
Technology, media and telecommunications

Technology, media and telecommunications (TMT) is one of the fastest-developing sectors of the legal market. The constant evolution of technology pushes legal boundaries and begs for the development of precedents. TMT lawyers advise on market developments, regulatory changes, legislation and commercial and technical issues. Outsourcing continues to be a particularly hot topic.

Few other areas of commercial law have seen the likes of the headline-grabbing legal battles that have dominated the TMT sector in recent years. As high-tech firms duke it out in the so-called ‘smartphone wars’, desperate to secure supremacy in the lucrative mobile market, corporate giants such as Apple, Samsung, Microsoft and Google have seen their names – and often those of their legal advisers – splashed across broadsheets and tabloids alike.

Of course, not all TMT cases will make the papers – far from it – but advances in technology inevitably bring with them thorny new issues, particularly in today’s modern global marketplace. This not only helps to keep things interesting, but also means that in order to thrive in this sector, you will need a certain degree of latitude in your legal thinking.

“It can be quite mind-boggling in a way,” says Guy Wilmot, a partner in the corporate and commercial team at Russell-Cooke LLP. “If you like clear answers, then it’s probably not the sector or seat for you – the reason being that it’s a new area of law and in many cases there isn’t a lot of case law. That creates a lot of uncertainty in so many areas. There is a lot of uncertainty about whether things are regulated at all and, internationally, regarding which jurisdiction’s rules apply. People are very much feeling their way, and as soon as it seems like one conundrum has

been resolved, the world has moved on and there is a new problem. So if you struggle to deal with ambiguity, it’s not a good area to go into.”

On the other hand, Guy suggests that this is the ideal field to consider if you are seeking a lot of variety, both in the kinds of briefs you will be handling day to day and in the business sectors you will be working in. Much of his time is spent in meetings with clients, especially those whose businesses are in the early stages of development and require a little more attention than others; but he also deals with a lot of drafting and researches potential issues arising from clients’ business strategies.

One of the more interesting issues he recently explored concerned collaborative consumption and the sharing of assets. “We were acting for clients in the vehicle and homes space, where people were offering assets to share,” he explains. “There were questions about how much you were liable if you shared your car with someone, or if you shared your home or a parking space outside it. It is very much an emerging and unclear area of law; it was a fascinating time.”

Trainees can expect to get stuck in right from the outset, particularly at Russell-Cooke. They will be given research tasks involving data protection, trademarks, software copyrights and other data issues, but there will also be a lot of client-focused matters to take care of, such as preparing non-disclosure agreements, attending meetings and helping out on bigger deals and transactions.

Guy is also quick to point out that while the sector offers plenty of variety and scope for legal creativity, there is still a heavy corporate and commercial element. In fact, he carved out a niche in the sector through his experiences in the corporate and commercial



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seat of his training contract at Russell-Cooke; he qualified into the group and his practice has become increasingly specialised ever since, as the need for TMT experts has intensified. "It's definitely a growth area, as it is one sector of the economy that is really booming," he explains.

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And this growth shows no signs of slowing down, as new and existing businesses push the envelopes of innovation in their application of emerging technologies to their operations. Going forward, quite a few of the key issues that TMT lawyers will have to get to grips with are likely to have their roots in EU law. The European Commission is looking at reforming data protection regulations, with warnings that proposed changes could spark a 'trade war' with the United States, while other prospective issues such as the common sales law will also have an impact.

"There are a lot of initiatives coming out of Europe at the moment," Guy elaborates. "Many of them are trying to resolve the fact that business is done internationally, but the laws governing it are regulated on a national level. So there are going to be a lot more international agreements and the EU is leading the way in terms of trying to harmonise the way that countries deal with things like data, intellectual property and so on across different jurisdictions."

The breakneck pace at which technology develops makes it essential that both those involved in the sector and those considering it as area of future interest keep up with developments, advises Guy. "While you

obviously have to know your law as well, it is very important to stay on top of what is going on," he says. "It is absolutely vital to have a good understanding of the news and events in order to be able to advise your clients." One resource which he recommends in particular is the Society for Computers and Law (SCL) – he suggests that that it would certainly impress at interview if applicants could demonstrate a working knowledge of what is happening in the TMT world and this is a great place to start. (He also points out that the SCL offers a reduced-rate academic subscription for graduate students.)

More generally, Guy warns that too many candidates these days are coming to training contract interviews with very similar, prepared answers to questions; he believes that those who can demonstrate more individuality have a better chance of standing out and advancing their careers. "Don't over-prepare, is the message," he concludes. "Or prepare in a different way. Don't prepare stock answers to questions; prepare to talk freely about how you think, and about your reasons for wanting to do law and for wanting to join the firm in question."