

# Summary of Skadden's Artificial Intelligence Capabilities

Skadden



# Artificial Intelligence



Our global artificial intelligence team offers years of experience with complex AI legal matters and an understanding of the key AI technology issues, business drivers and evolving global regulatory landscape to companies around the world navigating this complex and cutting-edge technology.

## Comprehensive Insight

AI raises legal questions across a broad spectrum of regulatory, corporate and litigation areas in which Skadden excels. Our team includes some of *Chambers'* top lawyers for technology, intellectual property, cybersecurity and data privacy, labor and employment, capital markets, M&A, national security, tax and antitrust/competition law. Skadden is ranked as a leading firm for Artificial Intelligence and Technology in *Chambers USA*. We draw on our strong regulatory knowledge and experience across our global footprint to advise our clients regarding the laws governing AI, and how to plan for laws and regulations that may come into effect.

## Tech Savvy

Our attorneys have a sophisticated understanding of the tools and models that underpin AI resulting from their extensive work advising clients in this space and the technical training and experience many of them possess.

## Experienced in AI Development and Deployment

Skadden represents companies at every stage of the AI development lifecycle, including:

- Developers and distributors of AI models and tools.
- Owners of content and data used to train AI applications.
- Organizations developing AI governance models.
- Companies creating intellectual property strategies for use and deployment.
- Entities acquiring, or investing in, AI companies.
- Businesses preparing and testing AI incident response plans.

The firm's clients are companies in virtually every industry incorporating AI into their environments, including advertising, automotive, consumer, cybersecurity, entertainment, fintech, insurance, life sciences and health care, marketing, media, private equity, semiconductors, software and sports, among others.

# Summary of Skadden's Artificial Intelligence Capabilities

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## Intellectual Property and Technology

Our highly regarded intellectual property and technology attorneys advise clients on various AI-related IP issues, including those regarding AI usage, strategies and deployments. We have advised clients, including leading AI, social media, music, movie and sports entities, on:

- Developing and drafting enterprise-wide AI intellectual property strategies and policies, including with respect to licensing and enforcement issues.
- Advising companies on IP protection and registration for works with AI-generated elements.
- Negotiating agreements to license content, names and images for use in AI models and tools.
- Negotiating enterprise AI agreements.
- Drafting form language for use with in-bound and out-bound AI-related agreements.
- Counseling AI tool developers on IP protection and licensing approaches.
- Advising on transactions involving the acquisition or sale of, and investment in, AI-related companies.

## Governance

Skadden counsels public and private companies, management, boards of directors and board committees on a full range of corporate governance matters and fiduciary duties related to AI development and deployment. We advise companies on how to assess, manage and monitor the benefits and risks of AI, how to structure and implement AI governance and how to ensure their boards take reasonable steps to implement and oversee AI risk management and compliance controls. We help clients both develop tailored, cross-functional AI governance practices and review those already in place, advising on whether changes may be warranted to align with global regulatory expectations and best practices.

We have advised clients, including management teams and boards of global technology and entertainment companies, sports leagues, retailers and financial institutions, on:

- AI governance related to cybersecurity, privacy, fairness and bias, safety and IP considerations.

- The development of AI policies and procedures.
- AI supply chain risk management, including the development of tailored AI impact assessments.

## Cybersecurity and Data Privacy

Skadden's market-leading cybersecurity and data privacy team helps companies traverse the growing security, privacy and compliance challenges posed by the development and use of AI. Our attorneys are well equipped to help strengthen clients' cybersecurity preparedness and resilience and to advise on AI-related cybersecurity vulnerability management, assessments and disclosure programs.

We have extensive experience developing, implementing and reviewing effective ethics and compliance programs and sound corporate governance practices at the intersection of cybersecurity, data privacy and AI, including advising and training management teams and boards on AI-related policies, procedures and accountability frameworks.

Our attorneys also develop, enhance and assess the effectiveness of cybersecurity incident response plans and work hand in hand with cybersecurity specialists, forensic investors and other professionals to protect clients' interests.

In addition, we track evolving regulatory and other standards related to cybersecurity, data privacy and AI.

We have advised clients, including *Fortune* 500 companies, on:

- Preparing for and responding to AI-related cyber incidents.
- Facilitating and developing AI tabletop exercises.
- Developing AI-enabled cyber defense products and services.
- Creating AI and cybersecurity vulnerability management and disclosure programs.

# Summary of Skadden's Artificial Intelligence Capabilities

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## Corporate Transactions

Skadden is recognized as one of the top global advisers on corporate deals. Our highly esteemed team provides sophisticated counsel on the complete spectrum of corporate transactions, including mergers, acquisitions, joint ventures and financing matters. We have advised clients, including industry-leading, global companies in the entertainment, media, semiconductor and technology sectors and global private equity firms, on:

- Mergers, acquisitions and strategic investments involving developers and users of AI.
- Acquisitions by private equity firms of portfolio companies offering AI-powered tools.
- Joint ventures, strategic alliances and collaborations in the AI space, including for the development of AI technology.
- Divestitures and spin-offs for AI-related technologies and applications.

