

**REPORT ON ITECHLAW TRAVELLING FELLOWSHIP PROGRAM 2011**  
**BY NIKHIL NARENDRA**

It is said that all journeys have secret destinations of which the traveller is unaware of, which is the experience one gets out of a travel. One's destination is never a place, but a new way of seeing things. They say, it's not just the places you see, it's the way you see the places that matters more. This program has scripted a chapter in my life, a chapter of an exciting, fun filled, intriguing and adventurous trip, which I believe, will play a definitive role in shaping my career and personality.

Though I had previously been to Europe, this trip stands out as a unique learning experience that enabled me to understand the working styles and approaches of six different European firms, different cultures and lifestyles. Apart from work, each of the firms gave me ample time to venture out and explore the cities and experience the culture, people, history and local cuisines. Along the way, I met many interesting people from across Europe with whom I had fruitful discussions on law, economics, politics, history and even music and movies. As a young Indian lawyer attempting to explore the field of technology laws, the Travelling Fellowship Program has helped me to understand and realise cutting edge technologies and the impact it has on the legal and regulatory regime.

I would like to start this report by expressing my gratitude and appreciation to the ITechLaw Association, members of the Jury and the sponsoring firms for providing me with this wonderful opportunity. Amongst others, I would like to personally thank Mr. Don McAleese (Matheson Ormsby Prentice), Mr. Fredrik Roos (Setterwalls), Dr. Ursula Widmer (Widmer & Partners), Dr. Wolfgang Büchner (Hogan Lovells), Dr. Axel Funk (CMS Hasche Sigle) and Mr. Bradley Joslove (Franklin) for making my stint interesting and memorable.

**Matheson Ormsby Prentice, Dublin (28 May, 2011 to 4 June, 2011)**

At MOP, I was given the opportunity to write an article on cloud computing and the potential legal and commercial risks involved (except the data protection implications). I wrote an article on the information technology laws in India and the recent changes to the limited data protection regime in India.

I had the opportunity to attend a training program conducted by the Public Affairs, Ireland. Public Affairs Ireland is an organisation that provides practically focused education and training programmes and publications for both the public and private sectors. The focus of the session was to introduce contract law principles to the Government employees in Ireland with a special focus on IT contracts and public procurement rules in Ireland.

In between I visited the Courts at Dublin and observed the Court proceedings at the High Court. In between, I was given time to visit the Guinness Storehouse and the Dublin Castle. During my stay, I also got to meet the business development team and the telecom partner at MOP and had useful discussions with them on Indian and Irish legal markets.

**Setterwalls, Goteborg (4 June, 2011 to 11 June, 2011)**

At Setterwalls, I got the opportunity to assist the IP and IT team in reviewing an IP due diligence report and an IP due diligence checklist. Later, I reviewed an IT outsourcing contract, which also involved asset purchases and gave comments from an Indian law perspective.

As part of my presentation titled 'Being a Lawyer in India' I covered the process involved in becoming a lawyer in India, Indian contract law and the best practices among law firms in India for marketing and dealing with competition. I followed it up by making another presentation titled 'What's Happening in Technology Media and Telecommunications (TMT) sector in India' and gave an overview of the TMT sector in India and the latest changes to the technology laws in India. Our colleagues in the Setterwalls TMT team at Stockholm and Malmo attended the presentation through video conferencing. During My stint at Setterwalls we made an interesting trip to the Southern Archipelago and the Liseberg, a nearby amusement park.

### **CMS Hasche Sigle, Stuttgart (11 June, 2011 to 18 June, 2011)**

At CMS I reviewed a software reseller agreement to identify the risks involved in it and proposed revisions to minimise the risks involved. I wrote a newsletter article on data protection laws in India and the recent changes to the Indian legal regime. I did the presentations on 'Being a Lawyer in India' and 'What's Happening in TMT sector in India' at CMS as well. I had interesting discussions with various lawyers on the new data protection cookie directive issued by the European Union.

During my stay in Stuttgart, Dr. Axel Funk and his family inviting me to his holiday home located (90 kilometres) outside Stuttgart. Dr. Axel Funk and his family were kind enough to take me around for some local sight seeing in and around the village. In between the internships, I also visited the Mercedes Benz museum and Porsche Museum in Stuttgart.

### **Dr. Widmer & Partners, Berne (18 June, 2011 to 25 June, 2011)**

Before I started the internship, Dr. Ursula Widmer and her husband were kind enough to take me around for a day trip to show me the beautiful snow-clad Alps, Swiss countryside and Interlaken. It was stunning one day trip and I was fortunate to see snow. It was a pleasure to see how the Swiss make cheese in real time. On another day, I also went hiking to experience the Alps.

At Widmer & Partners, I prepared a newsletter article on the latest changes to the information technology laws in India and its impact on outsourcing deals. I was given the opportunity to attend the annual general meeting of the Swiss-Indian Chamber of Commerce at Zurich. A presentation and a networking lunch followed. Here I got to meet many Indian and Swiss businessmen.

The next day, we did a client visit to Selectron Systems AG, an automation solutions provider for trains. I made a presentation on 'Doing Business in India' at Selectron. Following that, the management team of Selectron discussed with us, the hurdles that Swiss companies face while doing business in India.

Everyday, someone from the firm took me out for dinner and this gave me enough time to have fruitful discussions on various legal and non-legal topics ranging from net neutrality to Swiss Economy.

**Hogan Lovells, Munich (25 June, 2011 to 2 July, 2011)**

At Hogan Lovells, I drafted a memorandum on the law and procedure governing joint ventures in the telecom equipment-manufacturing sector. Additionally, the memorandum covered tax implications of joint ventures and permanent establishment issues under the double taxation avoidance agreement between India and Germany. Among other things, the memorandum explored other options available to foreign investors to do business in India.

I also got to understand the pre-liberalisation regulations governing the legal market in Germany and how German law firms dealt with competition from abroad.

I also drafted a model type agreement for development, manufacture and supply of set-top boxes under an existing framework agreement. Members of the IT and IP team took me out to see local attractions such as the Englischer Garten. On the last day of my internship, a small team party was thrown to bid farewell to me.

**Franklin, Paris (2 July, 2011 to 10 July, 2011)**

At Franklin, I got the opportunity to assist Mr. Bradley Joslove to draw up a corporate structure for starting a football academy in India. The intention was to create an efficient joint venture to run the football academy in India, by ensuring that our client's rights are protected.

As a part of the exercise, I researched on law relating to character merchandising and publicity rights in India. I also drafted three newsletter articles on the latest developments on the Indian foreign direct investment policy, IT laws and intermediary regulations in India.

During my stay in Paris, I also visited the local attractions such as the Eiffel Tower and Notre Dame. One day I had dinner at the famous Les Deux Magots, which was the meeting point for intellectuals and writers such as Jean-Paul Sartre and Ernest Hemingway. I also visited the Cinematheque Française and saw an exhibition on Stanley Kubrick movies.

After working at six of the best IT law firms in Europe, I got to know the different work styles and internal systems implemented in terms of knowledge and document management. As evident from my report, it was a splendid experience which, would not only make me a better lawyer, but also help me in becoming a responsible global citizen, uninhibited by narrow-mindedness of any sorts. I would like to conclude the report by conveying special thanks to Dr. Ursula Widmer and Dr. Axel Funk, the chair and co-chair, ITechLaw IVAP/TFA.