

# Technology Lawyer: What are the Upcoming Career Opportunities?

By Snigdha - June 21, 2018

Technology is always evolving. We did not have smartphones, artificial intelligence, cryptocurrency, big data or the likes of it two decades ago! The data privacy laws were in its nascent stage and now the European Union has come up with the General Data Protection Regulation (GDPR) and compliances in place.

As technology evolves, there are newer threats to security-data theft, privacy violations, intellectual property infringements, so on and so forth. Everything is connected to technology.

Imagine a life without internet. A life without your cherished YouTube videos and Google. I can tell you that I cannot fathom living without my smartphone and internet. I was recently rendered hapless in a situation where I was without electricity for two days, and even worse – intermittent access to wifi!

I was not able to work or do anything else for that matter. In those two days, I realised how dependent I was on technology. From my work to my entertainment and socialising, everything was being managed by that little device in my hand!

The situation made me question everything about my so-called technological dependence. I would look for my work-related research online and have about 20 tabs open simultaneously. I don't refer to physical books as much I should, rather I get their digital version online. From my reading, shopping, grocery to even commuting, I have come to rely on technology. It is a scary thought to be without internet.

However, it is not all bad. This dependence has also resulted in e-commerce websites and companies. Startups have made everything available to us from food, traveling, **online education**, books, household items, and everything else one can think of, through the beauty of the internet. We have retained the popular industries – only their nature of transactions have changed.

For us lawyers, technology has opened up a more expansive area of law: cyber and technology laws.

Thanks to the internet, both the reach and need for technology lawyers is far and wide.

### Need for Technology Lawyers

Technology is evolving much faster than the general public can comprehend. The downside of accessibility is the threat to security. Imagine your unique identification number is being linked to your bank account. Now you use your bank application or website for the digital transactions.

All your shopping websites are linked to your bank account, digitally. All the transactions have multiple checkpoints and securities. Now, what if the unique identification number's technology is sub-par or vulnerable? Forget data theft, your bank account can be under threat – your actual bank balance!

With these increasing vulnerabilities, laws get further complicated, as it has to catch up with the technology. So these technology companies rely on the lawyers with **specialised knowledge** to build their products with enough safeguards to avoid legal hassles.

Will a technology expert be a legal expert as well? No. Similarly, the technology lawyers are lawyers first who have a better grasp of technology than other lawyers. They may not be the technology experts, but as lawyers, they need to know the business to a certain depth. This understanding helps them sift through the laws and compliances thereof and make their policies and practices sound.

They sit with their technology team to understand their requirements and build contracts, intellectual property protection, data protection, fintech, amongst others around the same.

The technology lawyers help the individuals and organisations to understand the necessary safeguards and compliances to be maintained. Therefore, a good technology lawyer has to keep up with the technology.

## Upcoming Career Opportunities for Technology Lawyers

In today's world technology is an essential aspect of any organisation. Technology lawyers help facilitate the business and technical requirements of these organisations. Think of intellectual property protection, cloud computing contracts, software licensing, fintech and you will realise there

is a lot of varied work a technology lawyer has to do. This means more opportunities for them to find their niche in the industry.

- **In Law Firms**

Law firms offer a lot of varied work based on the team you're on intellectual property rights team, contracts team, regulatory and compliance teams, merger and acquisitions team and the likes. Some law firms like **Nishith Desai Associates have a specific team like Tech & Media**, while others are focused on startups related laws and regulations.

These lawyers will have to learn to specialise in Software License and Ownership Agreements, IT Services Agreements, Cloud Services Agreements, Software licensing agreement, etc. if they have to draft such contracts.

They have to be well-versed in technology, enough to understand their client's needs and possible requirements. No one is looking for a technology expert, they have come to a lawyer for their legal services. However, a technology lawyer who knows the industry parlance, as well as the possible vulnerabilities for the clients, is preferred.

Similarly, they need to know the information-technology laws, cyber laws to determine the jurisdiction, liabilities, confidentiality, data protection to be able to guide the clients through necessary protection.

The technology lawyers are needed for the various areas of intellectual property like domain names, trademarks, copyright, models and designs, patents, etc., telecom regulatory, trade practices, e-commerce, media and entertainment, pharma regulatory, and more!

For instance, a client is about to launch a product across the world and will need to set up a payment mechanism set up to facilitate that. So the technology lawyer will have to ascertain how the design, logo, name etc., of the product, can be protected.

S/He further has to analyse the jurisdiction, liability restrictions, most suitable payment mechanism and compliance thereof. Only, after these assessments can the lawyer apply for and procure the necessary copyright, trademark or patents and then move on to the licensing of the product, etc.

