

Information technology and communication law

Computer law- Information technology - Internet - E-commerce - Data privacy

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About the Firm

DELEPORTE WENTZ AVOCAT is a law firm specializing in computer and information technology law, managed by Bénédicte Deleporte, Attorney-at-Law and member of the Paris Bar Association.

Our Practice

Advising companies in computer and IT law: technology transactions (hardware and software, services and solutions), internet and e-commerce, IP law and data privacy.

Our Clients

Companies providing IT products, services and solutions as well as any company using information technology.

Our Added-Value

Our in-depth understanding of the IT industry and of the corporate environment; Our daily working relationship with management teams and in-house counsel on innovative and leading-edge projects.

Practice areas & legal services

Our practice areas include the following

A few examples of services provided

Computer law	<ul style="list-style-type: none"> • Hardware • Software (development, publishing, distribution), Open Source • Data bases • Enterprise Resource Planning software systems (ERP) • Services (maintenance) • Distribution (VARs, OEM) • Outsourcing 	<ul style="list-style-type: none"> • Legal audit • Contract drafting • Contract negotiation • Contract audit • Legal assistance and support • Project management
Internet law	<ul style="list-style-type: none"> • Web sites (intranet & extranet) • Electronic commerce • Electronic communications • Domain names • On-line advertising • Search engines and on-line referencing • Hosting • Document digitalization (invoices, electronic signature, archiving) • Web 2.0 • Intellectual property / Copyright • Liability 	<ul style="list-style-type: none"> • Web sites and on-line services legal audits • Web site development contracts • Web site hosting contracts • Content syndication contracts • On-line services user terms • On-line sales contracts • Technology charters - Codes of conduct
Privacy and data protection	<ul style="list-style-type: none"> • Personal data bases development • Cyber surveillance and privacy • Access controls • Video surveillance • International data transfers 	<ul style="list-style-type: none"> • Legal assistance on data bases development • Data bases filings with the data commission
Business law	<ul style="list-style-type: none"> • Contracts • Legal risks analysis and prevention • Due diligence, including IT • Legal training / Seminars in French and English • Legal assistance 	<ul style="list-style-type: none"> • Legal audit • Contract drafting • Contract negotiation • Contract audit • Legal assistance to contract performance • Legal assistance and support • Project management

Our clients are represented by companies providing technology solutions (hardware, software, networks, internet) as well as companies using technology solutions.

A few examples of services provided to our clients

Internet, e-commerce: drafted contractual documents (user agreements, privacy policies, technology licensing agreements, content licensing agreements, etc.) for companies operating web sites in diverse areas, such as: professional on-line directory, contents aggregator, intermediation platforms (finance, insurance), ToIP; Web site audits to check legal compliance; Legal advice regarding the implementation of electronic signature in business processes.

Privacy: Researched and advised a multi-national company on the issues of cyber-surveillance and on privacy policies.

On-line advertising, marketing and privacy: researched and advised a company operating a worldwide social network on on-line advertising and marketing regulations.

Computer law: Drafted several computer contracts (IT development, user license, outsourcing agreements, etc.) and supported the client, a software publisher, in contractual negotiations; Drafted commercial contracts and assisted the client, an Open Source solutions provider, on contracts negotiations.

Attorneys & Network

Bénédicte Deleporte - Profile

Bénédicte Deleporte, founder of the DELEPORTE WENTZ AVOCAT law firm has many years' experience in computer and information technology law, acquired in private practice and as in-house counsel for multi-national companies.

Professional experience

Bénédicte Deleporte started her professional career in 1989 with the Alain Bensoussan law firm, a prominent French firm specialized in IT law. Her responsibilities included counseling businesses, computer contract drafting and negotiating for French and international clients and arbitration.

In 1993, she decided to pursue her career in-house and became the legal director (EMEA) for Network Equipment Technologies (N.E.T.), an American company manufacturing networking equipment. While working at N.E.T., her activities focused primarily on supporting the products and services distribution strategies in France and in the rest of Europe, including drafting, negotiating and closing contracts for the marketing, sales, distribution, maintenance and support of N.E.T.'s hardware and software products.

In early 2000, Bénédicte Deleporte joined a team of entrepreneurs in Brussels (Belgium) as General Counsel to assist with the launch of Planet Medica, a pan-European internet start-up company. At Planet Medica, her responsibilities included ensuring the legal compliance of seven web sites across Europe (compliance to local laws, domain names, user agreements, site content, interactive on-line tools and services), developing the company's contractual strategy, negotiating contracts with the suppliers and services providers, and coordinating the set up of the headquarters and subsidiaries in six European countries.

In 2001, Bénédicte Deleporte moved back to Paris and joined eBay France as legal director. At eBay her practice focused on web site legal compliance issues (commercial law, consumer law, intellectual property, liability, internet and e-commerce law), contract negotiation and contract performance with commercial partners, privacy/data protection, regulatory affairs and litigation.

