Technology, Media & Telecommunications

Technologies, media and telecommunications are the fastest growing market in today’s world. With the rapid development of this market, the main success factor is the ability to quickly adapt to changes.

For many years, GRATA International’s Technology, Media and Telecommunications team has been providing legal support to clients operating in this complex and rapidly changing market. Our ability to adapt to the market requirements allows us to accumulate unique practical experience in implementing projects in the area of new technologies, media and telecommunications. Our clients trust us, because we can find practical solutions and always try to be as effective as possible. Another strong point of our team is the presence in almost twenty countries, which enables us to successfully implement complex transborder projects.

Our clients include large Kazakhstani and international technology companies, Internet companies, media, search engines, service aggregators and marketplaces, hardware and software manufacturers, telecommunications companies, mobile and fixed line operators, cable TV operators, and many others. We advise in the area of legal regulation and structuring of activities, marketing and advertising, taxation, including international taxation, protection of intellectual property, administrative regulation of business and relations with state authorities, personal data protection, and also effectively represent our clients in commercial disputes.

The high quality of GRATA International services and recognition by our clients is supported by the ratings of such respectable international publications, such as The Legal 500 and Asialaw Profiles.

What we offer:

- Legal structuring of projects in the area of technologies, media and communications;
- Advising on legislative regulation of activities and administrative regulation of business;
- Obtaining licenses and permits;
- Development of all types of commercial contracts;
- Advising on protection of intellectual property and personal data, including the cross-border transfer thereof;
- Advising on tax, corporate, labour and other law aspects related to activities in the area of technology, media and communications;
- Support of projects on acquisition of companies, mergers and acquisitions;
- Representation of clients in courts and other services.
References

- China Telecom

**Practice areas**

COMMERCIAL CONTRACTS, ANTITRUST AND COMPETITION, CORPORATE AND M&A, DATA PROTECTION & PRIVACY, DISPUTE RESOLUTION, EMPLOYMENT, FINANCE AND SECURITIES, INTELLECTUAL PROPERTY, CUSTOMS LAW, INTERNATIONAL TRADE & WTO, LICENSES AND PERMITS, RESTRUCTURING & INSOLVENCY, REAL ESTATE, TAX
Industry Awards & Rankings

Azerbaijan

Pravo 300, 2021, I group

Legal 500 EMEA 2022

The Legal 500 EMEA 2022 rankings have confirmed GRATA International’s role as one of the market leaders in Azerbaijan, Georgia, Kazakhstan, Tajikistan and Uzbekistan.

Belarus

Pravo 300, 2021, II group

Kazakhstan
**Legal 500, Tier 2, 2017-2019**
The team at GRATA International advises clients on copyright and trademark infringements and patent registrations.

**Legal 500, Tier 2, 2020**
GRATA’s IP and TMT team was acclaimed for its vast experience in IP and TMT matters, such as trademarks, patents, the commercialisation of IP, customs issues, the protection of IP rights and IP due diligence.

**Legal 500 EMEA 2021, Tier 2**

**Legal 500 EMEA 2022**
The Legal 500 EMEA 2022 rankings have confirmed GRATA International’s role as one of the market leaders in Azerbaijan, Georgia, Kazakhstan, Tajikistan and Uzbekistan.

**Legal 500 EMEA, Tier 2, 2022**

- **GEORGIA**
  - Dispute Resolution - Tier 2
- **KAZAKHSTAN**
  - Banking & Finance - Tier 2
  - Dispute Resolution - Tier 2
  - IP and TMT - Tier 2
- **TAJIKISTAN**
  - Leading firms - Tier 2
Experience

Azerbaijan

- Represented the client before the Supreme Court of Azerbaijan in recognition and enforcement of Foreign Arbitral Award in favor of Toshiba Company against local company in Azerbaijan. The award was recognized and directed to the Bailiff’s department for enforcement (USD 4.4 million);
- Due diligence of a major mobile phone operator of Azerbaijan prior to the acquisition of a facility;
- Provided legal advice on IP Telephony regulations to a Chinese investment holding company;
- Advised an international Chinese company, a manufacturer of telecommunications equipment and systems, (branch office in Baku) on employment contracts;
- Advised a Swedish telecommunications equipment company on the import of IT equipment;
- Advised the main American cable and satellite TV channel on licencing matters;
- Provided legal services on various matters to a German multinational software corporation;
- Advised Caspian SAT Company on matters of obtaining a licence;
Advised SAP company (through SAP AZ LLC) on various legal matters, including contracts, tax and customs law;

Provided legal support to a leading world company that developed the electronic platform for drivers and passengers in corporate, tax, and financial legal matters;

Advised a European telecommunication Company on various commercial, corporate and regulatory matters, and immigration law in Azerbaijan;

Advised a French Telecommunication Company on various commercial, corporate and regulatory matters (including reorganization through merger) and immigration law in Azerbaijan.

