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Predictions 2014: Batch 3

These are predictions for developments anticipated in 2014, with the occasional look back at past predictions

Another five predictions, covering law and IT for lawyers with great perception. In alphabetical order, we have predictions from Mark Crichard, Joanna Goodman, Dr Monica Horten, Jane Seager and Graham Smith.

Mark Crichard, Partner, Technology & Outsourcing, RPC

So, what does 2014 hold for technology (and technology lawyers in particular)? Cloud computing take up will continue to increase, but will not really replace 'conventional' models, especially as data protection and cyber security regulation looks to be tightening. In turn legislators might wake up to the fact that they are somewhat behind the curve, although Santa Claus being real is more likely (just kidding, of course he's real).

At least one leading technology business will fail to spot the next trend and will fail or fall into terminal decline (not counting BlackBerry).

Investment in IT, not just cost-cutting, will rise as the UK economy slowly makes its way out of recession.

Surprising technology events over the last three years? LinkedIn took off as a commercial medium, and wasn't just another fad. Twitter has lasted more than a year. There was a purpose behind tablets, we just never knew it.'

Joanna Goodman MBA, Writer and columnist for publications and websites including the Law Society Gazette, LSN Briefing, Legal IT Professionals and Legal Business. Editor of Legal IT Today

2013's significant development affecting legal IT was the not unexpected, but surprising because of its speed, demise of BlackBerry. I reckon that like The Terminator, it will be back, albeit under different ownership. One non-development, which was also not surprising, is that Microsoft remains as strong as ever in legal IT, providing the platform for most of the latest practice management systems. And let's not forget Lync and Yammer which are gaining ground in legal, changing the way lawyers communicate. Another non-development was that Apple didn't come up with anything truly innovative (unless I have missed something).

2014 – will be the year big data makes the transition from conference keynote topic to law firm strategy. Some law firms are already using big data analytics to predict case outcomes and guide strategy and pricing. But as it matures, firms will work out where it is best applied. BYOD will continue to mature. More firms will react to the ever-widening range of devices on offer with CYOD or choose your own device – from the firm's pre-selected 'catalogue'.

Data protection and cybersecurity will remain hot topics – driven by client concerns, ambiguously worded regulation and some scaremongering by security vendors. The challenge is to find a strong solution that doesn't involve too much effort from users. Privacy will still be high on everyone's agenda. Also see my note below around blocking devices.

There will be continued focus on mobile and apps will change the way law firms buy software – why buy expensive licences when you can use apps? In 2014 apps will have a wider impact on software procurement and pricing. Cloud has matured and the challenge is around integrating a firm's various cloud and point solutions so they all work together and are accessible on mobile. There will be more automatic synchronisation between



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devices as we approach the internet of things. Voice and video technology will become (even) more prevalent as people spend more time working on mobile devices.

Consequently, wearables will catch on in the enterprise. Google Glass is clever, but not subtle. We may see Glass-style technology incorporated into spectacles or sunglasses (fashion or prescription). A heightened awareness of security issues means that on the other side of the privacy coin, more blocking devices will be developed to prevent facial recognition and other intrusions.

Smart watches could be the next consumer product to hit legal IT – ie lawyers using smart watches with voice technology. Starfleet wrist communicator, anyone? Smart watches and bracelets represent a terrific opportunity to create desirable branded products!

I see lawyers looking more like Captain Kirk than Phoenix Wright, but who knows? Microsoft Kinect for Windows and similar movement, voice and gesture recognition technology could transform the courtroom – and the workplace!

Dr Monica Horten, Visiting Fellow at the London, School of Economics & Political Science and author of 'A Copyright Masquerade: How Corporate Lobbying Threatens Online Freedoms', published by Zed Books

As we move into 2014, the big fight that is currently brewing in Brussels is net neutrality. This particular snake pit has been dug within the Telecoms Regulation (Connected Continent) which according to some interpretations, would seem to legitimate the path for some very non-neutral service provision utilising bandwidth caps and prioritisation. The outcome could be a critical determinant of the future structure of the Internet, not only in Europe because European regulation is watched and copied elsewhere. Be prepared for lots of hissing and some poisonous politicking before this one is sorted.

In the EU, copyright enforcement policy continues to stagnate, as the e-commerce directive, the IPR Enforcement directive both remain stalled (as I predicted last year). It's unlikely that the stagnation will shift until after the 2014 Euro-elections and the appointment of a new Commission as the current regime in Brussels remains nervous of more public protests as happened against ACTA in 2012. Hence, we are seeing rights-holders pushing out the envelope through litigation, noting the recent ruling in the case of Allotstreaming in the Paris courts for not only blocking of websites but de-indexing from search engines.

What we never expected at all was a public debate on data protection, much less one on the even more esoteric subject of communications traffic data retention. But Edward Snowden's revelations in 2013 have done in a few short months what no amount of NGO lobbying could have done in years. Snowden has made it abundantly clear to the mass population what both of these legal terms mean to them personally. Why it's important to worry about privacy. The Snowden revelations have served to shift the politics in the European Parliament, although not as far as many would have liked. Let's face it, pre-Snowden was there any real political chance of strengthening privacy protection? Post-Snowden, yes, there is an industry fight-back, and the Council hates it, but there is some political will to take privacy seriously. However, the outcome will not be decided before the 2014 elections and we will have to hold our anticipation a little longer to get the final verdict.

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In 2010 I predicted that more and more internet content providers would start erecting paywalls and that 2011 would perhaps be the year when paying for content became the norm rather than the exception, as it was perhaps only a matter of time before more of the traditional media struggled to compete in the online world and started to charge users for access, albeit a modest sum. Fortunately I have been proved wrong on this one, but perhaps not for long.

Last year I predicted that at least 500 new generic Top Level Domains (gTLDs) would in fact be in use by the end of 2013, further to the opening of applications by ICANN in 2012. This proved rather optimistic, although over 30 new gTLDs have already been delegated and have launched their Sunrise Periods for prior rights holders. From .TODAY to .TIPS to .TECHNOLOGY, it will soon be possible to register domain names under a whole range of new extensions and I predict that around 1,000 will have been launched by the end of 2014. The focus will shift from pre-delegation issues at the top-level, such as objections, to post-delegation issues at the second-level, in particular rights protection mechanisms for brand owners to deal with the predicted increase in cybersquatting.

This year I predict that in 2014 the so-called quantified-self will move into the mainstream, and 'body-hacking' devices enabling people to record and measure lifestyle data will become far more commonplace. This technology is only in its infancy and we have yet to appreciate the full implications, particularly in relation to the collection and storage of vast quantities of personal data.

Graham Smith, Partner, Bird & Bird

Most surprising development

In my predictions for 2012 I said: 'The Defamation Bill will produce an internet-friendly approach to defamation liability (that's not a prediction, just a fantasy)'. Well even fantasies can come true. The Defamation Act 2013 contains a lot to cheer: complete defamation immunity of website operators for identifiable third party posts, a single publication rule for limitation purposes, restrictions on actions against secondary publishers and the introduction of a forum bar for non-European defendants. The provisions about anonymous third party posts are a mess, but since they are voluntary may have little impact. So all-in-all a pleasant surprise.

Prediction for 2014

Home 3D printing will be stigmatised as piracy.

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