She left eBay to establish the DELEPORTE WENTZ AVOCAT law firm in 2007.

Working languages

French
English

Education

Bénédicte Deleporte holds law degrees from Paris universities (Maîtrise en droit, Paris XI University - Jean Monnet Law School; and DEA en droit économique international, Paris I University - Panthéon Sorbonne Law School) and from the US (Master of Public Affairs, Indiana University - Bloomington; and Master of Laws - LL.M, University of Iowa).

Network

We also work in close contact with a network of independent attorneys, both in France and abroad (Europe and United States-Silicon Valley), who practice in similar and complementary areas and working according to the same philosophy of proximity with our clients, pragmatism, flexibility, responsiveness and cost control.

These attorneys are specialized in the following areas:

- Labor law
- Company law
- Mergers and acquisitions
- Tax law
- Criminal law
- Public contracts
- Associations and foundations
- Computer and internet litigation
- Licensing

Our international network of attorneys includes the following countries:

- Germany
- England
- Italy
- Spain
- Switzerland
- United States (California)

Associations

Member of the following associations:
International Technology Law Association (ITechLaw)
International Bar Association (IBA) - section on Technology Law
Avocats Conseils d'Entreprise (ACE)
European Professional Women's Network (EPWN)

Teaching activities and seminars

Teaching a post-graduate (Master 2) IT law course (New Technologies and the Law) - Global e-business Program at Lille I University - Institute of economic sciences and management, since 2007

Teaching a post-graduate (Master 2) Computer law course - MIAGE program at Paris XII University - School of computer science applied to management, since 2007

Developed and presented a legal seminar on "Specific purchase contracts", EFE, Paris (December 2007)

Developed and presented a legal seminar on "Mastering the risks of purchase contracts", EFE, Paris (November 2007)

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Participated in a working group organized by Forum des Droits sur l'Internet (FDI) the Internet Law Forum) on commercial relations on the internet between private persons which came up with the publication of a recommendation entitled "On-line commerce between individuals persons" (November 2005) (in French)

Presented on the sale of cultural goods over the internet, Interpol, Lyon (June 2005)

Presented on anti-piracy over the internet, 10th European forum on intellectual property, Paris (March 2005)

Presented to a working group organized by Forum des Droits sur l'Internet (FDI) on Cultural goods which published a legal recommendation entitled "On-line brokerage and cultural goods" (July 2004)

News and Publications

We regularly write and publish articles covering a wide range of IT-related legal issues. These articles may cover legal news, describe a new or upcoming regulation, or comment a recent court decision.

We are also regularly contacted to comment on legal issues regarding our areas of expertise.

You may consult and read our latest articles and interviews below. We provide a summary in English. The articles are usually published in French, unless mentioned otherwise.

October 2009

Interview with RFI (Radio France Internationale) on **on-line gaming** (broadcasted on 10/08/2009)

September 2009

Software assets, Open Source and due diligence (Patrimoine logiciel, Open Source et due diligence - published in LegiPME and Le Journal du Net)

Summary: The issue of software intellectual property rights is one of the key elements in the financial valuation of an IT company, especially if the company is about to raise funds or to be purchased. A large number of companies subcontracting software development either don't know how to manage intellectual property matters, or only focus on the financial aspects of the contracts. However, clients must always be clearly informed of the nature of the service that they're purchasing and of the nature of the rights granted, whether such developments are made in proprietary or in Open Source mode. These elements will have a substantial impact on the valuation of the IT assets of the company.

July 2009

Journalism and the internet: new hidden provisions voted with the Hadopi Act (Journalisme et internet: des précisions apportées en catimini par la loi Hadopi - published in LegalBizNext and Le Journal du Net)

Summary: Whereas the Creation and Internet Act (aka Hadopi Act) focuses most of the discussions on the issue of peer-to-peer and illegal downloads, a few measures regarding journalism and the internet appear in the law voted on June 12, 2009. Although these provisions are almost unnoticed, they are however quite interesting: their purpose is to clarify the status of on line publications, the intellectual property rights of the journalists, and the liability regime applicable to publishing directors for contents posted by third parties.

June 2009

Associations and the Internet: the liability regime applicable to blogs (Associations et internet: exploitation d'un blog et responsabilité - published in Juris Associations No401 – Ed. Dalloz)

Summary: Blogs have been developing and multiplying since the beginning of 2000. From mere personal mini-sites at the beginning, these tools have become new communication media for institutions (companies and associations), both internally for their employees and externally for their clients and the public in general. This article provides a review of the different types of blogs and related liability regimes depending on the manner in which these blogs are operated and managed.

