

L E X
WITNESS
IT Legal
Summit 2013

24th May 2013
Hotel MÖVENPICK
Bengaluru

Software Patents
Technology Contracts
Data Protection
Data Privacy
Patent Valuation
Patent Litigation
Software Licensing
Liability Clauses
Termination Clauses
Indemnity Clause
Lucrative Damages
Negotiating IP Indemnification
Technical and Legal Warranty
Technology Contract Negotiation
Data Breach Enforcement
Negotiating Governing Law

Fraternity Partners



Supporting Partners





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Summit Concept

Prevailing global trends present new opportunities and risks that will reshape technology industry landscape. With changing state of Technology a new set of legal challenges emerge from new data privacy and protection law, changing business models, social networking, instant messaging and cloud computing.

With changing state of play there is an increasing drive towards operational efficiencies and embracing new business models to offer customers a transformed business proposition such as transaction-based pricing.

As tech solutions, service providers and tech customers ready themselves for next set of business opportunities; **Lex Witness presents IT Legal Summit**, which takes place on **24th May in Bangalore** for an in-depth discussion and knowledge sharing on three vital aspects, which affect your business.

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Data Privacy and Protection

A comprehensive data protection legislation that seeks to install a data protection regime covering both personal and data privacy is in the pipeline in India. However as technology continues to develop fast, laws are bound to become out dated leaving a grey area for interpretation for employers, consumers, legislators and regulators.

Dealing with contracts is complex; they commit your company. As such, if something goes wrong, consequences can be dramatic. Corporate Counsels dealing with IT and Technology contracts have to deal with contracts which may vary from software licenses to complex multi-jurisdictional outsourcing.

Moreover, data privacy and protection laws in India, current as well as proposed and for other countries differ. As changing global law on the topic, increasing cross-border data flows, managing organisational data has never been more critical to legal teams than now.

Contract Management

IT contracts are particularly susceptible to problems as software development or implementation can be difficult to predict and results are not always as an IT supplier or IT customer may have expected. Typically, IT contracts go wrong because of a mixture of changes in specifications, unmet customer expectations, project delays and increased budgets. Besides Technology, contracts often involve complex negotiations over service levels, IP Ownership, price adjustment mechanism, disclaimers, indemnification obligations, and limitations of liability, which may be further, complicated due to cross-border agreements.

Cloud computing and software as a service (SaaS) and infrastructure as a service (IaaS) provide new commercial and legal challenges both to implementing and inking tech deals. These are quite different from standards of traditional IT services agreements.

Intellectual Property Rights

Software patents and how they are perceived to impact on innovation is one of the most debated topics after the recent high smart phone "patent war." In addition, a general rule software patents are obtained by a few large firms in the software industry or in other industries, and the risk of litigation from software patents continues to increase dramatically.

Software patents present significant challenges to app and software developers. Different jurisdictions have different standards for allow ability of software patents, and these standards continue to evolve. How could this impact on your business? Moreover, amongst the large Indian software exporters there is a concentrated effort to file for patents. As IT companies try to earn more with fewer employees as cloud computing alters the future of traditional information technology (IT) outsourcing with a pay-per-use or subscription model.

Summit Agenda

09.30 – 09.40 - Opening Remarks

09.40 – 10.00 - Platinum Partner Presentation

Data Privacy & Data Protection:

With rapid developments in technology, data collection, data usage and evolution of storage capability such as cloud services, even seasoned lawyers need to constantly follow and understand implications of new and upcoming legal and regulatory developments and advise internal task or working groups on data privacy and protection on impact and follow up actions for their organisation.