## Compliance

We help large, global companies create effective ethics and compliance programs, including advising and training management teams and boards on AI-related policies and procedures. Skadden also tracks key AI developments at the state, national and global levels to ensure our clients' practices keep pace with important regulatory changes.

Our work includes:

- Advising on legal, regulatory and legislative AI developments, and litigation related to emerging AI threats.
- Developing AI regulatory watch programs highlighting key global legal and regulatory developments.

## Labor and Employment

Skadden's top-tier labor and employment practice provides advice and counseling on the use of AI tools and on compliance with applicable laws covering:

- Recruitment/screening.
- Pay transparency.
- Background checks.
- Collective bargaining.

We also draft workplace policies in connection with the use of AI.

## Litigation

Skadden's Litigation Group, recognized as best in class, handles disputes involving cutting-edge legal issues in new and unsettled areas of the law. We represent and advise clients on matters across the expanding digital technology space, including in the area of artificial intelligence, where we have developed enterprise-wide AI-related enforcement strategies for a number of companies. We also advise clients on the litigation risks and discovery-related implications of AI adoption, and our antitrust team has substantial experience in the nascent area of algorithmic pricing litigation.

## Other Areas

Our global team provides integrated advice in many other areas relevant to the functioning of businesses with AI issues, including tax, executive compensation and benefits and antitrust/competition.

# AI Workstream Highlights



Developing enterprise-wide AI strategies, including with respect to licensing and enforcement issues.



Developing and drafting enterprise-wide AI policies, as well as tailored policies for specific company departments (e.g., engineering departments).



Negotiating enterprise AI agreements, including with respect to ownership of fine-tuned models and outputs of AI systems.



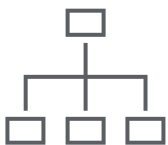
Drafting form language for use with in-bound and out-bound agreements.



Advising on labor and employment issues arising from the use of AI.



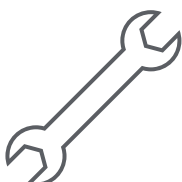
Advising clients building AI foundation models with respect to intercompany services and license agreements.



Advising on developing sound and robust governance structures for AI matters.



Advising on regulatory developments and assisting with formulating policy positions on AI.



Advising AI tool developers on IP and licensing approaches.



Advising developers of AI foundation models on intercompany agreements with respect to IP, services and tax considerations.

# Experience

While artificial intelligence has only recently captured global attention, our attorneys have been handling transactions that implicate AI development and deployment for many years.

## Intellectual Property and Technology

- **A developer of AI tools** for workplace automation in connection with IP and licensing issues
- **A family office** that is exploring the development or fine-tuning of large language models, including with respect to IP, data privacy, export controls and other regulatory matters
- **A global entertainment company** in connection with developing AI policies and intellectual property advice
- **A global social media platform** in the formulation of a global regulatory strategy regarding AI, negotiation of AI tool licenses and intellectual property issues relating to AI generated content
- **A leading social media platform** in the negotiation of enterprise-wide AI tool licenses
- **A leading music label** in connection with AI transaction and litigation strategy, including how to protect its own content from being used without authorization, and how it can exploit AI tools for its creative offerings
- **A provider of AI management services** to celebrities
- **A provider of AI models for mobile phones** to replace traditional mobile phone apps
- **An AI-as-a-service company** that is developing proprietary hardware, software and other proprietary technology
- **An autonomous vehicle software company** based in China regarding various AI-related national security, data privacy and other regulatory matters
- **A sports league** in connection with AI IP strategy
- Several **studios and production companies** in their use of AI in creating film and TV content, including advice on AI IP strategy

## Governance

- **Management teams and boards** of global technology and entertainment companies, sports leagues, retailers and financial institutions on AI governance, including on issues related to cybersecurity, privacy, fairness and bias, safety and IP considerations
- Companies in a variety of different industries regarding AI governance matters, such as drafting internal policies to guide internal use of generative AI, including for a **digital beverage wholesaler**, a **cosmetics company** and a **satellite company**
- **Several studios and production companies** in their use of AI in creating film and TV content, including advice on AI governance
- **A large retail company** on AI governance, policies and procedures relating to its use of AI facial recognition technologies and engagement with state and federal regulators
- **A leading biotech and drug discovery company** in connection with building its AI governance program designed to address the novel use of generative AI with respect to a range of more or less sensitive data in a tech-forward yet privacy- and cybersecurity-compliant manner
- **A leading financial technology company** in the development of AI usage policies and strategy
- **A leading global fintech company** on AI governance and product counseling in relation to the EU AI Act, EU AI liability directive, U.K. and EU GDPR, and EU Digital Operational Resiliency Act (DORA)
- **A leading industrial real estate and logistics company** on AI-governance frameworks and novel privacy and cybersecurity considerations for the use of generative AI in the property-tech space

