Cloud Computing

Be aware of the risks & legal pitfalls

Workshop Included: Addressing Data Ownership, Privacy, Security and Compliance Concerns

participating organizations
Accenture Inc.
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Miller Thomson LLP
Rogers Communications Inc.
Trapeze Group

who should attend
In-house Counsel, CIOs; CTOs, VPs, Directors & Managers involved in IT, IM, IP, technology procurement, vendor/contract management, risk management, compliance; Technology Lawyers & Consultants

course highlights
Hear from top IT lawyers and in-house counsel from top companies on the risks & legal pitfalls of cloud computing
Explore what cloud computing is and the related legal and compliance issues
Assess the implications of virtual storage on legal jurisdiction questions
Examine the key issues that need to be addressed when negotiating and drafting a cloud computing agreement
UNDERSTANDING CLOUD COMPUTING: THE LEGAL RISKS AND COMPONENTS

While cloud computing gives business low-cost access to powerful computer resources, the process is not without its risks and legal pitfalls. This session will explore what cloud computing is, various cloud computing service models and the related legal and compliance issues.

- Cloud computing infrastructure, platforms and software issues
- Fundamental characteristics of cloud computing as a service model
- Key legal issues for businesses engaging in cloud computing
- Developing licensing and service agreements

JURISDICTIONAL ISSUES IN CLOUD COMPUTING: DEALING WITH DIFFERENCES IN LAW

With cloud computing, data may be physically located in one or more remote servers, and may be widely distributed and frequently moved across many jurisdictions. This transborder transfer of data within the cloud is a complex legal issue. This session will assess the implications of virtual storage on legal jurisdiction questions.

- Providing a framework for analyzing legal jurisdictional challenges
- Risks in data flows among different national jurisdictions
- Impact of differences in privacy, security and confidentiality concepts and regulations
- Assessing the risk of having data switched without your knowledge

SUPPLEMENTARY COURSE MATERIAL

Federated Press is now providing delegates with access to an innovative new database containing at least 25 interactive multimedia presentations by leading experts and approximately 20 hours of lectures on the topics covered by this course, including all slides and speakers’ papers. See the list of presentations on page 4.

Delegates will also receive a trial subscription to the Business Law Channel, a much broader resource representing hundreds of hours of interactive multimedia lectures on leading edge Business Law topics as delivered at our many recent Business Law conferences and courses.

- This program can be applied towards 9 of the 12 hours of annual Continuing Professional Development (CPD) required by the Law Society of Upper Canada. Please note that these CPD hours are not accredited for the New Member Requirement.
- For Alberta lawyers, consider including this course as a CPD learning activity in your mandatory annual Continuing Professional Development Plan as required by the Law Society of Alberta.
- Attendance at this course can be reported as 12 hours of Continuing Professional Development (CPD) to the Law Society of B.C.
- The Barreau du Québec automatically accredits training activities held outside the Province of Quebec and accredited by another Law Society which has adopted MCLE for its members
- Attendance at this course can be reported as 12 hours of Continuing Professional Development (CPD) to the Law Society of New Brunswick
DRAFTING CLOUD COMPUTING CONTRACTS

Cloud computing raises a host of contractual issues that must be addressed by the parties’ contract or licensing arrangements. This session will examine the key issues.

- Cloud contracting models: avoiding use of “standard” form contracts
- Establishing a standard of care that the provider must meet
- Contractual obligation regarding uptime
- Addressing remedy limitations

PRIVACY AND CONFIDENTIALITY IN CLOUD COMPUTING

The nature of cloud computing raises many major privacy issues. This session will examine privacy threats that arise due to remote hosting and processing of data.

- Dealing with classified data restrictions
- Potential for increased third-party access to data
- Ensuring compliance with national and local privacy laws
- Dealing with differences in privacy rules in foreign jurisdictions

ADDRESSING E-DISCOVERY AND LITIGATION ISSUES

The use of cloud computing can lead to complications in the litigation context, as the discovery process in the cloud computing context requires parties and the courts to face new issues concerning how electronic information is stored and retrieved. This session will examine these issues.

- Meeting litigation hold requirements in cloud computing
- Ensuring the integrity of the data used in cloud computing
- Determining who has possession, custody and control of ESI
- Preservation, retention and disposal of data in cloud computing

DATA PROTECTION LAW REQUIREMENTS

Data security issues, are a major impediment for many organizations considering the adoption of cloud computing. This session will examine security concerns of both cloud providers and their customers.

- Current security practices being employed in cloud computing
- Effective data security strategies for in cloud computing
- What should be demanded regarding data security from provider
- How data breach in the cloud environment is being addressed

SERVICE PROVIDER SELECTION, SERVICE LEVELS & BUSINESS CONTINUITY

Unlike a traditional single entity outsourcing model, cloud computing involves data that constantly shifting between multiple cloud providers. This session examines how customers mitigate associated risks.

- Due diligence in cloud environment
- Defining data security and disaster recovery policies
- Getting specifics on where their data resides
- Assessing the service provider’s anti-hacking and anti-viral processes

COMPLYING WITH OPEN SOURCE LICENSES

This session will examine the most recent developments affecting these open source licenses in cloud computing.

- What is “open source”
- Open source licensing schemes
- Differences between open source licensing schemes
- Concerns/risks for users of open source

CLOUD COMPUTING AND COPYRIGHT LAW

Copyright laws are a major worry for businesses considering cloud computing. This session looks at intellectual property issues that arise in the cloud.

- Enforcing IP rights given the increased anonymity of both users and content providers
- Protecting trade secrets in a cloud
- Impact of jurisdictional and infringement issues on patent protection
- Trade secret protection

ESTABLISHING EXIT SCENARIOS

A key component of any cloud computing contract is how it deals with exit scenarios. The session will provide a checklist of issues to cover dealing with exit/termination.

