

## Representative Legal Matters

Fatima Ismail

### Intellectual Property

- Advised Electrolux South Africa (Pty) Ltd in relation to trade mark infringement allegations made by the South African Bureau of Standards against Electrolux. \*
- Advised Linklaters LLP and drafting heads of argument in relation to trade mark opposition proceedings instituted against a South African entity. \*
- Advised N2SA Pharmaceuticals (Pty) Ltd and N2SA UK Limited in relation to passing off claims made by a competitor. \*
- Advised on exchange control considerations resulting from the sale and licensing of IP as a consequence of international corporate transactions. For example, Fatima prepared a memorandum advising Acino Pharma AG and its South African subsidiary Acino Pharma Priority Limited on the exchange control implications relating to the acquisition by Acino Pharma AG of certain pharmaceutical products owned by Aspen Holdings and Aspen Pharmacare. \*
- Advised Shield Chemicals (Pty) Ltd and negotiating a settlement and assignment agreement pursuant to rectification proceedings launched against Shield by Reckitt & Colman Hygiene Limited. \*
- Advised the Johannesburg Stock Exchange and CooperVision respectively, in respect of advertisements in light of the Advertising Code of Practice. \*
- Advised various entities including Milestone System A/S, Lessafre and Froneri International Limited in relation to the drafting and negotiation of IP clauses in various documents including employment contracts, restraint of trade agreements and services agreements. \*
- Advised various national and international clients including Red Bull GmbH, Wal-mart Inc, Lixil Africa, Kingsley Heath (Pty) Ltd, Forever New Clothing (Pty) Ltd and Uber in relation to trade mark infringement and oppositions in South Africa and Africa (drafting letters of demand, undertakings, notices of oppositions, submissions to the Registrar of Trade Marks, consent agreements). \*
- Advised Oxbridge Academy of its ownership in relation to certain intellectual property in light of the Copyright Act, 98 of 1978. \*
- Conducted numerous buyer-side IP due diligences for various national and international clients including Heineken, Acino Pharma AG and its South African subsidiary Acino Pharma Priority Limited, Grupo Iberica de Congelados, Ernst & Young Advisory Services Proprietary Limited, Seacom Limited, HPC Germany GMBH & Co KG, Naspers Foundry and JDE Peet's. \*

- Conducted trade mark searches and advised clients on trade mark registrability, company name and domain name litigation. \*
- Drafted intellectual property transactional agreements and related documents, including trade mark settlement and assignment agreements, co-existence, deed of security and licensing agreements, media services agreements, photography services agreements and music recording and publishing agreements. \*
- Drafted IP clauses in various corporate agreements including Sale and Purchase Agreements, Sale of Business Agreements and Sale of Shares Agreements pursuant to the conducting of due diligences. \*

## **Telecommunications, Media, Technology**

- Advised Experian South Africa (Pty) Ltd in respect of highly publicised data breaches suffered in 2020 and 2021. Drafted urgent court applications to obtain information relating to the identity of the persons responsible for the breaches and corresponding with the opposing party (one of the largest telecommunications providers in South Africa). \*
- Advised Hans Merensky Holdings (Pty) Ltd and Microsoft South Africa (Pty) Ltd in relation to data breaches and drafted letters to the Information Regulator and stakeholders. \*
- Advised in relation to the registration of Information Officers and registering Information Officers for clients at the office of the Information Regulator, pursuant to the commencement of POPIA in 2021. \*
- Advised on defamation-related matters, including acted for parties in litigious defamation cases (both in South Africa and Botswana) and prepared opinions and memoranda on defamation, the applicable defences and prospects of success. \*
- Advised the Credit Bureau Association and Medtronic Africa (Pty) Ltd in respect of the "prior authorisation" requirement under POPIA and drafting correspondence to the Information Regulator. \*
- Advised The Walt Disney Company Africa in relation to the South African legal and regulatory framework that governs streaming services in respect of the roll-out of Disney+ in South Africa. \*
- Advised and drafted POPIA policies for Ethos Private Equity (Pty) Ltd, Mastercard and Experian South Africa (Pty) Ltd. \*
- Involved in the IT and POPIA aspects of numerous due diligences, including the acquisition by Ethos Mid Market Fund I, Ethos Artificial Intelligence Fund and African Rainbow Capital of 100% of the shares in Crossfin Technology Holdings. \*

- Reviewed a franchise agreement and drafted an opinion for a major South African motor vehicle retailer in relation to the legal implications of a proposed exit of the retailer from the South African market. \*
- Reviewed and negotiated a master services agreement for Isazi Consulting (Pty) Ltd, a South African tech innovation company that specialises in AI and machine learning. \*
- Completed data protection questionnaires for a US non-profit organisation who intended entering into the South African market and advised the organisation in relation to the data protection implications of launching the service in South Africa. \*
- Conducted a due diligence in relation to a proposed transaction that envisages the separation of the fibre assets of one of the largest telecommunications players in South Africa from various operating companies globally, including in South Africa. \*
- Conducted a review of the current and anticipated laws, acts and regulations in South Africa that may affect online freedom of expression, freedom of information, privacy and security on behalf of MTN Group Services (Pty) Ltd. \*
- Conducted POPIA (Protection of Personal Information Act, 4 of 2013) "gap analysis" reports and drafted POPIA-related policies for various clients including Accelerit Technologies (Pty) Ltd, Dental Information Systems (Pty) Ltd, Twinsaver (Pty) Ltd, Danone Southern Africa (Pty) Ltd, Improvon Real Estate Investments, CM Telecom (Pty) Ltd, PCCW Global (Pty) Ltd and Metair Investments Limited pursuant to the commencement of POPIA in 2021. \*
- Drafted an opinion on the cross-border transfer of personal information in accordance with POPIA. \*
- Drafted memoranda on the Electronic Communications and Transactions Act, 25 of 2002 and the Consumer Protection Act, 68 of 2008. \*
- Drafted, reviewed and advised on various technology-related agreements including master services agreements, service level agreements, outsourcing agreements, transitional services agreements, terms of use, social media policies and website usage policies. \*

\* Experience obtained prior to joining Baker McKenzie