

Overview

In today's increasingly digital and mobile world, cloud computing is quickly becoming the way of the future. With a variety of businesses now migrating to the cloud, you, as a customer or provider, may be considering whether or not to tap into this business model. There are many advantages related to cloud computing. For a provider, it gives a regular source of income without the large fluctuations of traditional licensing models, but exposes the provider to service-level requirements. For a customer, it provides a flexible, scalable and affordable computing environment, but it also raises sticky questions around sensitive issues such as privacy, regulatory compliance and data protection and ownership.

Dentons' team of experienced cloud and hosting services lawyers can help. By understanding the complex relationship of business, technological and legal considerations at play, we assist potential users and service providers in structuring and documenting the appropriate commercial and legal terms, including service levels.

Our clients range from local start-ups to multinational companies spanning a range of industries. We understand that each client is unique, and our advice is premised upon that uniqueness; we do not impose a one-size-fits-all solution. We carefully analyze the risks and benefits of providing or using the cloud for your business and objectives, tailoring our advice accordingly.

Leveraging our deep expertise in the related areas of intellectual property, data protection and privacy, we help ensure that the business of our customer clients is protected from the risks inherent in the cloud, and assist our provider clients in addressing customer concerns in a business-efficient manner. Given the borderless nature of cloud computing, we use the knowledge of our global team to consider issues that transcend geographic boundaries, such as tax, privacy and industry norms.

Whether you prefer a traditional software licensing model or want to venture into a cloud-based "software-as-a-service" arrangement or a derivative thereof, such as "infrastructure-as-a-service" or "platform-as-a-service," Dentons can help develop the strategy and negotiate and close the deal that's right for your business needs—whatever those needs may be—now and into the future.

Representative Experience

- **Regional health care provider:** Advising on the negotiation of a multijurisdiction agreement with the Northwest Territories (NWT) whereby the client will implement a version of NetCare and act as a service bureau offering electronic health records management for NWT medical practitioners and patients.
- **Alberta Health Services:** Advising on the negotiation of an Information Sharing Framework with a medical association, on behalf of participating physicians, which is the first Canadian information sharing agreement (and related information management agreement and information exchange protocol) of its kind. It involves the client and the participating physicians sharing health information as co-custodians using electronic medical record systems owned and/or operated by the client.
- **Large multinational provider of security solutions:** Advising with respect to a privacy breach across multiple jurisdictions and involving multiple stakeholders. Our team assisted with determining the extent to which disclosure was required or advisable vis-à-vis various provincial privacy commissioners, employees and customers, and assisted with crafting and communicating the various disclosures in a way that minimized the breach and prevented it from becoming a significant Canadian news item.

- **Velocity Technology Solutions:** Representing a leading cloud-based application hosting company and its private equity fund owners Spire Capital and Tudor Investments, in connection with the merger of Velocity and a subsidiary of Silver Lake Sumeru Fund, LP, a global leader in middle-market technology investing. The transaction is valued at US\$220 million.