

becoming increasingly competitive. "More young lawyers are interested in this area and they have an advantage in that they were born and raised in a digital world," he says. In Ramos' view, the market is getting reshaped and lawyers have to find the answers to new challenges. "Lawyers need to learn more about the TMT business, they have to adapt and think more about risk control than about theoretical issues," he adds.

Anyone can go global

What does the future hold for the TMT sector? "New technologies will change, there is artificial intelligence, big data, robotics, decision-making technologies – in the future we will be talking about ethics and taking an ethical perspective," says Rubio. Cybersecurity and competition will be significant challenges for clients in future, according to Fernández-Samaniego. "The competition for clients is no longer traditional," he adds. "Even individuals can become competitors of well-established business but, on the other hand, every local client regardless its size can be a global player."

Judges and courts are not "up to speed" with legal issues affecting the TMT sector, according to Escribano. "We should expect specialisation in this field – international clients are often reluctant to choose Spain as a jurisdiction for litigation," she says. "The justice is very slow and there's not a culture of paying huge damages here, so technology companies prefer to choose other European jurisdictions for dispute resolution – in international law firms that means Spanish lawyers have more difficulty attracting more cases and fees to our offices." Torre de Silva says that the TMT sector is "democratising". He adds: "Every company should have a TMT department or TMT lawyer – a lot more clients need our services." There will be consolidation in the TMT legal services market, according to Gállego. "All firms say they have TMT expertise because clients ask for it. However, this expertise is not always real."

Arpón de Mendivil says the

TMT market is very active, which is good for all law firms doing TMT work. "Competition is growing in the market, most law firms now acknowledge the need to have expertise in this area of law – and even if matters are cross border, clients will increasingly appreciate our local insight, for example with regard to how different regulators apply the rules or who are the main stakeholders," she says. García del Poyo says there is an increasing need for TMT lawyers to take a global perspective. "We should identify local issues globally – the new economy and its laws should work with the old economy and its laws."

Portugal: Stock market ripples

Lisbon-based TMT expert Magda Cocco, partner at Vieira de Almeida, says the Portuguese market has been lively in the last year with a number of notable M&A transactions. Of the major deals, she highlights the sale of Portugal Telecom by Brazilian Group Oi to French company Altice. "Given Portugal Telecom's place as a heavyweight at the top of the Portuguese telecom sector, this transaction has caused ripples in the Portuguese stock market and has given competitors and prospective investors a new outlook on the Portuguese telecom market," Cocco says. She adds that TMT clients, operators, investors and lawyers are curious about what impact this will have on the sector in future.

Other TMT developments highlighted by Cocco include the designation of new universal service provider. "Following the early termination of the agreement entered into with Portugal Telecom for the provision of universal service in Portugal (subject to €33.5 million compensation for Portugal Telecom), a public tender took place for the designation of a new provider of universal service in the country," she says. "In June 2014, this role was attributed to NOS Comunicações (the outcome of a merger between Optimus and ZON), which is now responsible for the provision of fixed phone service in Portugal."

What opportunities does the Portuguese TMT sector now offer law firms? Cocco says that the aforementioned developments have

meant new legal and regulatory challenges have emerged. She adds: "Regulatory provisions and frameworks must now play catch-up with the TMT market and ensure that the new TMT status quo – with inevitable shifts in market power and in output to consumers – is reflected in the regulatory framework. In addition, the regulator must have the tools and mechanisms to ensure the adequate management of these changes, to facilitate effective competition and benefit end users."

The need for knowledge

PLMJ partner Daniel Reis says that it is possible the Altice deal could trigger more M&A activity, while data protection work will "grow exponentially". However Reis adds that law firms operating in the TMT sector still face significant challenges: "[The challenges are] retaining talent as clients continue to in-source legal services, and the corresponding reduction of budgets for outside counsel."

Gonçalo Machado Borges,

Regulations are 'ill-adapted' to deal with the realities of the TMT sector

Araoz & Rueda partner Ainhoa Veiga says TMT markets pose continuous challenges – which she says also "have to be seen also as opportunities" – due to constant advances in technology. In addition, she says regulations are often "ill-adapted to deal with the realities and trends in TMT markets". She continues: "Just take the example of what is going on with new business models ensuing from the so called 'sharing economy', such as Uber, which is not only being challenged due to a lack of a 'legal characterization' but even its directors are being criminally indicted in France."

Veiga believes that disruption will continue to be a challenging trend. She adds: "How to take advantage of disruptions to improve productivity and value in many clients' legacy business is critical. The digital ecosystem is accelerating disruptive innovations and technologies capable of reshaping and restructuring entire sectors."



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