



Information Technology and
Electronic Communications

In the Information Technology and Electronic Communications Department at **Belzuz Abogados S.L.P.** we offer a multidisciplinary consultancy focused on technologies and telematic communications which, in turn, affects other legal fields both in Spain and in Portugal.

We integrate all of the various subfields that pertain to this subject matter such as distance selling, electronic communications, intellectual property, patents, protection of data with a personal character, consumer's and user's rights, and information security.



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1. eCommerce

We advise on the subject of distance selling (*eCommerce*, websites, *apps*, telephony), as concerns consumers and users, liability for contents, and the rules of online advertising.



We draft legal texts for web pages (“Legal Notice”, “Privacy Policy”, “Cookie Policy”, General/Particular Terms and Conditions, commercial offers, promotional campaigns), contracts with service and content providers, advertising, sponsorship, Internet access, hosting, payment services, etc.

We participate in user and consumer claims (account charges, improper payments, defective products, etc.), publicity campaigns, management of promotional giveaways.

2. Intellectual Property, Patents and Domain Names



Due to our specialization in Internet contents (webpage design, text, images, photographs, blogs, music, videos, brands, domain name, etc.), we have developed strategies for the following:

- Contracting for the transfer of rights, use licenses, software, cloud computing, escrow, source code repository and data migrations, merchandising, franchising, sponsorship, use of intellectual creations, etc.
- Domain names (geographic gTLD/generic ccTLD), conflicts with other laws (with image law, with intellectual property and patent law), recovery of domains (cybersquatter).
- Management of intellectual creation registry (databases, audiovisual works, sound-recordings, multimedia, software, graphic design) and patent laws (trademarks, industrial designs, etc.).
- In issues of unfair competition and competition authorities, infractions of author rights and copyrights, antipiracy, invalidity and expiration of trademarks, industrial design, etc.

3. Privacy and Protection of Data with a Personal Character - I

We provide a special service called "Website Auditing" where we analyze the contents of site through the lens of legal disciplines (personal image rights, intimacy, honor and treatment of data with a personal character) regarding the different sections, paragraphs, social networks, blogs, forums, and links to third parties.

Apart from the "Website Audit" some of the tasks performed in this subject matter are:



- Management procedures before the AEPD (Spanish Agency for Data Protection), Registration of files, disciplinary procedures.
- Adequacy of complaint channels and management of Access Rights, Rectification, Cancellation, and Opposition, covered under the ARCO Law.
- Analysis of International data transfers, including those of specially protected data.
- Assemblage of texts such as Privacy and Data Confidentiality Policies, Cookie Treatment Policies, Cloud computing.

3. Privacy and Protection of Data with a Personal Character - II



- Drafting of processing contracts, of subcontracting, contracts of Database, transfer contracts of third-party, access contracts and of confidentiality contracts.
- Assistance with getting consent, data transfers and data access by third parties.
- Adaptation of mandatory clauses (of information and consent for data transfers and for sending advertisements electronically).
- Development of Security Documents and checking whether the security measures are in compliance with legal requirements.

4. Computer-Related Crimes - I

Concerning “Computer-Related Crimes” (crimes that have arisen over the Internet as a means or against computer systems themselves) we are specialized in offering legal advice concerning frauds in cases such as:

- **Online Commerce:** for use of personal data without consent (credit cards, bank accounts, usernames and passwords, personal identification)
- **Intellectual Property:** for various types of content released into the Internet without consent (computer programs, music, literary works, etc.), downloads, illegal file possession and distribution.
- **Patents:** for use of distinctive brand signs on the Internet without consent, or the use of domain names without registration “Cybersquatting”.
- **Property** and protection of the same against violations of the socio-economic order, defrauding telecommunications by third parties through data theft.. “Hacking”



4. Computer-Related Crimes - II

● Online Reputation:

“**Phishing**”: spoofing identity theft of personal passwords to web sites.

“**Pharming**”: obtaining personal passwords to access websites without consent.

“**Spyware**”: software that gathers personal or organizational information without knowledge or consent.

“**Pornography and Cyberbullying**”, “**Threats**”, “**Insults**”, “**Slander**” “**Privacy, Dignity, and Image**”.

“**Improper or Unauthorized Usage of Personal Identification**” “**Dissemination of Company Secrets**”.

● **Telecommunications Fraud**: Introduction of unauthorized applications into the computer systems that breach security measures put in place to prevent the same.

● **Damages to the System or System Components** (damages, erasures, deterioration, alteration, deletion, and data inaccessibility, computer programs and foreign applications with or without the presence of a virus).



5. Electronic Signature and Electronic Identification

The appearance of new technological tools, such as electronic signatures or electronic identifications, carries with it the need to have the appropriate legal approach.

In the ambit of these technological tools, we bring our experience in:



- The development of the provision of certification services.
- The knowledge of the obligations and responsibility of the provisioners of certification services.
- The content of the certificates.
- The valuation and legal effect of electronic documents.
- The revocation of the certificates.
- The devices for the creation and verification of electronic signature.

6. Telematic Communications

The various aspects of telematic communications, like those that follow here, require the specialized treatment that we can offer in our department.

- Fulfillment of the conditions for registration and operation of networks, and provision of electronic communications services, negotiations with operators for interconnection, relations with the Commission's Telecommunications Market.
- Liability for infractions in telecommunications matters.
- Those aspects related with the guarantee of communications secrecy and protection of users' data with a personal character.
- Disputes between operators, consumers and final users and concerning subscribers' rights to electronic communications services.



7. Company Information Security

We offer advice in what we identify as “Online Security Policies”, in which we audit the use, prevention and control of Information technology, confidentiality, the various threats, risks and defense assets to protect, particularly concerning:



- Email filter maintenance, communications law, computer crimes, information technology use standards, electronic evidence, criminal liability.
- Security Protocols, forensic tools for examination of computer use, Internet and social networks, Know-How document protection, confidentiality and trade secrets.
- Unfair Competition Acts or matters of criminal disclosure of business secrets.



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