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## **Press-release**

#### 24 March 2021

# BRYAN CAVE LEIGHTON PAISNER DEFENDS DOUBLE DATA IN A PRECEDENT-SETTING DISPUTE WITH VKONTAKTE OVER USE OF PUBLIC WEB DATA

After the 12 February 2021 hearing in a case brought by the owner of the VKontakte social network against Skolkovo resident OOO Double (Double Data), developer of Double Data software, over lawfulness of processing open data on the VKontakte social network, the Moscow Commercial Court awarded the case to Double Data, represented by Bryan Cave Leighton Paisner. The full judgement was produced on 22 March 2021 and may be found here.

This is one of the most talked about and high-profile IP/IT and Big Data litigations in recent years and is also the first ever dispute in Russia over intellectual rights to publicly accessible web data (database) generated by users themselves, rather than the website owner.

It is no overstatement that the judgement on the dispute, which lasted for more than four years, sets a precedent; one of the problems it addressed is lawfulness issues involved in the way search engines and web-browsers work.

At the trial stage, Double Data was represented by Bryan Cave Leighton Paisner Russia Dispute Resolution Partner and Head of IP **Elena Trusova**, Counsel **Evgeny Oreshin** and Junior Associate **Daria Khvostovets**.

Maxim Ginzhuk, OOO Double Founder and CEO: "Apart from feeling inspired by this win, we believe that the one crucial implication of the award is that it will help many tech businesses avoid having to spend four years on similar disputes with corporations. There is now a legal precedent in Russia that says that caching and indexing may be declared lawful operations.

What is clear to any IT specialist is, apparently, far from clear from the legal perspective. We would like to express our thanks to the BCLP team for their tremendous hard work, translating our IT speak into clear legal language and presenting such a strong case. We also appreciate the time the court devoted to this litigation, wrestling with the intricacies of various technical issues".

Elena Trusova, Dispute Resolution Partner and Head of IP at Bryan Cave Leighton Paisner Russia: "At last the trial hearing of this case, which is, indeed, a breakthrough, is over and we are thoroughly satisfied with the judgement. Today, the court truly chose digital and information exchange freedom by disagreeing with VKontakte's arguments that user data on social networks may not be processed using third party software".

Evgeny Oreshin, Dispute Resolution and IP Counsel at Bryan Cave Leighton Paisner Russia: "The court has embraced the hi-tech advancement approach, opposing monopolisation by VKontakte's platform of data and a huge range of information. We believe

a different approach would have triggered control by corporations over public information posted on the Internet".

# For more information, please contact:

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### **About Bryan Cave Leighton Paisner LLP**

**Bryan Cave Leighton Paisner LLP** law firm was formed in 2018 as a result of one of the biggest transatlantic mergers in the history of the legal business: the merger between the leading international law firms Bryan Cave LLP (US) and Berwin Leighton Paisner LLP (UK), including its Russian practice Goltsblat BLP. Today, Bryan Cave Leighton Paisner LLP is one of the biggest global law firms (among the top 50), uniting more than 1,400 lawyers in 30 offices in 11 countries. Bryan Cave Leighton Paisner (Russia) LLP provides comprehensive legal support for any largescale deals, projects and disputes in any jurisdiction, whenever and wherever clients might need it. Strong global practices and fully-integrated international teams in M&A, real estate, financial services and dispute resolution. The firm represents 40% of the Fortune 500, 30 of the world's top 50 banks (by revenue) and 12 of the world's biggest sovereign wealth funds.

## **About Bryan Cave Leighton Paisner Russia**

The Russian practice of **Bryan Cave Leighton Paisner (formerly Goltsblat BLP in Russia)** is a well-established, stable team, one of the biggest on the Russian market; built up over more than 20 years, it is a recognised leader in Russia. The history of the BCLP Russian office includes the merger, in 2009, between one of the biggest teams on the Russian market, led by Andrey Goltsblat, and the leading UK law firm Berwin Leighton Paisner (BLP). The Moscow office has more than 100 lawyers qualified under Russian, English and US law (State of New York). Five times winner of Law Firm of the Year in Russia since 2009, including Chambers Europe Awards 2010, 2014 and 2015; The Legal Business Awards (The Legal 500) 2010; The Lawyer European Awards 2014. Leading positions and profound Russian law expertise with the absolute majority of the practices in Russia recognised as market leaders / top-ranked by leading national and international rankings (The Legal 500, Chambers&Partners, Best Lawyers, Mergermarket, Pravo.ru-300, etc.). <a href="https://www.bclplaw.ru">www.bclplaw.ru</a>