor Israeli and international privacy laws and regulations, as well as sector-specific data protection regulations, to help our clients meet their compliance objectives. As such, we handle DPAs, privacy policies, and data protection impact assessments on a daily basis.

In the IP field, we offer expertise in copyright, trademark registration and enforcement, internet law and entertainment law. Our team advises clients on the IP aspects of their commercial transactions and represents them in IP litigation proceedings. We serve clients from various industries, including TV broadcasters, producers, content distributors, gaming providers, startups, and global technology companies.

Our practice areas also include software and data licensing, SaaS/cloud platforms, e-commerce, open-source software, and AI.

Who in your firm is dedicated to which areas of IP/IT?

Our Law & Tech practice I lead includes a team of eight associates, all of whom specialize in IT and IP law. As the head of the department, I work closely with each team member to ensure that our clients receive the best possible legal representation. All of our team members hold a strong technical background, which enables them to develop specific expertise in different practice areas. This includes international privacy law, data protection, software licensing, trademark registration, tv production agreements, etc. Many of them hold certifications such as DPO training or have earned an LLM from top-notch international universities.

Please mention some recent IP/IT matters that you and your colleagues have been working on.

Additionally, our Law & Tech practice often consults with lawyers from other groups at the firm such as our litigation, class actions, antitrust, commercial, or high-tech practices to provide our clients with comprehensive legal representation.

Recently, we represented KAN, the Israeli public broadcasting corporation, in a co-production agreement with Apple TV for the TV series "Teheran." We also advised clients on the development and implementation of new generative AI technologies. In this regard, we provided a legal opinion about the creation and distribution of a duet with deceased Israeli singers, utilizing cutting-edge AI tools.

Additionally, we have been advising one of the biggest financial institutions in Israel on migrating its key systems to the Oracle cloud. Our firm was involved in all aspects of the engagement, including suggesting improvements to the infrastructure design and providing expert legal advice on privacy, cybersecurity, and other data-related matters. Along the same lines, we are representing a prominent Israeli retail company with respect to its agreement negotiations with Google and the subsequent transfer of the company's information to the Google Cloud platform.

Furthermore, we offered GDPR compliance consulting services to a prominent online gaming company, conducting numerous data protection impact and transfer assessments. We continue to provide ongoing privacy-related consultancy to the company, and recently assisted in the creation of its global Personal Data Retention Policy. We also reviewed its compliance with various child protection privacy laws across different jurisdictions.

Can you name an example of your cooperation with other Legalink members?

Over the past year, we have been working alongside Mishcon de Reya LLP in the representation of a global company prior to the launch of its services in Israel. Our Go-To-Market legal assessment covered telecommunications, commercial, corporate, and labor law aspects. We also drafted the local sections of the client's suppliers' agreements.

What are your firm's future expectations and plans in the area of IP/IT?

Our primary objective is to expand our IP/IT practice by establishing partnerships with multinational corporations and entities as they enter the Israeli market. We aim to enhance our global IT and data protection proficiency by fostering international collaborations and leveraging emerging technologies. As the head of the IT/IP department, I look forward to confronting the intricate challenges posed by AI technologies. With the emergence of new laws and regulations across the globe, it is an opportune time to explore this exciting field and advance our global expertise in it.

What are some emerging IP and IT law trends, and how do you see the legal landscape evolving in these areas over the next few years?

Currently, there are several pending changes to Israel's privacy and data protection laws.

Firstly, the Israeli Parliament has resumed its discussions regarding a proposed amendment to the Protection of Privacy Law. If enacted, it would be the most significant update to the Israeli Protection of Privacy Law since the 1990s.

Secondly, although Israel was granted "adequate country" status in 2011, the European Commission has recently undertaken a review of this status, and its conclusions are expected in the coming weeks. Meanwhile, the Israeli Ministry of Justice has taken steps to maintain this status, including proposing new regulations regarding information transfers to Israel from the EEA. These regulations are scheduled to be presented for a hearing before the Constitution, Law and Justice Committee in the following days. Given that the outcome of the review could have significant implications for Israeli companies that operate in the EEA, we are proactively preparing for any potential changes.

Finally, the increasing prevalence of AI in the business world has significant implications for IP and IT law. Companies are developing AI-based technologies that are changing the way they operate, and there are many IP issues surrounding the development, ownership, and licensing of these technologies. Regulators are also working to catch up with the technological changes in this field, and we are closely monitoring any future regulations that may be put in place in Israel and worldwide. A recent opinion issued by the Israeli Ministry of Justice on the use of copyrighted content for AI/ML training is a potential indication of the regulators' attitudes toward these technologies. It suggests that Israeli regulators are attentive to the global dialogue and regulatory efforts on the matter while leaning towards an innovation-enabling approach. As the legal landscape continues to evolve, we will remain vigilant in identifying and addressing emerging trends in IP and IT law to serve our clients' needs best.

Eyal Roy Sage

Head of Law & Tech

One of the founding partners

AYR – Amar Reiter Jeanne Shochatovitch & Co.