A comprehensive data protection legislation that seeks to install a data protection regime covering both personal and data privacy is in the pipeline in India. However as technology continues to develop fast, laws are bound to become out dated leaving a grey area for interpretation for employers, consumers, legislators and regulators. Moreover data privacy and protection laws in India, current as well as proposed and for other countries differ. As changing global law on the topic, increasing cross-border data flows, managing organisational data has never been more critical to legal teams then now. This panel discussion will focus on;

10.00 – 11.00 - Data Privacy & Data Protection: Regulations & Organisational Strategy

- Implication of new and upcoming data privacy and data protection regulations in India, North America, UK, South Africa & Impact of the European data protection regulation
- Confidentiality period and data privacy
- What are the legal challenges around data protection for Cloud Computing?
- Current Trends in cross border data transfer agreements
- Enforcement and sanctions - present and future concerns
- How do you empower your data protection and information security program through facilitated policy development?
- What are the best practices for framing policies of the organisation & the contracts for employees with relevance to current Indian and International privacy Laws?

11.00 - 11.30 - Networking Break

11.30 – 12.30 - Privacy & Data Protection: Legal and Organisational Risk Management

- Mitigate your company's exposure to data protection breaches and improve your security
- What are the evolving legal risks of data breaches?
- Legal perspective for dealing with data breach, unintentional information disclosure, data leak and data spill
 - Analysing what are your legal obligations during data breach?
 - What is the data breach legislation that impacts your organisations?
 - Cross Border Data Breach Enforcement Actions
 - Contractual elements

Negotiating and Drafting IT and Technology Contracts

Dealing with contracts is complex; they commit your company. As such, if something goes wrong, consequences can be dramatic. Corporate Counsels dealing with IT and Technology

contracts have to deal with contracts which may vary from software licenses to complex multi-jurisdictional outsourcing.

IT contracts are particularly susceptible to problems as software development or implementation can be difficult to predict and results are not always as an IT supplier or IT customer may have expected. Typically, IT contracts go wrong because of a mixture of changes in specifications, unmet customer expectations, project delays and increased budgets. Besides Technology contracts often involve complex negotiations over service levels, IP Ownership, price adjustment mechanism, disclaimers, indemnification obligations, and limitations of liability which may be further complicated due to cross-border arrangements.

12.30 – 13.00 - Drafting & Negotiating Technology and Technology Service Contracts

- How can counsel for purchasers and vendors entering IT contracts best mitigate risk when drafting and negotiating agreements?
- What are the most commonly disputed issues during IT contract negotiations and what are some effective strategies for resolving them?

13.00 – 14.00 - Networking Lunch

14.00 – 15.15 - Doing National and Cross Border IT Contracts & IT Acquisitions

The discussions are intended to scan the following areas:

- The Drivers
- Translating business synergies in to workable contracts
- The Salient Differentiation of Domestic from Overseas Contracts.
- Negotiation Skills - how different from home turf is the turf abroad?
- Dependency Factors
- Managing Change of Control triggers
- Tests of enforceability
- Limitation of Liability
- Dispute Resolution

15.15 – 16.00 Panel Discussion - New Paradigm for IT and Technology Contracts

Cloud computing and software as a service (SaaS) and infrastructure as a service (IaaS) provide new commercial and legal challenges both to implementing and inking tech deals. These are quite different from standards of traditional IT services arrangements.

- Rethinking sourcing and other IT transaction processes.
- Structuring and negotiating contracts for pay-as-you-go utility pricing regimes
- Restructuring commercial and contracting models for on demand services
- Limitations and liabilities,
- Risk Mitigation
- Service levels and credits.
- Governance and Legal Risk management in a multi-vendor IT environment

16.00– 16.30 - Networking Break

IPR, Patents, Copyrights and Licensing

16.30 – 17.30 - IPR - Copyrights and Patents

Software patents and how they are perceived to impact on innovation is one of the most debated topics after the recent high smartphone "patent war". And a general rule; software patents are obtained by a few large firms in the software industry and the risk of litigation from software patents continues to increase dramatically.

