

Winston Maxwell

Partner

Paris

Biography

Winston's sweet spot is where regulation hits the Internet: How national privacy laws, copyright, media and telecom regulations apply to borderless Internet-based services. Winston has become a trusted advisor of major Internet, telecom and media companies, and of government institutions: in 2014 he was appointed to the French National Assembly's Commission on Digital Rights, and was asked to contribute to the French Conseil d'Etat's 2014 report on fundamental rights in the digital age.

Winston has completed projects for the European Commission, the French telecom regulatory authority (ARCEP) and data protection authority (CNIL) on forward-looking regulatory issues. After authoring a 2011 book on net neutrality with a member of France's telecommunications regulatory authority, Winston has become one of the country's leading experts on net neutrality.

Winston can also help you with media transactions and litigation, where he has over 20 years' experience in international coproduction and distribution deals.

International data protection is taking up a big share of Winston's attention, including data governance plans, international investigations/eDiscovery, M&A, cloud deals, CNIL litigations and GDPR implementation.



Phone

+33 1 53 67 48 47

Fax

+33 1 53 67 47 48

Email

winston.maxwell@hoganlovells.com

Languages

English
French

Education and admissions

Education

PhD in Economics, Telecom
ParisTech, 2016

J.D., Cornell Law School, 1985

B.A., Oregon State University, with
highest honors, 1982

Memberships

Internet of Things projects, including connected health, connected vehicles and smart home devices, are close behind.

Winston teaches comparative privacy law and telecommunications law at a leading French business and engineering school. He co-heads Hogan Lovells' global TMT industry sector group.

Representative experience

Advice to multinationals in the creation of comprehensive data privacy governance programs, including BCRs.

Implementing data privacy governance frameworks for cross-border discovery, investigations and data transfers in corporate transactions.

Assisting companies in contentious proceedings before the French CNIL and ARCEP.

Negotiation and drafting of motion picture development, production and distribution agreements.

Acquisitions and joint ventures involving film & television production companies and TV channels; regulatory advice on channels and VOD platforms.

Winston co-authored a study for the French CNIL on the regulation of connected health ('quantified self') devices.

Advising French and non-French mobile, fixed, and OTT

Member, CSA Lab, the think tank of the French audiovisual regulator

Member, Digital Rights Commission of the French National Assembly

Member IAPP

Member of International Association of Entertainment Lawyers

Bar admissions and qualifications

New York

Paris

Accolades

Winston Maxwell is one of the country's most notable data protection and privacy lawyers. His broad practice also offers "world-class advice" on telecommunications and media matters.

Who's Who Legal 2015

providers on Internet of Things, M2M regulation, spectrum, interconnection, data localisation, cyber-security and privacy regulations.

Helping navigate online advertising rules, including cookie regulations, "loi Sapin", and data sharing rules.

Policy support on emerging digital issues, such as the regulation of online platforms, net neutrality, and audiovisual media services regulation.

Advising on 'right to be forgotten' disputes.

Negotiation and drafting of motion picture development, production and distribution agreements.

Acquisitions and joint ventures involving film & television production companies and TV channels; regulatory advice on channels and VOD platforms.

Published works

19 September 2016 "L'affaire Microsoft: la localisation des données et l'extraterritorialité en question", Edition Multimédia.

August 2016 "Quelle régulation pour les plateformes numériques en Europe?", with T. Pénard, Réalités Industrielles, Annales des Mines, p. 42.

July 2016 Publication of comments made by Winston Maxwell at the French Conseil d'Etat seminar on digital rights (Published by the Conseil d'Etat).

June 2016 "Criticisms of Privacy Shield Fail to Recognize Shortcomings of Europe's own Intelligence Laws", with J. Brill, World Data Protection Report.

May 2016 "European Accountability and U.S. Compliance Principles", with S. Taieb, World Data Protection Report.

March 2016 "L'accountability, Symbole d'une influence américaine sur le règlement européen des données personnelles?", with S. Taieb, Dalloz IP/IT, p. 123.

29 February 2016 "L'ARCEP pivote et, ce faisant, cherche à étendre son champ d'intervention: à tort ou à raison?", with S. Piot, Edition Multimédia.

2015 "Régulation de la Convergence", in M. Bourreau (ed.), La Régulation des communications électroniques (2015 Editions Lavoisier)

October 2015 French National Assembly, "*Numériques et libertés, Nouvel âge démocratique*": contribution by Winston Maxwell on the notion of consent.

20 July 2015 "Parallèle entre neutralité du Net et TV connectée: c'est plus qu'une affaire de gestion de réseau", with D. Abecassis, Edition Multimédia,

23 April 2015 "Réguler les Plateformes, une fausse bonne idée", with T. Pénard, L'Opinion.

2015 "Principles based regulation of personal data: the case of 'fair processing'", International Data Privacy Law, p. 205.