- The different types of exit scenarios and considerations for each
- Rights to continued provision of services in all scenarios
- Data retrieval and portability: how, when and in what form
- Transition assistance: what is needed for a smooth exit

WARRANTIES, INDEMNIFICATION AND LIMITATION OF LIABILITY: ALLOCATING RISKS IN THE CLOUD

This session will explore the process of negotiating warranties, indemnification and limitation of liability clauses that will satisfactorily allocate risks.

- Scope of warranties
- Remedies available for breach of warranties
- Scope of customary indemnification obligations
- Identification of customer’s vulnerabilities

THE CLOUD: WHERE ARE WE NOW?

The evolution of cloud computing and cloud-based applications is continuing at a rapid pace. But where is the future of cloud computing heading? This session will assess the future for cloud computing.

- Expected changes in application development and configuration
- The focus of future cloud computing law
- Platform-as-a-service
- APIs in cloud computing
- Use of public, private or hybrid clouds

WORKSHOP

Addressing Data Ownership, Privacy, Security and Compliance Concerns

As more data is stored in the cloud, our traditional notions of data ownership and control are being strained. This interactive workshop will examine data ownership and the increasingly rigorous contracts and due diligence practices needed to address these concerns.

- Addressing data “ownership” and access before the data is stored
- Data breach readiness
- Liability for data breaches
- Data commingling: what is to be done?
Your registration includes an interactive multimedia database comprising the following presentations from recent Federated Press courses and conferences. They are presented in their entirety with complete audio or video and accompanying slides. You may also purchase the multimedia proceedings of the course which will be available on CD-ROM 60 days after the course.

 Industry Perspective on Cloud Computing
 Jason Kee
 John Weigelt
 Entertainment Software Association of Canada
 Microsoft Canada

 Understanding Cloud Computing: Drafting Cloud Computing Contracts
 Stephen Cross
 Gowlings Lafleur Henderson LLP

 Negotiating Cloud Computing Contracts: A Practical Perspective
 Todd Harrold
 Entrust Group of Companies

 Due Diligence in Selecting a Service Provider
 Pierre-Paul Henrie
 Ogilvy Renault LLP

 Latest Developments in Copyright Reform
 Gerald Kerr-Wilson
 Fasken Martineau DuMoulin LLP

 Beware of the Emerging Patent Landscape in Cloud Computing
 Scott Miller
 Intellectual Property Law LLP

 Allocating Risks in the Cloud: Copyright Law
 Margot Patterson
 Fraser Milner Casgrain LLP

 Complying with Open Source Licenses: Their Impact in the Cloud
 Michael Morgan
 Labarge Weinstein Professional Corporation

 E-Discovery & Litigation Issues
 Simon Castonguay
 KPMG LLP

 Cloud Computing & Information Management
 Stephen Donohoe
 CGI Information Systems & Management Consultants Inc.

 Privacy & Confidentiality in Cloud Computing
 David Elder
 Stikeman Elliott LLP

 Addressing Data Ownership, Privacy, Security and Compliance Concerns
 Elisabeth Preston
 McMillan LLP

 Legal Issues for Web 2.0 Sites and Interactive Internet Applications
 Chris Bennett
 Davis LLP

 Privacy and Confidentiality
 Michael Davenport
 Bobby Singh
 Joel Ramsey
 Bank of Nova Scotia
 Rogers
 McCarthy Tetrault LLP

 Establishing Exit Scenarios
 David Ma
 Blaney McMurtry LLP

 Allocating Risks in the Cloud
 Parna Sabet-Stephenson

 Blake Cassels & Graydon LLP

 Cloud Computing and Copyright Law
 Lisa Abe
 Fasken Martineau DuMoulin LLP

 Online Contracting: Enforceability of Online Agreements
 Jeffery E. Wittmann
 Studio B Productions Inc.

 Legal Issues Impacting Open Source Software
 Donald B. Johnston
 Aird & Berlis LLP

 Web 2.0 Copyright Issues
 Jill Jarvis-Tonus
 Bereskin & Parr

 Corporate Policies for Internet Technology Use in the Workplace
 Lisa Abe
 Fasken Martineau DuMoulin LLP

 The Basics of Cloud Computing
 Victor J. Garcia
 Hewlett-Packard Canada

 Jurisdictional Issues
 C. Ian Kyer
 Fasken Martineau DuMoulin LLP

 Litigating Online Disputes
 Danir Karaturovic
 Miller Thomson LLP

 Registration:
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 Novotel Toronto Centre Hotel, 45 The Esplanade, Toronto, ON, M5E 1W2

 Conditions:
 Registration covers attendance for one person, the supplementary course material as described in this document, lunch on both days, morning coffee on both days and refreshments during all breaks. The proceedings of the course will be captured on audio or video. Multimedia proceedings with all slides and handouts can be purchased separately on a CD-ROM which will also include the course material.

 Time:
 This course is a two-day event. Registration begins at 8:00 a.m. The morning sessions start promptly at 9:00. The second day ends at 4:00 p.m.

 Cancellation:
 Please note that non-attendance at the course does not entitle the registrant to a refund. In the event that a registrant becomes unable to attend following the deadline for cancellation, a substitute attendee may be delegated. Please notify Federated Press of any changes as soon as possible. Federated Press assumes no liability for changes in program content or speakers. A full refund of the attendance fee will be provided upon cancellation in writing received prior to March 13, 2012. No refunds will be issued after this date.

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 TO REGISTER FOR CLOUD COMPUTING

 Name ________________________ Title ________________________

 Approving Manager Name ________________________ Approving Manager Title ________________________

 Organization ________________________

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