Software patents present significant challenges to app and software developers. Different jurisdictions have different standards for allow ability of software patents, and these standards continue to evolve. How could this impact on your business? And amongst the large Indian software exporters there is a concentrated effort to file for patents. As IT companies try to earn more with fewer employees as cloud computing alters the future of traditional information technology (IT) outsourcing with a pay-per-use or subscription model.

- What is protected by software patents versus software copyrights
- Types of software inventions that can be covered by patents and copyrights
- Patent Valuation - measuring monetary value of your intellectual property
- Rights and advantages associated with protecting software IP
- Protecting your software in different countries – how to?
- Is it useful getting it patented because of rapid growing technology?
- Till what extent patent is feasible and when does over patent happen?
- Patent Litigations – case study on different jurisdiction
- Utility Patents

17.30 – 18.00 - Licensing Agreements

- Software licensing and open source issues
- Source code issues
- Infringement
- Transfer/Assignment
- Representations, warranties and indemnification
- Revenue sharing and auditing
- Training and support

18.00 - Summit Conclusion



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Invited & Confirmed Speakers

Akhilesh Chandra Srivastava, IP Creation Lead, Corporate IPR Group (CIG), Tata Consultancy Services

Anindya Sircar, AVP and Head of IP Cell, Infosys

Anubhav Kapoor, General Counsel and Company Secretary, Tata Technologies Limited

Atanu Sarkar, Chief Legal Officer, Tech Mahindra Limited

Bhagwant Bhargave, Head Legal, Mastek Ltd.

Bharat Mehta, VP, General Counsel and Ethics & Compliance Officer, Capgemini India

Bhavani Padmanabhan, Director – Legal, Dell Computer India Pvt. Ltd.

G.V. Vadyanathan, Head Legal, Tata Elxsi Ltd

G.V. Anand Bhushan, General Counsel, Cognizant Technology Solutions India

Gopi Krishnan, General Counsel, IBM India Limited

Madhav Anchan, Head Legal, Tata Consultancy Services (TCS)

Manish Shah, Legal Counsel, Yahoo Software Development India Pvt Ltd

Milind Kulabkar, Associate Director - Legal & Company Secretary, Cognizant Technology Solutions

Minni Katariya, Head Legal & Company Secretary, Moser Baer India Ltd.

Shyamkumar Kudari, Attorney (Legal and Corporate Affairs), Microsoft India

Mrigank Sharma, Senior Attorney & Director Legal & Corporate Affairs, Microsoft Corporation (India)

Mukund Srinath, Sr. Vice President - Legal & Company Secretary, iGATE Global Solutions

Mysore Prassanna, Independent Consultant

Rajeev Nair, Director, Country Counsel – India, Hewlett-Packard India Pvt. Ltd

Rajesh Singh, Head Contracts, Capgemini

Rama Padmanabhan, General Counsel, CISCO Systems India Pvt. Ltd.

Ravi Raman, COO, InfraHedge Ltd

Shivanand R. Shettigar, Company Secretary and Head - Legal & Compliance, 3I Infotech

Suman Ghose Hazra, General Counsel, HCL Infosystems Ltd.

Sunil Joglekar, G. M. Legal and Company Secretary, Ingram Micro India (P) Ltd

Thirumalesh Gangappa, India Counsel, Google India Pvt. Ltd.

Thomas Thoppil, Sr. Director & Region Legal Counsel, HP

Vineet Vij, Head of Legal, HCL Technologies Ltd.

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Who Should Attend?

