

Todd D. Daubert

Partner



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Overview

Todd Daubert is a partner in Dentons' Washington, DC, office and chair of the Firm's Communications and Technology sectors. Todd has nearly two decades of experience advising companies that develop, integrate and deploy new technologies in transactional, regulatory, litigation and appellate matters. Leveraging a background in engineering, Todd crafts innovative solutions that help clients, from startups to global players, achieve their strategic objectives and minimize their risks, resulting in improved business results and profitability.

Todd's client base includes some of the world's largest technology companies driving the most dynamic and major growth area in the global economy.

In addition to negotiating and drafting various types of business agreements, including interconnection, roaming, backhaul, vendor, resale, mobile virtual network operator (MVNO) and service agreements, Todd assists his clients, in navigating a regulatory environment that is about as complex and rapidly evolving as they come. He has guided companies through investigations and audits by the Federal Communications Commission (FCC), the Universal Service Administrative Company (USAC) and state regulatory authorities. He has represented clients before the FCC and in state and federal trial and appellate courts in matters alleged unfair billing practices, violations of truth-in-advertising laws, interconnection agreement claims, and numbering and tariff interpretation. He has developed and implemented compliance strategies relating to 911, customer proprietary network information (CPNI), the Communications Assistance for Law Enforcement Act (CALEA), universal service, truth-in-billing, numbering and number portability. And he has advocated for and against changes in policies, laws and regulations on a range of matters, including universal service, interconnection, numbering and addressability, portability, competition and privacy.

Information privacy and data protection

Today, the core of any successful company is the data it manages and its ability not only to effectively model, analyze and process that data quickly but also to protect itself against data breaches. Todd leads the US Privacy and Data Security team within Dentons' global Privacy and Security group (ranked Band 1 by *Chambers*), counseling a wide range of companies for whom the collection, storage and transmission of information is central to their core business, in protecting the privacy and security of that information, be it data, voice, sounds or images, through the development and implementation of privacy and data protection and compliance policies, and data breach/cybercrime incident response and management protocols.

In particular, the collection, use and storage of personal information has been subject to an increasingly complex framework of laws and regulations, violation of which risks government penalties and private litigation. Todd works with clients to ensure compliance and implement risk management programs that create a strong control environment that will be both a springboard for innovation and a bulwark against breaches. In addition to providing proactive counseling, he has assisted clients in responding to crises, including helping them manage data breaches—whether resulting from malicious activities, human error or a compromised computer system— from containment and assessment of risks and impact, to notification to affected individuals and third-parties and evaluation of response and recovery to prevent future breaches.

Specifically, Todd focuses on:

- Advising clients on how to deploy products and services, or how to use technology, in a way that builds consumer trust and protects confidential information
- Negotiating the privacy and data security provisions of commercial and outsourcing agreements, including the agreement with the vendor for local telephone number portability administration services in the United States
- Representing clients during investigations of potential data breaches or the misuse of data
- Advising clients on all aspects of data collection, usage, sharing, management, protection and disposal, including:
 - Global compliance strategies
 - Information governance
 - International data transfers
 - Data retention and exploitation with respect to digital media and cloud services

Experience

Todd has advised clients on the implementation of mobile payment and e-commerce systems, including the technical, regulatory and data privacy challenges that have accompanied the introduction of new payment technologies. His preeminence in this area of law led the North America Board of the Mobile Entertainment Forum, the leading trade organization for the mobile content and commerce industry, to appoint Todd to be chair of group's Policy and Initiatives Committee, which is currently developing new standards for electronic payment systems. Todd's recent significant representations include:

- Represented various national and regional carriers in deploying services, including obtaining regulatory approvals and negotiating interconnection agreements and agreements with equipment manufacturers, service providers and other interested parties.
- Represented national and regional wireless carriers in the negotiation of multi-year backhaul and service agreements with a combined value in the hundreds of millions of dollars.
- Advised an equipment manufacturer on the development and global deployment of machine-to-machine (M2M) communications systems.
- Provided regulatory compliance advice to national wireline and wireless carriers on such issues as net-neutrality, roaming, addressability and signaling, building access and pole attachments, and numbering.
- Developed compliance strategies, policies, procedures and manuals covering all major regulatory requirements, including privacy and CPNI, 911 services, truth-in-billing, universal service, CALEA and telecommunications relay services (TRS).
- Defended a tool and equipment manufacturer during an FCC investigation that concluded without any finding

of wrongdoing or further reporting requirements.

- Represented a national wireless carrier in the first FCC audit of carrier numbering practices, which concluded without any finding of wrongdoing.
- Advised entities in connection with acquisitions of FCC-licensed television broadcast facilities, amendments to licenses and construction permits and the attendant regulatory requirements.
- Represented various national and regional wireline and wireless carriers in litigation over intercarrier compensation, including access charges and reciprocal compensation, and other contract disputes.
- Developed appellate strategies for and represented trade associations and carriers in connection with appeals of federal and state court orders.

