



13 REASONS TO CONSIDER HIRING A NICHE “INTERNET OF THINGS” (IOT) LAW FIRM

There are many ways a boutique Law Firm with specialized knowledge and training in applicable laws, regulations, policies and technologies can help businesses operating in the diverse “Internet of Things” marketplace.

Following are thirteen (13) areas where an “IoT focused” law firm, like [Marashlian & Donahue, PLLC](#), can provide meaningful value (all pursuant to \$350 per hour rates, subject to 3-year rate freezes):

1. Privacy & Data Security

Growth of the IoT coincides with the rise of big data, as IoT sensors and networks generate vast quantities of real-time information. Privacy and data security compliance is extremely important in the IoT marketplace. Among other things, the federal government is currently conducting audits to ensure compliance with the Health Insurance Portability and Accountability Act (HIPAA). Entities that handle protected health information (PHI) must have safeguards in place to protect against unauthorized use and disclosure of PHI. And, cyber security legislation is being considered in the current Congress, addressing several issues relevant to IoT applications, such as information sharing and notification of data breaches. [Experienced privacy and data security Attorneys can assist IoT businesses to determine whether current security measures are satisfactory, and ensure that their systems are compliant with the applicable data protection laws, in the U.S. and abroad.](#)

2. Taxation

The IoT business model transformation is blurring the lines between products and services for taxation purposes. Companies that add value to products by selling connectivity services could be considered service providers, or even telecommunications carriers, by pertinent taxing authorities. Taxing agencies are rethinking their rules to ensure that they are receiving “fair revenues” from products that have various capabilities bundled into a single product offering. There are

substantial costs associated with calculating, tracking, and collecting telecom-related taxes, fees, and surcharges. Tax planning is essential, from the design process up through marketing all devices and services. [Experienced IoT Attorneys can assist companies with understanding and complying with the complex tax requirements as they apply to individual products and services.](#)

3. Regulatory Compliance (and Mitigation/Regulatory Avoidance)

IoT involves connectivity. Connectivity involves the transmission of data. The transmission of certain types of data and in certain ways can give rise to a myriad of regulatory complications at the Federal Communications Commission and, potentially, state utility commission levels. Avoid going to market with an IoT solution until you know the ins and outs of how that service is likely to be viewed by regulatory authorities. Many steps can be taken to mitigate and, potentially, avoid altogether the regulatory burdens imposed on providers of “telecommunications.” Too often we see companies rushing to market with solutions that should be treated as unregulated “Internet Access” and/or “Information Services,” but due to labeling, marketing and other reasons, would likely be treated as “telecommunications” by USAC auditors and FCC investigators. Avoid these missteps and avoid the cost of convincing a regulator that your services are exempt from regulation by taking action before “going live” with your IoT solution.

4. Spectrum Access

Electromagnetic spectrum is a critical link in IoT development. Access to spectrum, both licensed and unlicensed, is essential for IoT devices and objects to communicate wirelessly. The FCC's spectrum allocation process is complex, and the agency is currently revising its rules for obtaining spectrum in many frequency bands that will become scarce as new technologies for IoT mobile communications are developed. An [IoT Lawyer](#) with experience before the FCC's Wireless Bureau and spectrum issues can help companies in assessing their spectrum needs and ensuring that they have access to the spectrum they need to operate their devices.

5. Vendor Contract Review/Negotiation

Businesses that adopt IoT solutions will need to ensure the way in which they do this addresses legal requirements. Much of this will relate to the contractual relationships that will support the technology and connectivity. Regulatory issues arise in contract provisions concerning: regulatory responsibility, warranty, indemnification, liability, privacy, data protection, content, and damages. A qualified [IoT Attorney](#) can effectively assist IoT companies in making sure that those and other issues are addressed in their favor in various types of contracts.

6. Equipment Authorization/Compliance

All countries have very specific rules and regulations as to authorization of RF devices. Authorization requirements typically concern compliance with equipment classification, RF emissions testing and reporting, registration, labeling, device modification, responsible parties, importation, and post-market agency follow-up. Countries typically have very strict authorization requirements; violations of same can result in stiff financial penalties, device confiscation, and even the banning of a company's products from the market. We can assist businesses with compliance regarding those matters, as well as the mechanics of obtaining authorization of its products. [Our firm "literally" wrote the book on Global RF Regulatory Compliance!](#)

7. Marketing Rules, Exemptions and Waivers

We advise companies on compliance with regulations concerning marketing products in a given country, e.g. what types of activities constitute "marketing" and what must be done to comply with the applicable laws. We also advise companies on exemptions to the general rules concerning marketing non-authorized products in a given country, e.g., trade show, testing, and sales contact exemptions. And when rules need to be waived, we can assist companies in obtaining regulatory rule waivers, where permitted by law.

8. Risk Assessment and Compliance Planning

Given the "moving targets" of regulatory compliance, it can be difficult to determine just what is required, and what the costs would be of inadvertent non-compliance. We advise on companies on their individual compliance requirements and their risk levels concerning same.