March 2009

On line gaming: the move towards a moderate liberalization of the French market (Jeux d'argent en ligne: vers une libéralisation mesurée de la réglementation - published on LegiPME and Le Journal du Net)

Summary: On March 5, 2009 Eric Woerth, the Minister of budget, presented a new Bill on the opening of the French market to online gaming. This Bill, which had been expected for over two years, should be reviewed

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by the Parliament within the next few weeks, prior to becoming effective on January 1, 2010. We provide a brief review of the existing regulatory environment and describe the main provisions of the Bill.

February 2009

Open Source software and Open Source licensing (Logiciel libre ne signifie pas libre de droits - published in Le Journal du Net and LegalBizNext)

Summary: Open Source software programs have acquired a strong and positive reputation with users, including in corporate environments. Beyond the budgetary constraints which may motivate the transfer to Open Source solutions, a large number of Open Source software programs are now recognized as reaching undeniable high quality and reliability levels. Also, Open Source software is no longer reserved to independent developers since the largest software companies license software programs in Open Source mode. However, although the use of Open Source software is developing rapidly in the corporate environment, this type of software doesn't mean that it is free of any rights and that the user can do anything with it. The user and distribution terms, specific to Open Source, are governed by a diversity of licenses. To avoid litigation, Open Source software licenses management policies should be implemented in-house. This article reviews the specificity of Open Source licensing and provides a few comments on Open Source licenses.

Legal and practical advice for the development of a web site (La création d'un site internet: environnement juridique et conseils pratiques - published in Juris Associations No392 – Ed. Dalloz)

Summary: The development of a new web site is a serious project. Not only does it involve financial investments (development costs for the web site and the site content) and human investment (time spent on the development and site updates), but it also involves legal consequences. The purpose of this article is to describe the different steps of the development of a web site from a legal view point, from the preliminary steps until its launch live.

2008

October 2008

The liability of hosting service providers and the removal of illegal content (Responsabilité de l'hébergeur et retrait de contenu illicite: le prompt délai - published in Le Journal du Net and LegalBizNext)

Summary: In the internet world, hosting service providers are subject to a specific liability regime pursuant to the provisions of article 6.1.2 of the French e-commerce Act of June 24, 2004 (known as the LCEN). Upon receiving notice of illegal content, the hosting service provider must act promptly to remove/take down that content or to prevent users from accessing it. Until recently, the managers of hosting service facilities were uncertain regarding the meaning of the term "promptly". Two Court decisions rendered on March 13 and August 6, 2008 provide some clarification in this matter. Another Court decision of October 13, 2008 provides information about the level of formalities applicable to notifications of illegal content.

September 2008

The IT use charter: an essential document for corporate network security and data protection (La charte technologique: un document pour la protection des réseaux et des données de l'entreprise - published in LegiPME and Le Journal du Net)

Summary: The IT use charter is a corporate document defining the internal rules applicable to the use of IT equipment and software provided to the employees by the company. The purpose of this document is to raise the awareness of the employees regarding network security and corporate data. This article provides a detailed description of this document and the matters that should be covered.

July 2008

The contractual dimensions of outsourcing (Externalisation de services: les dimensions contractuelles - published in LegiPME and Le Journal du Net)

Summary: Any company may have to outsource certain services sooner or later. Such services are usually at the periphery of the core area of expertise of the company. Regardless of the reasons at the origin of the outsourcing project, a number of key legal questions must be addressed so that the project can then be managed in a secured legal environment. The purpose of this article is to go through the main issues which must be managed in developing an outsourcing project.

Interview published in “Le Nouvel Economiste” (07/10-16/2008) on **counterfeting and selective distribution on the internet** (“Une question en cache une autre”).

June 2008

The legal and tax regimes applicable to auto-entrepreneurs: an incentive to set up their own companies (L’auto-entrepreneur: un statut fiscal spécifique pour le vendeur particulier professionnel, un tremplin vers une future création d’entreprise - published in LegiPME)

Summary: The new auto-entrepreneur status, which will be created with the Modernization of the Economy Bill (LME) currently under review by Parliament should provide a legal status for regular individual sellers and be an incentive for these sellers to comply with their legal, tax and administrative obligations. This new status should allow them to benefit from lighter filing formalities while starting to develop a professional commercial activity without having to set up a company. This article provides a reflection on C-to-C sellers and highlights the gaps in the existing regulation.

May 2008

Web 2.0, privacy and freedom of speech (Web 2.0, vie privée et liberté d’expression - published in Le Journal du Net)

Summary: The development of the web 2.0 has created deep changes in communication. The internet users are much more active and interactive in their use of the web. Likewise, the concept of freedom of speech on the web is evolving into more proximity between the information and the author, thereby giving the information stronger legitimacy, no matter the age or status of the author. These evolutions in the behavior and use of the internet are not without legal consequences on certain fundamental legal principles, such as freedom of speech, or privacy. An interesting example is given with the recent note2be case.

Contact and About us

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