Belarus

Advising a resident company of the High-Tech Park, a major developer of applications for mobile platforms (iOS | Android), server-side web applications and systems based on JAVA | NET | PHP on legal DD of NDAs, master service agreements, and license agreements. Advising the company on attracting investments;

Legal support of an Austrian data processing company in the course of its participation in the tender, discussing of contractual terms and due diligence of certain aspects of implementation of the contract.

Advising a major developer of web-based software with client-server architecture and cross-platform mobile applications for Android and iOS on various matters on residency in the High-Tech Park. Drafting of certain corporate documents, draft business plan in accordance with different business conditions. Providing legal advice on concluding software development agreements with foreign partners;

Advising the Belarusian branch of a Chinese telecommunications company on the issues of illegal supply of counterfeit goods to Belarus using the company’s trademark;

Advising a Belarusian IT company on entering the Israeli market;

Providing legal support to a Belarusian IT-company of Israeli origin in the course of implementation a project for arranging a communication system with a single access point in Belarus;

Advising the Belarusian branch of an American IT company on the issues of registration of the subsidiary, development of commercial secrets protection framework, drafting of software development agreements, advising on matters of assigning rights to software;

Advising one of the leading global manufacturers of networking and telecommunications equipment. Drafting of the legal opinion on implementation of the contract for providing engineering services, drafting of the guarantee agreement, performance of due diligence of labor relations and development of the plan for minimizing risks of violation of the law in this sphere;

Advising the Minsk office of a German company on the issues of cooperation with the Belarusian office for development of software products and issues of transfer of its rights to the developed software;

Providing legal support to a Belarusian IT startup, which specializes in solutions for contact centers, HR departments and industrial safety departments, on the issues of attracting investments. Advising on drafting of the cooperation agreement and the shareholders agreement. Legal support of the company on the issues of preliminary due diligence in the field of intellectual property, drafting the agreement on transfer of ownership rights;

Comprehensive legal support in the protection of the trademark and trade name in Belarus in connection with the
dishonest actions of a Belarusian manufacturer of similar equipment. The dispute was resolved through an amicable agreement before the decision of the Board of Appeals and parties signed an agreement on the assignment of rights on TM;

- Advising a company in the field of media measurements in Belarus on concluding a license agreement with a manufacturer of relevant equipment and technology. The analysis and preparation of amendments to the license agreement for obtaining non-exclusive rights to the technology (product) for conducting media measurements of the audience.

**Georgia**

- Providing services to Mediapro Georgia Ltd on implementation of the Mobile Number Portability Project in Georgia;
- Representing one of the local telecommunications companies in a tax dispute;
- Due diligence of a Georgian mobile phone operator as a part of an M&A transaction;
- Advising on of the largest media companies on local regulations applicable to SVOD services.

**Kazakhstan**

**Telecommunication:**

- Advising China Telecom on establishing their legal presence in Kazakhstan, including licencing, corporate structuring and asset acquisition;
- Advising Huawei in relation to its operations in Kazakhstan, including drafting commercial agreements, advice on applicability of Kazakhstan’s legislation to commercial contracts, taxation and commercial law, and representation of the company in courts of the Republic of Kazakhstan;
- Advising ZTE in relation to its operations in Kazakhstan, including commercial and tax law;
- Advising a group of Middle Eastern investors on acquisition of shares in a Kazakhstani telecommunication company, including due diligence, corporate structuring, regulatory and licencing advice;
- Advising a telecommunication company, implementing a project in the territory of Kazakhstan on matters related to the legal status of optical cables in accordance with Kazakhstan law;
- Advising one of the leading producers of mobile phones on antitrust and customer protection issues in Kazakhstan, Kyrgyzstan and Azerbaijan;
- Advising a shareholder of one of the largest mobile operators in Kazakhstan in relation to a potential dispute connected with a sale of a stake in the operator;
- Advising the largest telecommunication company in Kazakhstan on public listing of shares, including legal due diligence;
- Due diligence of a local mobile phone operator as a part of an M&A transaction with a focus on the permits of state agencies of Kazakhstan;
- Advising a leading world provider of new generation telecommunication networks on corporate restructuring;
Advising a leading global provider of telecommunication equipment on tax issues in a proposed consortium with another company;

Advising a leading global provider of telecommunication equipment on enforcement of arbitration awards in the territory of Kazakhstan;

Advising a major supplier of telecommunication equipment on risks, related to contracts with offshore companies;

Advising an international supplier of telecommunication equipment and mobile phones on enforcement procedures, related to resolving international trade disputes in Kazakhstan;

Advising a major international telecommunication company on customs law and legal support for customs audit.