# Experience

## Continued

- **A leading social media platform** in connection with the review of user-facing policies relating to AI features of photo and video application
- **A global brand** in connection with establishing policies for AI usage and deployment of an AI-based customer service tool
- **A pioneering maritime AI company** offering a comprehensive platform for risk management and maritime domain awareness regarding its current and upcoming AI regulatory obligations and/or best practices, particularly as they relate to its federal agency customers
- **A sports league** in connection with AI governance
- **A top-five frontier AI company** on a range of matters, including cybersecurity, surveillance and privacy law; sensitive government investigations involving AI model design, development and security; and insider threat programs
- **A top-five frontier AI company** on compliance with upcoming AI laws, in particular with respect to preparing for compliance with the EU AI Act and other AI regulatory developments in the EU, U.K. and U.S.
- **A top-three self-driving car company** on novel privacy and cybersecurity legal compliance considerations related to autonomous driving technology in key jurisdictions across the world
- **An autonomous vehicle company** in connection with an AI strategic review

### Cybersecurity and Data Privacy

- **Fortune 500 companies** on preparedness for and responses to AI-related cyber incidents and the development and facilitation of AI tabletop exercises
- **Leading global cybersecurity tech companies** on the development of AI-enabled cyber defense products and services

- **Global automakers and suppliers of internet-connected products** — such as semi-autonomous and fully autonomous cars, implanted medical devices, home products, mobile devices and telecommunications devices — on AI and related cybersecurity risk management

### Corporate Transactions

- **Advantest America, Inc.** in its collaboration with PDF Solutions, Inc.
- **Ansys, Inc.** in its \$35 billion sale to Synopsys, Inc.
- **Dell Technologies Inc.** in its \$4 billion sale of Boomi to Francisco Partners and TPG
- **F5 Networks, Inc.** in its \$1 billion acquisition of Shape Security, Inc. and its \$500 million acquisition of Volterra
- **Google Inc.** in its acquisition of API.AI
- **Intel Corporation** in its \$15.3 billion acquisition of Mobileye, N.V.
- **Juniper Networks, Inc.** in its sale to Hewlett Packard Enterprise at an equity value of approximately \$14 billion
- **Netflix** in its acquisition of Scanline VFX
- **Nilfisk Holding A/S** in its collaboration with Brain Corporation to develop AI technology for autonomous industrial vehicles
- **Permira Funds** in several transactions, including the acquisition and subsequent \$1.1 billion sale of its portfolio company Renaissance Learning to Hellman & Friedman; and its significant investment in Curriculum Associates from Berkshire Partners
- **Proofpoint** in its \$12.3 billion sale to Thoma Bravo
- **Splunk Inc.** in its \$28 billion acquisition by Cisco Systems, Inc.
- **Spotify Technology S.A.** in its acquisition of Sonantic Limited, an AI voice platform

# Experience

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- **Stryker Corporation** in its \$3 billion acquisition of Vocera Communications, Inc. and its \$4 billion acquisition of Wright Medical Group
  - **The Sage Group plc** in its acquisition of certain assets of Allocate, Inc., its acquisition of Startup Compass Inc., its \$850 million acquisition of Intacct Corporation and its acquisition of Budgeta Inc.
  - **Tulco, LLC** in its \$400 million sale of its AI insurance business to Acrisure, LLC
  - **Visa Inc.** in its proposed but terminated \$5.3 billion acquisition of Plaid Inc.
  - **A financial technology company** in connection with its acquisition of a B2C technology company that uses AI-powered platforms to predict consumer behavior
  - **A leading social media platform** in the acquisition of an AI music generation technology
  - **A technology company** in connection with EEO compliance issues involved with an AI solution it developed for recruitment purposes
  - **A hotel operator** in connection with litigation alleging anticompetitive conduct through use of algorithmic pricing
  - **A technology company** in connection with tax advice regarding developing AI-based data analytics solutions for tax authorities
  - **An AI developer** in connection with CFIUS and export controls matters

## Additional Experience

- **The Carlyle Group** and its portfolio company **Veritas Technologies** in the antitrust and national security aspects of the \$7 billion sale of Veritas' data protection business to Cohesity, Inc. to create an AI-powered data security and management company
- **Automobile manufacturers and self-driving car companies** on legal, regulatory and legislative AI developments, and litigation related to emerging AI threats
- **A leading global financial services company** in an internal investigation involving an employee's alleged misuse of generative AI technologies

**The Americas**

Boston  
Chicago  
Houston  
Los Angeles  
New York  
Palo Alto  
São Paulo  
Toronto  
Washington, D.C.  
Wilmington

**Europe**

Brussels  
Frankfurt  
London  
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Paris

**Middle East**

Abu Dhabi

**Asia Pacific**

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Tokyo