9. Updates on Rule Changes and Market Developments

We keep clients advised on changes to regulatory and tax rules pertinent to their businesses through a variety of [advisories](#) and published articles, for example:

- [Are Your Company's Consumer Electronics Exempt from FCC Marketing Regulations? IEEE Consumer Electronics](#)
- [Surviving the IoT Cyberattack Pandemic IoT Journal](#)
- [Legal Limbo—Doing IoT Business in the Gray IoT-Inc Podcast](#)
- [FCC to IoT Vendors: Implement Cybersecurity Now or We May Force You To IoT Journal](#)
- [A Giant Leap for 5G RCR Wireless](#)
- [Feds Expanding Safe Havens for Small Cell Deployment, But Devil is in Local Details RCR Wireless](#)
- [Small Cell Regulations: Section 6409\(a\) and the MOBILE NOW Act RCR Wireless](#)
- [Six Areas for Future Small Cell Development RCR Wireless New FCC Rules Could Threaten IoT Implementation RFID Journal](#)
- [US Guide to RF Equipment Authorization & Compliance](#)
- [FCC Codifies Postmarket Surveillance of RF Equipment Everything RF](#)
- [FCC Moving on Commercial Use of 3.5 GHz Band Everything RF](#)
- [New Spectrum Sharing Technology that Co-Exists With Wi-Fi Everything RF](#)
- [NTIA Seeks Comments on IoT Policy RFID Journal](#)

10. Representation in Enforcement and Rulemaking Proceedings

Should an IoT business be accused of a rule violation, we can represent that company in enforcement proceedings before the FCC and other agencies. We have a solid record of successful representation. And, as we keep abreast of agency proceedings, we can advise and assist businesses in participation in rulemaking proceedings that are critical to their operations and growth.

11. Local RF Equipment Siting Rules

Small cell & DAS densification are critical for the growth of IoT. Local governments can slow the siting process down. The FCC has preempted some local rules and is in the process of expanding its authority over local jurisdictions regarding the construction of small cell & DAS facilities. We have successfully assisted telecommunications carriers and equipment suppliers to expedite the siting of their equipment by working with local authorities. We have also advocated on behalf of equipment suppliers before the FCC regarding preemption of local siting requirements and enforcement of the applicable "shot clocks."

12. Digital Signage

Digital sign providers face a myriad of legal and regulatory obstacles on the local and federal levels:

- Local governments often raise issues such as distraction potential & local aesthetics in their attempts to ban digital signs.
- The Federal Highway Administration's restrictions on "flashing, intermittent or moving" lights.
- When a digital sign is for advertising message, state, federal and industry self-regulating restrictions and guidelines on advertising apply.
- To the extent digital signs can "look" at human beings and collect information about them or from their smartphones, compliance with privacy laws are paramount.
- If a digital sign is connected through wired or wireless communications networks, FCC rules may apply and

suppliers could be subject to regulations pertaining to telecommunications carriers.

- The configuration of hardware and software to create a digital sign, and the presentation and content of the information displayed on the sign, are subject to patent, trademark and copyright laws.

13. Intellectual Property

The rapid evolution of IoT has provided companies with great opportunities to expand their business and build new markets. New hardware, software, and network architectures are being developed and rolled out to deliver IoT services. Companies need to protect their IoT investment by protecting the intellectual property they have developed and navigating their way through the intellectual property rights of others. Patents and trademarks can play important roles in establishing a company presence in the IoT marketplace and M&D attorneys have the experience needed to secure valuable intellectual property rights.

WE CAN HELP! These are just some of the ways in which an IoT focused law firm, like **Marashlian & Donahue, PLLC**, **The CommLaw Group**, can be of assistance to companies either considering entry into, or currently operating in, the IoT sector.



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& DONAHUE, PLLC**
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MEET OUR TEAM: All of our IoT Attorneys deliver decades of specialized experience at flat, capped rates of \$350 subject to 3-year rate lock!



Ron Quirk
Head of Internet of Things and Connected Devices Practice

IoT Attorney Ronald E. Quirk Jr., is a Senior Managing Attorney at The *CommLaw* Group, where he focuses his practice on federal, state and international telecommunications regulation and policy, with a particular expertise in assisting clients in navigating the complex labyrinths of RF equipment authorization and enforcement processes around the world. His career has spanned more than 20 years, including several years at AMLAW 100 firms and the FCC. With a top rate of only \$350 per hour, Ron delivers unrivaled value to our firm's IoT focused clients.



Linda McReynolds
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Privacy and Cybersecurity Attorney, Linda McReynolds, is Counsel at The *CommLaw* Group, where she practices primarily in the areas of privacy and cyber law. Linda is a Certified Information Privacy Professional (CIPP/US). As a practitioner, she recognizes clients' needs to develop good practices and address compliance with applicable laws while achieving business success in the fast-paced technology and telecommunications sectors. With a top rate of only \$350 per hour, Linda delivers unrivaled value to our firm's IoT focused clients.



Mike Antone
Head of Intellectual Property & Technology Practice

Intellectual Property Attorney, Mike Antone, is Counsel at The *CommLaw* Group, where his practice encompasses a wide variety of intellectual property, technology, and business matters in large law firm, industry, and venture capital environments. With over 25 years in practice, primarily serving the communications and information technology sectors, and a top rate of only \$350 per hour, Mike delivers unrivaled value to our firm's IoT focused clients.

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