Technology, Media:

Advising Uber in connection with launch of service in Kazakhstan, including licensing, tax and other issues, drafting commercial agreements, participation in negotiations with state authorities;

Providing legal support in acquisition of Foodpanda online service by Chocofamily internet-holding, including drafting transaction documents, verification of corporate authority, and other corporate and finance law advice;

Advising Get Contact on relaunch of its service in Kazakhstan, including negotiations with state authorities, structuring service’s operation and consultations on various aspects of Kazakhstan’s legislation;

Advising a major Russian information services company on launch of its several services on the territory of Kazakhstan, Uzbekistan and Azerbaijan, including negotiations with state authorities, legal structuring, drafting documentation for services’ launch, consultations on various aspects of Kazakhstan’s legislation, representation in courts and other legal assistance;

Advising a Russian bank on financing a purchase of a television company in Kazakhstan, including transaction structuring, drafting main documentation for transaction, due diligence of a target company and consultations on various aspects of Kazakhstan’s legislation;

Advising one of Kazakhstan’s leading e-commerce companies in connection with corporate structuring of their business and prospective acquisition of shares by local and foreign investors;

Advising a world leading manufacturer of software products on protection of intellectual property rights, and successfully representing the client in local courts;

Advising an international TV-channel network in connection with structuring their business in Kazakhstan and Russia, protection of intellectual property rights, labour and taxation issues;

Advising an international company, headquartered in Singapore, on launch of a bitcoin mining centre in Kazakhstan. Scope of work included negotiations with electricity suppliers and state authorities, business structuring and consultations on various aspects of Kazakhstan’s legislation.

Kyrgyzstan

Advising a major German railway operator on acquisition of 100% shares of the local logistics company;

Representing interests of one of the leading mobile operators in court on dispute re. sale of 100% of shares of local
Advising a Dutch company, a multinational developer & creator of navigation technology and consumer electronics, on licensing regulation and cartography;

Advising a US multinational financial services corporation on the issues of business conduct and legal assessment of possible impacts of introduction of amendments to Payment Systems Law in the Kyrgyz Republic;

Advising one of the leaders in global payments and a technology company on introducing new money transfer services on the territory of the Kyrgyz Republic including use of electronic money;

Advising an American licensed international money remittance operator on the issues of business conduct, registration of a payment system and reporting requirements of the National Bank of the Kyrgyz Republic;

Successful registration of an operator of money-transfer system in the registrar of the National Bank of the Kyrgyz Republic;

Advising China Telecom on construction of a nation-wide fiber network in Kyrgyzstan;

Advising and represented Huawei Technologies Co., Ltd. as a creditor in bankruptcy procedure of the mobile operator Fonex (AkTel LLC), participated in court proceedings, creditors’ meetings, and advised the client on restructuring AkTel LLC, observed tenders and supported the client during the procedure of a special administration;

Advising BPC AG (Switzerland) and its affiliates on realisation of the second ever PPP project in the Kyrgyz Republic “Electronic ticketing in public transport in Bishkek city”;

Providing Lexis Nexis with a research on anti-money laundering laws in Kyrgyzstan and Tajikistan.

Moldova

- Representing an electronic telecommunications, retail and insurance company in implementation of GDPR principles in a new personal data protection law;

- Assisting a British telecommunications company with SPA transaction for transfer of the shares from a large TV-holding from Moldova.

Russia

Telecommunications

- Successful representing the interests of a Russian subsidiary of one of the major global entertainment channels in a series of disputes on enforcement and recovery of debt under the licence agreements with cable operators for the amount of over RUB 60 million.

- Protecting the interests of Housing Cooperative “Kropotkina 108” in a dispute against the competition authority and the largest Russian telecom operator – MTS. The Russian Supreme Court cancelled the judicial acts of three arbitration instances. This Supreme Court precedent stopped the practice of prosecution of housing cooperatives throughout Russia.

- Successfully protecting the interests of Tayga info, one of the leading information and analytical Internet resources of
the Siberian region in the dispute initiated by Zhilfond, the largest regional real estate agency for protection of business reputation in connection with an article placed on the website.

