

An abstract graphic featuring a glowing blue globe with a network of lines and dots overlaid on it. The globe is set against a dark blue background with a grid pattern. The entire graphic is framed by a large, light blue triangle that points towards the right. The triangle's edges are defined by thin, light blue lines. The overall design is modern and technological.

TECHNOLOGY, MEDIA & TELECOMMUNICATIONS

The team is ranked “*highly in giving solid and correct legal advice, the level of detail in contracts, and the proactive engagements even in instances where briefing is minimal. I always obtain valuable feedback from CDH.*”

CHAMBERS GLOBAL 2022

PRACTICE OVERVIEW

With over 80 years’ combined experience in the sector, our Technology, Media and Telecommunications (TMT) practice has the specialist industry know-how that allows us to deliver practical legal advice and commercial solutions across a broad range of TMT services.

Our team has an in-depth understanding of the full range of technology and sourcing, media, telecommunications, broadcasting and entertainment industries. We have an impressive and diverse client base, who benefit from our ability to provide advice and solutions on all legal and policy issues pertaining to these constantly evolving sectors.

Cliffe Dekker Hofmeyr’s (CDH) specialist TMT practice was founded in the early 1990’s and was one of the first of its kind established in South Africa. It remains one of the most formidable as it stays abreast of changes and challenges which emanate from a diverse Information and Communication Technology

(ICT) landscape. Our deep understanding of these often complex and converging sectors means you can depend on our expert legal advice and guidance to sustain your competitive business advantage.

As well as offering technical quality, we understand the intrinsic business and commercial drivers and constraints of both suppliers and customers. We work with some of the world’s leading technology and communications companies, infrastructure providers and network operators, financial institutions, internet service providers and e-commerce enterprises, as well as government departments and regulatory authorities. Our work ranges from structuring, negotiating and implementing complex sourcing and strategic alliances to advising on cybersecurity, Big Data and data management and security.

A number of industry awards recognise our TMT practice as a market leader in South Africa.



Clients report the team to be *"thorough, articulate, prompt"* and praised its *"world-class legal standards."*

CHAMBERS GLOBAL 2020

The firm was highlighted for its *"high-level service,"* and: *"We have a strong partnership and they understand our context as well as the industry."*

CHAMBERS GLOBAL 2019

ABOUT CLIFFE DEKKER HOFMEYR

We are a leading business law firm in South Africa and Kenya with a strong national presence in Johannesburg, Cape Town, Nairobi and Stellenbosch.



Full Service Business Solutions

Our legal advice covers the complete spectrum of business legal needs.



Our Africa Practice

Our Africa service offering brings together the resources and expertise of leading law firms across the continent. This experience and geographic spread produce an extensive African capability. We offer our clients a genuine knowledge-based service at locally competitive rates.



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We Prioritise Efficiency

We manage, apply and share our considerable knowledge assets for the benefit of our clients through continuous skills training. We keep clients informed on regulation developments through seminars, our Matters newsletters and regular alerts.



OUR SERVICES

We have a strong track record in advising clients on all issues pertaining to data protection. We are able to assist with advice and with compiling policies for compliance with POPI and with developing data management strategies.

ICT and Outsourcing

We have one of the largest specialist ICT and Outsourcing legal teams in South Africa. Our reputation as a leader in this sector is built on many years of proven experience dealing with complex technology and outsourcing arrangements and the associated service levels.

We deliver strategic industry insight. We have extensive and wide-ranging sector experience and have an in-depth understanding of the ICT and outsourcing landscapes. We understand the business requirements and technology drivers; and we know how to apply regulatory compliance to maximise business and technical outcomes.

We have proven experience and are recognised for the quality of our service. We represent domestic and international clients across a wide range of industry sectors. We work with a large number of financial institutions, and we advise government departments and state-owned entities.

We act for both providers and recipients of ICT and outsourcing products and services.

Clients benefit from our focus on the entire operating model, with an emphasis on the critical integration issues that exist in any multi-vendor environment. Our support for sourcing and technology transactions continues beyond the initial transaction. We advise our clients on successfully managing long-term relationships with suppliers, implementing sustainable governance models and resolving disputes. A focus on post-transaction execution enables our clients to optimise the arrangement and achieve value and cost-savings.

The team is praised for providing
"world-class legal service."

CHAMBERS GLOBAL 2021

OUR SERVICES

Fintech

Our team also has strong expertise in advising on the implementation of payment systems/products, outsourcing, software development and licensing, commercial joint venture arrangements, cloud-based arrangements, commercialisation of intellectual property, agency and distribution agreements, technology transfers and general commercial and procurement contracts as they relate to the fintech sector.

