



PIERRE-EMMANUEL FROGE

Counsel

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BIOGRAPHY

Pierre-Emmanuel is a counsel in BCLP's Paris office. He has developed strong skills in intellectual property valuation (trademark and copyright management), IT/technology transactions and data protection. He advises French and foreign companies in the negotiation and implementation of complex IT contracts. Pierre-Emmanuel also assists international groups in the implementation of data protection compliance programs, including cross-border data transfers, breach management and relations with supervisory authorities. He is involved in the compliance of digital platforms, particularly in the field of e-commerce, online gaming, entertainment and fintech. In addition, he assists clients in both advisory and litigation matters thanks to his experience in proceedings before regulatory authorities (e.g. CNIL, ANJ, DGCCRF, AMF) or jurisdictions.

He started his career in French firms dedicated to supporting innovators and start-ups. Prior to joining BCLP, he then practiced for several years in Paris in a top ranked English law firm's TMT

department advising international IT developers and marketplaces on strategic and complex technology transactions and data protection issues.

PROFESSIONAL AFFILIATIONS

- Member of Paris Bar Incubator

SPOKEN LANGUAGES

- English
- French

ADMISSIONS

- Paris

EDUCATION

Master's degree, audiovisual law, 2008

EM Lyon Business School, Diploma, 2007

UCL in London, LLB, 2006

RELATED PRACTICE AREAS

- Intellectual Property and Technology
- Fintech
- Corporate
- Finance
- Investigations
- Litigation & Dispute Resolution
- Regulation, Compliance & Advisory
- Data Privacy & Security

EXPERIENCE

IT

- Negotiation, drafting and monitoring of complex IT contracts: integration, outsourcing, software license, data hosting contract, Online Travel Agencies contracts with hotels (OTA), Application Programming Interface license (API), smart contracts.
- Accompaniment of the commercial activity of digital platforms (BtoC and BtoB): Drafting of contractual documentation (Terms and Conditions) and compliance of the activity of online platforms (protection of online consumers, respect of the particular obligations of online operators, respect of the obligations of the fight against fraud and money laundering, fight against online hate, etc.)
- Assistance in obtaining approval from the ANJ for online sports betting sites operating in France.
- Supporting digital platforms in obtaining approvals from the ACPR or the AMF (PSAN).
- Supporting platforms providing for delivery solutions.
- Supporting platforms providing for NFTs and implementing solutions built on the blockchain.

Privacy & Data Protection

- Data protection and exploitation: drafting (realization of DPIA (Data Protection Impact Analysis), drafting of DPA (Data Protection Agreement), realization of Transfer Risk Assessment (TRA), drafting of Binding Corporate Rules (BCR)). Drafting of Privacy notices for digital platforms and online advertising agencies.
- Cybersecurity: data breach management. Fight against online fraud on digital platforms.
- Follow-up of technical data recovery operations with the support of judicial and police authorities. Support in the management of the breach with the control authorities and the individuals concerned.

IP

- Entertainment: Consulting in the distribution of works of art, musical, literary and audio-visual content online. Drafting of licensing agreements for exploitation rights.
- Due diligence in the context of mergers and acquisitions of innovative companies.
- Management of trademark portfolios and advice in trademark and copyright infringement litigation.

RELATED INSIGHTS

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CNIL's Strategic Focus Areas for Data Protection in 2024

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Insights

30 January 2024

Employee Monitoring: Lessons from CNIL's EUR 32M fine against Amazon France Logistique

Following the publication of several press articles and employee complaints, the French data protection regulator ("CNIL") carried out an investigation at the Amazon France Logistique's ("Amazon") warehouses. The CNIL's investigation focused on the monitoring of employees' activity and video surveillance systems. Below are the key takeaways from the CNIL's decision to fine Amazon.

Insights

Dec 12, 2023

A GDPR for AI? Political agreement reached on the EU AI Act

Insights

Nov 14, 2023

Understanding the Data Governance Act: key aspects and challenges

A few weeks ago, on 24 September 2023, the Data Governance Act (Regulation (EU) 2022/868 of the European Parliament and of the Council of 30 May 2022 on European data governance) ("DGA") came into force. The DGA aims to bolster the data economy by encouraging public sector bodies to share certain categories of protected data (e.g., personal data and commercially confidential data) and promote data altruism. We set out below an overview of the key aspects of the DGA.

Insights

Oct 25, 2023

CNIL publishes 'AI How-To Sheets' on Aligning Artificial Intelligence Systems with GDPR

A few days ago, the French Data Protection Authority (CNIL) published its first draft guidelines for the use of AI systems in the form of "AI How-To Sheets" with the aim to "help professionals reconcile innovation with respect of people's rights". These guidelines aim to guide industry stakeholders on the alignment of artificial intelligence with the General Data Protection Regulation (GDPR). In particular, it sheds light on how AI databases can adhere to

principles of data purpose, minimisation and retention. Following a public consultation period that will end on 16 November 2023, the CNIL is scheduled to release the finalised guidelines in early 2024.

Insights

Oct 25, 2023

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