- **In Companies**

In-house counsels have to understand the requirements of not only the company but individual departments as well.

For a technology lawyer, it is imperative to understand the necessary protections needed from the research and development of a product to its licensing or sales and beyond.

The industries like heavy industry, life sciences, technology, media and press, telecom, FMCG, e-commerce, food, retail – all need in-house lawyers. Since these industries are evolving due to technological advancements, their lawyers need to keep up as well.

For instance, a new FMCG product like shampoo is being launched then there is research and development involved in the product. Once obtaining necessary approvals and clearing the different stages of checks, the product goes into manufacturing and then gradually to the markets for consumers.

At every stage, an in-house lawyer has to ensure that necessary compliances are being met right from R&D to trademarks, advertisements, manufacturing until the product lands in the hands of the consumers. Even after that, if there is a consumer complaint of any sorts with the product or an alleged comparative advertising, the in-house lawyer has to deal with them.

So the expertise of an in-house counsel, irrespective of their industry, cannot be limited. They have to know the business, industry knowledge over and above knowing the laws, how to draft contracts, applications, litigate and more.

Fintech like mobile banking, investing services and cryptocurrencies are the new way of transacting. The laws on cryptocurrencies in our country still needs to catch up, but globally there is a huge demand for legal experts in the area.

We now have AIs replacing lawyers around the globe, but the experience and expertise cannot be completely mechanical or automated any time soon. This is so because law remains largely about people who need assurances and a face to put their queries and concerns to.

Having said that in India AI is being used in companies to feed and sort data. Startups like LegitQuest and DartsIP use AI to sort through the case laws and give refined results. However, even they need lawyers to sift through the case laws and understand what is relevant and what is not!

The point is the technology may evolve, but the lawyers with specialised knowledge remain indispensable.

- **In Government Bodies**

The government departments and ministries need technology lawyers as well. For instance, a legal consultant with the Ministry of Information & Broadcasting would need to render a legal opinion on the issues coming before the Ministry, prepare comments for writ petitions, SLPs, PILs filed against the Ministry and assist the concerned Standing Counsel, draft and scrutinize counter affidavit, etc.

Considering the matters before the I&B ministry will be related to technology and media, it is a niche area to practise in for technology lawyers.

Think of the 2G Spectrum Scams and the Aadhar Case. You will realise that the government bodies also need specialised consultants to make their case. The whole debate around the regulations and net neutrality by the Telecom Regulatory Authority of India (TRAI) requires lawyers with sound knowledge of technology to take care of it.

- **In Litigation**

We talked about cyber crimes like data thefts, but with the rise in social media and applications, the vulnerabilities have increased. The detailed analysis of cyber crimes is available [here](#). The dependence on technology has increased the intermediary liabilities and led to credit card theft, identity theft, privacy issues, bank frauds and many other cyber crimes.

There is a need for technology lawyers who appear in these matters before the courts and other forums. They are the pioneers fighting to get the information technology laws, privacy laws and cyber laws up to speed with the world!

These lawyers need to be experts who understand and help bridge the gaps between the outdated laws and ever-evolving technology. They have to find room in the existing laws to help fight cases like

**Shreya Singhal V. Union of India** (laid down the ratio – Sec. 66A of the IT Act is unconstitutional) which redefined the intermediary liability.

In the recent Aadhar case, privacy issues were raised as were the technological vulnerabilities brought forth by the print media- *The Tribune*, which highlighted the fact that Aadhar data was extremely vulnerable. While the UIDAI denied having any breach, it brought forth the technological issues even the statutory government bodies may face.

Let's take social media as an example. People may share pornographic content or harass or threaten others. Based on the gravity of the issues, the victims of such cyber crimes may approach the relevant authorities like Cyber Crime Cells to register their complaints. There are organisations which help with **cyber crimes complaint registration** and a network of lawyers who offer advice to the victims.

The technology lawyers in litigation have to deal with such varied cases and also be able to understand the ongoing technical challenges in addition to the limitations of the laws. They are the ones learning and helping in the interpretation of laws in the courts. They need to learn and understand the client's requirements and assist the courts to understand the changing interpretations of the laws and the need of the hour.

In a world driven by technology for its progress, we will never be done. The technology is still changing as we speak. We have a Tesla floating about in the outer space, sent there in a rocket! We can never be certain where technology may take us next. So we can only anticipate the laws needed to support those changes.

While law usually has to catch up to the technology one thing is certain – endless possibilities for technology lawyers are coming.

So, keep updating yourselves!