Data Protection and Privacy

CDH's Data Protection and Privacy group is a dedicated, multidisciplinary team of lawyers with specialist knowledge of the Protection of Personal Information Act, No 4 of 2013 (POPI), the EU General Data Protection Directive (GDPR) and expertise in every aspect of privacy of information and data protection.

Our Data Protection and Privacy team is the largest of its kind in South Africa. The team is composed of lawyers from across our firm's practice areas who are equipped to advise clients on the practical implications of POPI and, where relevant, the GDPR. These implications include addressing privacy and data protection requirements under the new legislation.

Our team's specialist know-how means that we combine practical experience with our technical knowledge of data retention and protection, data security, data transfer, privacy, confidentiality and freedom of information.

Our client base spans many industries and sectors, and we are able to offer bespoke solutions to our clients' specific situations and business environments.

International Scope, Local Expertise

Our Data Protection and Privacy group is unique because we draw on international experience in the field of information and data protection when partnering with clients. Our close-knit relationship with various international firms gives us immediate access to an international group of lawyers with expert knowledge and practical experience of international information law. Borders are no barrier to our firm providing sophisticated, highly practical information and legal advice for clients. We constantly stay abreast of international trends, precedents and developments.

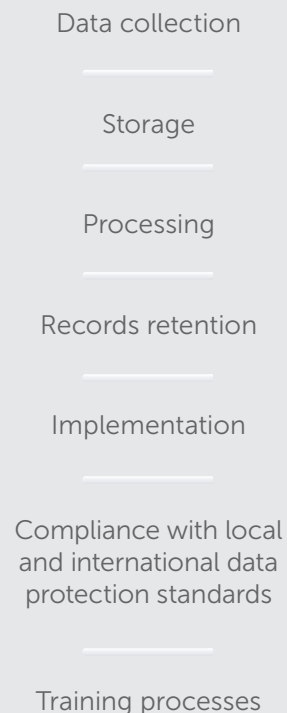
Our team's in-depth knowledge of international privacy laws, means we are well equipped to interpret and provide recommendations on the practical application of these laws, including, in particular the GDPR in the African context. Increasingly, we have advised clients who require it, a scalable, practical way to ensure compliance with local and international data protection.

"Their knowledge and understanding of IT is second to none."

CHAMBERS GLOBAL 2020

OUR SERVICES...continued

We also assess and analyse current data management policies and procedures to gauge the current level of compliance with POPI in:



We advise clients on implementation of the legal requirements of proposed laws and legislation in force with a focus on a compliance matrix that enables scalability. We also provide training to clients on effective data management and advise on managing risk and security. In particular, we are able to assist clients in dealing effectively with data breaches and data response plans.

Telecommunications

The telecommunications industry is complex and dynamic.

Our specialist lawyers have an in-depth understanding of the policy and regulatory environment and have been involved in almost all of the key South African policy, legislative and regulatory initiatives. We have a proven track record, having assisted a number of international and local operators with their licensing, commercial contracting and compliance requirements.

Telecommunications Services

- Licensing and compliance advice and assistance with regulatory processes
- Licence applications and authorisations
- Strategic advice and advocacy on policy, legislative and regulatory initiatives
- Radio Frequency Spectrum licensing and policy and satellite transponder leasing and service-level agreements
- Interconnection, facilities leasing and access arrangements, peering and transit arrangements, co-location, roaming, number porting, type approval, carrier selection and wholesale service offerings
- Network infrastructure building and rollout, including construction and infrastructure agreements, sale and leaseback agreements
- Access to rights of way, underground conduits, antennae towers, utility poles and other facilities
- Service agreements, including network service agreements, service-level agreements, reseller, channel and mobile virtual network operator arrangements.
- Regulatory support in respect of mergers and acquisitions, joint ventures, restructuring and financing arrangements as well as advice on securing regulatory and competition law clearances in the sector

OUR SERVICES...continued

Broadcasting, Media and Entertainment

The broadcasting, media and entertainment industry has in recent years been subjected to disruptive change.

Traditional print media and broadcasting have, to a large extent, been usurped by digital and on-demand platforms. Increasingly, businesses are focusing on delivering content to consumers on an on-demand basis over multiple platforms to multiple devices. Social media and other digital platforms are being harnessed to communicate directly with consumers. This fast-paced and ever-changing environment is filled with opportunity and our team has the in-depth experience and knowledge to advise on a wide range of emergent issues endemic to this new landscape – piracy, cybercrime, platform/ social media liability, data protection and consumer privacy.