- Advising a well-known investor and public figure in a dispute against NGS-News online news-channel related to the protection of honour, dignity and business reputation, retraction of the information disseminated in the article on the NGS website, and for collection of compensation for moral harm. The judgment was passed in favour of the client.
- Providing comprehensive advice to SEO Agency of Internet Marketing - YAL Studio on business issues, analysis and drafting of contracts, representation in litigation related to the activities of the agency.

### Tajikistan

- Carrying out an extensive due diligence of TCell, a major mobile operator in Tajikistan.
- Advising an American multinational corporation that designs, manufactures, and sells airplanes, rockets, satellites on the issue of obtaining a permit from the Communications Service of Tajikistan to use Broadband Frequencies.
- Advising one of the leading telecommunication companies on regulatory issues of Tajikistan.
- Advising an American multinational technology company that specializes in consumer electronics. and preparing survey covering the following areas: (i) general broadcasting laws and regulations; (ii) content standards; (iii) advertising, marketing and commercial references; (iv) rules relating to children's television; (v) UX Requirements (including television accessibility and local languages requirements); (vi) music rights; (vii) technical requirements; (viii) intellectual property rights; (ix) defamation; (x) rights of publicity and privacy; (xi) subscriptions and billing; (xii) competition law; and (xiii) privacy.
- Advising an American commercial broadcast television and radio network and its affiliate, in connection with local legal requirements, limitations, constrains to make certain of its video content available on a subscription on-demand basis via certain third-party platforms delivered over the internet.
- Advising one of the leaders in global payments on local privacy restrictions that may prohibit from gathering personal information and transferring it.

### Uzbekistan

#### Telecommunications:

- Conducting a legal audit of a building proposed for sale to an Indian transport company - Transatlantic, for the location of a pharmaceutical warehouse;
- Advising Daewoo International Corporation in a dispute against a major telecom operator regarding an illegal attempt to prematurely terminate an office lease agreement. Successful negotiations, as a result of which the lease was extended by one calendar year;
- Assisting Cisco, in changing the terms of the lease agreement prior to its expiration. Successful change of the terms of the lease agreement;
- Conducting a legal audit of the largest telecom operator in Uzbekistan in connection with the upcoming corporate
> Conducting a full-scale legal audit of the leading Uzbek Internet source of advertising for the purpose of corporate acquisition;
> Conducting a full-scale legal audit of a telecom operator and manufacturer of telecommunications equipment. Focus areas: corporate structure, real estate, litigation, licenses and permits, labor issues, antitrust compliance, customs compliance, intellectual property issues;
> Advising a group of companies located in Israel, the USA and the UK on tax obligations and a permanent establishment under a design, procurement and construction contract (EPC contract) in the field of telecommunications on the territory of the Republic of Uzbekistan (project worth $40 million);
> Advising a Swedish mobile network operator on the licensing of 3G telecommunications networks in Uzbekistan, as well as the transfer, storage and disclosure of professional and private information about the employees of its local subsidiary;
> Advising a Chinese company – a manufacturer of telecommunications equipment on the mandatory installation and maintenance of SORM (operational intelligence systems) on the mobile networks of local operators;
> Advising on and enforcing local antitrust laws, including obtaining approval from the State Antimonopoly Committee, in connection with the sale by a Japanese telecommunications company of its 24% share in the company that owns 26% of the market (wired Internet) and 49% of the share in the company that owns 70% market (wireless internet);
> Advising a European telecommunications company on licensing issues in the field of telecommunications, in particular the design, construction and operation of data transmission networks;
> Advising a Chinese telecommunications corporation on obtaining permission to use certain radio frequencies for the company’s internal purposes;
> Advising a leading Chinese telecommunications company on obtaining permits for the import, sale and operation of certain types of telecommunications equipment by mobile network operators, including providing practical assistance in obtaining permission from the Center for Electromagnetic Compatibility of Devices to import certain types of devices in Uzbekistan;
> Advising a consortium of Japanese and Korean telecommunications companies on the provision of telecommunications services over wireless data networks;
> Advising a European telecommunications company on the operation and interaction of operators of data transmission networks;
> Advising a leading Chinese telecommunications company on the use of cryptographic information security by data network operators;
> Advising SJSC “Uzbekenergo” on the design of telecommunication networks (data transmission, radio and television communications) during the construction of a combined cycle plant at the Syrdarya TPP;
> Advising an Israeli company on the construction, installation and use of data transmission antennas for mobile network operators.
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