- Software Developers
- Apps Developers
- Technology Service Providers
- Cloud Solution Providers
- Social Media
- Web Portals
- Mobile Business
- Security Software & Services
- Networking & Communication Devices
- Data Storage Devices
- Computer Peripherals
- Law Firms
- Corporate Counsel
- Company Secretary
- Head – Contracts
- Head – Legal
- Head - IT
- Chief Information Officer
- Chief Technology Officer
- IT Director
- Chief Performance Officer
- Chief Privacy Officer
- ICT Director
- Chief Executive Officer
- Chief Financial Officer
- Chief Operating Officer
- Managing Director
- Head – Compliance
- Head IPR
- Head – Corporate Affairs
- Head – Operations
- Head – Regulatory Affairs
- Law Firm Partners
- Individual Practitioners
- App Developers

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**Get
Involved**

**Summit Architect
& Speaker Opportunities**

Abidali Dossa
Abid@WitnessLive.in | 09702849915

Bhupinder Kaur
Bhupinder@WitnessLive.in | 09654155065

**Sponsorship Opportunities
& Delegate Registrations**

Bhupinder Kaur
Bhupinder@WitnessLive.in | 09654155065

Neelima Maheshwari
Neelima@WitnessLive.in | 08800841600

Vandana Tulwani
Vandana@WitnessLive.in | 09958154409

Strategic Alliances & Partnerships

Akshay Alagh
Akshay@WitnessLive.in | 09899332111

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Registration Form

Yes! I/We will attend the ITLS 2013
on 24th May 2013, Hotel MÖVENPICK, Bengaluru

Please send in completed form by email
to itls2013@witnesslive.in

1st Delegate

Name: Dr/Mr/Ms _____
Designation: _____
Department: _____
Company: _____
Contact No: _____ Email ID: _____

2nd Delegate

Name: Dr/Mr/Ms _____
Designation: _____
Department: _____
Company: _____
Contact No: _____ Email ID: _____

3rd Delegate

Name: Dr/Mr/Ms _____
Designation: _____
Department: _____
Company: _____
Contact No: _____ Email ID: _____

Authorised Signatory

Name: _____
Designation: _____ Department: _____
Telephone: _____ Email ID: _____
Fax No: _____
Signature: _____

Please tick:

- I enclose my Cheque/Draft payable to SriGro Interactive Pvt. Ltd.
 I am paying by bank transfer (details mentioned alongside)
I cannot attend this event but,
 I would like to purchase the Conference Documentation @ INR 3,000 (taxes extra as applicable)
 Please add me on your mailing list

Disclaimer:

The personal information shown on this form, and/or provided by you, will be held on a database which will not be shared with other companies in India and internationally. Occasionally your details may be obtained from, or made available to, external companies who wish to communicate with you related to your business activities. This program is a non-residential program and all fees are exclusive of taxes.

Registration Fees

FOR CORPORATES

- 1 Delegate - INR 10,000
- 2 Delegates - INR 18,000
- 3 Delegates - INR 24,000
- 4 or more - INR 7,500 per delegate

FOR LAW FIRMS

- 1 Delegate - INR 12,000
- 2 Delegates - INR 20,000
- 3 Delegates - INR 27,000

Taxes Extra as Applicable
ST. No. AANCS5355ESD005

Payment Details

Payment by INR bank draft or cheque
should be made in favour of
"SriGro Interactive Pvt. Ltd."
Addressed to:
Mr. Akshay Alagh
SriGro Interactive Pvt. Ltd.
B-1/6, LGF, Hauz Khas
New Delhi - 110016
Tel: 011-43440000 Fax: 011-43440099

Bank Transfer Details

A/C Name: SriGro Interactive Pvt. Ltd.
PAN No.: AANCS-5355-E
Bank Name: The Royal Bank of
Scotland
Bank Branch: R-67, Greater Kailash-1,
New Delhi-11008
MICR Code: 110030009
Account Type: Current Account
Account Number: 1596882

Terms & Conditions

Attendance will only be permitted upon receipt of full payment. Cancellations received before May 10, 2013 will be refunded less INR 3000, administration fee. Thereafter, cancellations are not refundable. Participants may be substituted at any time. In case the event gets postponed or cancelled due to unforeseen circumstances, payments will be credited to a future event organized. Delegates will receive a credit note valid for 1 year to participate in any future events organized. It may be necessary for reasons beyond the control of the organizer to alter content and the event date or location or the identity of speakers.