Broadcasting, Media and Entertainment Services

- Strategic advice, representation and advocacy on policy, legislative and regulatory initiatives in the broadcasting, media and entertainment sectors, including foreign ownership, freedom of expression, competition and copyright
- Regulatory compliance advice
- Broadcasting licence applications and authorisations
- Radio Frequency Spectrum licensing and policy and satellite transponder leasing and service-level agreements
- Applications, modifications and renewals of spectrum licences and other radio approvals
- Advice on compliance with industry codes of practice
- Licensing and distribution agreements for all platforms, including transactional video on demand, pay television, subscription video on demand, free television and libraries
- Script development agreements, director and talent agreements, presenter agreements, production agreements and format licensing agreements
- Film option agreements, pre-sale agreements and film financing and securitisation arrangements
- Advertising, sponsorship and barter arrangements, as well as advertising and promotional compliance and contracting
- Publishing agreements
- Regulatory support in respect of mergers and acquisitions, joint ventures, restructuring and financing arrangements as well as advice on securing regulatory and competition law clearances in the broadcasting, media and entertainment sector
- Promotional competition compliance requirements
- Advice on piracy, cybercrime, platform/ social media liability, data protection, consumer privacy and protection

OUR SERVICES...continued

Other Services

Cybersecurity

Our team has been tracking the developments in cybersecurity and cybercrime policy responses in South Africa since the inception of the policy and legislative frameworks. We work in a cross disciplinary manner with technical Information Technology experts and forensic lawyers to assist our clients understand the risks, develop response plans and ensure compliance with the dictates of legislation. We offer training and advisory services tailored to client's needs.

Consumer Protection

We have advised clients on matters relating to consumer protection and ensuring compliance with the legislative framework.

Social Media

We assist clients in navigating the opportunities and perils of social media for their businesses and ensure that the correct policies are developed for our clients to manage this dynamic area of law and business.

Advisory and Training

Staying up to date to retain a competitive edge and efficiency requires constant knowledge management and information gathering regarding trends and best practice.

To complement its legal and policy skills, our TMT team has a solid corporate background with an in-depth understanding of client needs.

Based on a philosophy grounded in the values of partnership and growth, this team also offers advisory services in legal and regulatory strategy, planning and execution as well as stakeholder management and engagement.

Advisory and Training Services



Training and customised workshops on all areas of law pertaining to the industry and the sector

Development of compliance matrixes

Implementation of compliance and reporting structures

Administration of contract and rights management

Strategic planning and workshops

Stakeholder management and engagement strategies

Legal and regulatory organisational optimisation

Publication of legislative and policy updates and developments

OUR SERVICES...continued

Broad Expertise

Our team can offer you advice on a wide range of functions and sector-related issues including: ICT infrastructure; software licensing, distribution, integration and development; services integration and aggregation; contract management; off-shoring; procurement; business processing; technology turnkey solutions; e-commerce; software and technology-related intellectual property issues; data privacy; cloud service solutions; and information security.

Full Service Legal Advice

We can support the full scope of projects in which you may be engaged, from conception through to conclusion.

Our team has the support of CDH's full service business practices to give you expert input on related issues such as intellectual property, black economic empowerment, employment, tax, administrative and competition law implications.

Across Borders

We have been engaged in transactions in sub-Saharan, Kenya and West Africa, and in Europe. We are able to project manage your IT and outsourcing requirements on a worldwide basis.

MARKET RECOGNITION

Our Technology, Media & Telecommunications team is externally praised for its depth of resources, capabilities and experience.

Chambers Global 2011–2023 ranked our practice in Band 1 for IT & Telecommunications.

Chambers FinTech 2019–2022 ranked our FinTech sector in Band 1.

The way we support and interact with our clients attracts significant external recognition.

Chambers Global 2021–2023 ranked **Shem Otanga** as “Up & Coming” for Intellectual Property. From 2019–2021 he was ranked as “Lawyer to watch” for Intellectual Property. *World Trademark Review 1000 2018–2020* (Kenya) ranked Shem as a recommended Individual.

The Legal 500 EMEA 2022–2023 recommended **Njeri Wagacha** for employment.

The Legal 500 EMEA 2023 recommends Njeri for corporate, commercial/M&A.



OUR TEAM

For more information about our Technology, Media & Telecommunications practice and services in South Africa and Kenya, please contact:



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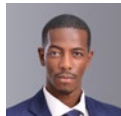
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BBBEE STATUS: LEVEL ONE CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

PLEASE NOTE

This information is published for general information purposes and is not intended to constitute legal advice. Specialist legal advice should always be sought in relation to any particular situation. Cliffe Dekker Hofmeyr will accept no responsibility for any actions taken or not taken on the basis of this publication.

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