23 January 2015 "US: Highly-priced frequency bands could upset the balance of the 4 mobile operator market." *Edition Multimédia*

January 2015 "Technology Neutrality in Internet,

Telecoms and Data Protection Regulation." *Computer and Telecommunications Law Review*

October 2014 "French Council of State issues recommendations on privacy and other fundamental rights in a digital environment." *Edition Multimédi@*

October 2014 "The three facets of technological neutrality." *Cahiers de l'Arcep*

September 2014 "Freedom of expression on the Internet, a comparative study." *French Council of State's (Conseil d'Etat) study on fundamental rights on the Internet*

7 July 2014 "Net neutrality: The FCC raises the possibility of a data termination tariff." *Edition Multimédi@, n° 105*

May 2014 "French Broadcasting Authority proposes to regulate Internet content." *World Communications Regulation Report*, Bloomberg BNA

11 March 2014 "Testimony of Winston Maxwell before the French Senate Committee on Internet governance." *L'Europe au secours de l'Internet : démocratiser la gouvernance de l'Internet en s'appuyant sur une ambition politique et industrielle européenne, Tome II : Comptes rendus des auditions*, Sénat

20 February 2014 "Global Privacy Governance." *Fondation Télécom*

13 February 2014 "Systematic government access to private-sector data in France." *International Data Privacy Law, 2014 Vol.4, N° 1*

February 2014 "L'efficacité à l'étranger des décisions

françaises en matière de communication : le cas des Etats -Unis et du Premier Amendement." *Légicom n° 52*

October 2013 "La protection des données à caractère personnel aux Etats-unis : convergences et divergences avec l'approche européenne." *Le Cloud Computing, L'informatique en nuage*, Société de législation comparée

June 2013 "Two models in the US: Exceptions to copyright law." *Supplement on "The effectiveness of exceptions to copyright law and other similar laws: practices, legislation and regulation"*, Revue Lamy Droit de l'immatériel

Summer 2012 "So Close, Yet so far Apart: The EU and U.S.visions of a New Privacy Network." *Antitrust, Vol. 26, no 3, 2012*

June 2012 "Confronting the FCC Net Neutrality Order with European Regulatory Principles." *The Journal of Regulation*

February 2011 "Network Neutrality." *Editions La Découverte*

December 2010 "Providers face concerns over net neutrality." *ManagingIP.com*

Autumn 2010 "Net neutrality in Europe: an economic and legal analysis." *Revue Concurrence, n°4-2010*

September 2010 "Connected TV creates a challenge for broadcasting regulations." *Edition Multimédi@*

August 2010 "The neutrality of networks: an introduction to the U.S. debate." *Les cahiers de l'ARCEP*

4th Quarter 2009 "Smart Grids and

Privacy." *Communications & Strategies* n° 76

October 2009 "Electronic Medical Data - Powerful New Communication Tools Create Privacy Challenges." *Commerce in France* n° 73

July-August 2009 "Less Legal Claims and More Cooperation from Copyright Owners in Connection with the Piracy Fight on the Internet." *Légipresse* n° 263

March 2009 "Content Industry: What Future for Territoriality Clauses in Copyright Licenses?" *Revue Lamy Droit de l'Immatériel* N° 47, Wolters Kluwer

01 January 2009 "A Comparative French and U.S. Law Approach to Scènes à Faire and Other Non-Protectable Elements in Copyright Law." *Propriétés Intellectuelles*

28 November 2008 "The FCC's Network Neutrality Ruling in the Comcast Case: Towards A Consensus With Europe?" *Communications & Strategies, no. 72, Q4 2008, p.73*

29 August 2008 "Net Neutrality in the U.S.: Comcast Can No Longer Block P2P Exchanges." *Le Journal du Net*

30 June 2008 "Targeted Advertising and Consumer Protection in France, Europe, and the U.S." *Contrats - Concurrences - Consommation*, LexisNexis JurisClasseur

April 2008 "U.S. and EU Authorities Review Privacy Threats on Social Networking Sites." *Ent. L.R., Issue 4*, Sweet & Maxwell Limited

4th quarter 2007 "Regulating Duct Access in Europe: Lessons from the U.S. Regulatory Framework." *Communications & Strategies, no. 68*

30 April 2007 "Functional Separation: What We Can Learn From The British Experience." *La Lettre de l'Autorité de Régulation des Communications Electroniques et des Postes*

01 March 2006 "France Criticized for New Foreign Investment Rules." *IFLR - International Financial Law Review*

31 October 2005 "Paris Appeal Court Rules DVD Anti-Copy Measures Illegal." *Entertainment Law Review*, Sweet & Maxwell Limited

31 July 2005 "French Exon-Florio Regulations to be Issued." *The European Lawyer*

01 May 2005 "Le Financement du Service Universel Aux Etats-Unis." *La Lettre de L'Autorité de Régulation des Communications Electroniques et des Postes*

01 April 2005 "Defining "Control" of Motion Picture and Television Companies Under French Law." *Entertainment Law Review*

01 April 2004 "Moral Rights Clauses after Barbelivien." *Entertainment Law Review*, Sweet & Maxwell Limited

Awards and rankings

- Recognised as a leading lawyer on the "Spotlight Table" Data Protection, *Chambers Europe*, 2018
- Ranked "Band 1" in TMT: Media, *Chambers Europe*, 2018
- Ranked "Band 2" in TMT: Telecommunications, *Chambers Europe*, 2018
- Industry Focus: Healthcare and Life Sciences, *Legal 500 EMEA*, 2018

Latest thinking and events

- Hogan Lovells Publications
 - Using artificial intelligence to fight hate speech
- Hogan Lovells Publications
 - Global Media, Technology and Communications Quarterly - Autumn/Winter 2018
- Press Releases
 - Hogan Lovells publishes Demystifying the U.S. CLOUD Act
- Hogan Lovells Publications
 - Demystifying the U.S. CLOUD Act: Assessing the law's compatibility with international norms and the GDPR
- Hogan Lovells Events
 - FIS Summit Series: Europe
- Blog Post
 - CNIL's New Role: Overseeing Website Blocking