Recognition

Honors and Awards

- Recognized by *Washington DC Super Lawyers* in the areas of Administrative Law and Communications, 2014.
- Recognized by *The Legal 500* in the area of Media, Technology and Telecoms, 2012–2014. He is described as a "thorough, effective negotiator" and a "sharp thinker who takes a pragmatic approach."
- Listed in *Chambers USA: America's Leading Lawyers* for Business, Telecom, Broadcast and Satellite, Washington, DC, 2012, 2013 and 2014. As quoted by clients, "he has tremendous knowledge and experience in how the law plays out in front of the FCC, and is very creative in his thinking."

Insights

- "New FCC spectrum proposal would fuel the development of driverless vehicles," Dentons client alert, December 9, 2019
- "Talking cars: The FCC holds the key to unlocking the promise of autonomous vehicles," Dentons client alert, January 28, 2019
- "2019 Telecommunications Policy Outlook," Dentons client alert, January 10, 2019
- "BIS begins process for export controls of "emerging and foundational" technologies: what tech companies need to know," Dentons client alert, November 20, 2018
- "Net neutrality: the FCC's vital role in the viability of telehealth," *eHealth Law & Policy*, September 2014
- "Technology's impact on business sectors," Dentons Videos, July 2014
- "The evolving role of technology in business," Dentons Videos, July 2014
- "Net neutrality in Europe and the US: swimming against the tide?," *Dentons client alert*, June 10, 2014
- "The FCC v. Verizon case, and the future path for the FCC," *e-Commerce Law and Policy*, February 2014
- "FCC to Consider Classification of VoIP Services for Pole Attachment Rates," Dentons client alert, January 8, 2014
- Co-author, "Bridging the Broadband Gap: A Look at Policy Responses in the US and EU" and "Telecommunications Laws and Regulations in the US," *The International Comparative Legal Guide to Telecommunications Law and Regulations*, Fifth Edition, 2012
- Co-author, "Where Are All of the Smart Grids?," *Law360*, October 5, 2011

- "Privacy, Access and Law Enforcement in the Age of Interactive Video and User Created Content," Pacific Telecommunications Council Conference Proceedings, January 2008
- "Copyright, Potential Markets, and the User Interface: Defining the Scope of the Limited Monopoly," *Law and Contemporary Problems*, Vol. 55, No. 2, Duke University School of Law, Spring 1992

Activities and Affiliations

Presentations

- Presenter, "GDPR at One Year Webinar," New York State Bar Association, May 23, 2019
- Speaker, "Data Breach Assessment in Action," RADAR Event, New York, NY, January 30, 2019
- Panelist, "Smart Risk Management - What Are Regulators Focusing On?," December 7, 2018, Bermuda
- Panelist, "GDPR Comes to America Presentation," New York, NY November 1, 2018
- Presenter, "Recent Developments: How Privacy and Security Regulations in Europe, California & Elsewhere May Affect You," Dentons CLE Seminar, October 17, 2018, Washington, DC
- Presenter, "GDPR presentation," Mt. Sinai Innovation Partners Webinar, October 16, 2018
- Presenter, "Ultra, Basic concepts of GDPR," Rockville, MD, June 19, 2018
- Presenter, "The Law's Sisyphean Pursuit of Technology Presentation," Dentons CLE Seminar, Chicago, IL, June 15, 2018
- Panelist, "Cybercrime: How it Affects Your Organization and What You Should Be Doing," Society of Information Management and Financial Executives International, April 19, 2018
- Presenter, "GDPR and How It Might Affect the Practice of Law in New York," March 13, 2018
- Presenter, "General Data Protection Regulation (GDPR) Workshop," New York, NY, January 16, 2018
- Presenter, "Straight Talk About Privacy and Data Security: Do You Know Myth from Reality?" Dentons CLE Seminar, October 27, 2017
- Panelist, "Trump Administration's First 100 Days in Office," Nokia, June 6, 2017
- Presenter, "Data Protection and Lessons Learned," STEP Conference, May 3, 2017
- Participant, "Securing Spectrum: Unlicensed Technologies, Connected Vehicles, and Privacy Program," FCBA, February 8, 2017
- Presenter, "Latest Developments in Privacy & Data Security For US and EU", KKR CLE Webinar, February 16, 2017
- "The Cloud and Cybersecurity Law: A panel discussion on regulation and technology," Avanan, January 26, 2017
- "Proposed NY State Cyber Regulations for Financial Services Companies," November 8, 2016
- Presenter, "Counter-UAS Concepts and Technologies," UTM Convention, November 10, 2016
- "A Security Breach? Now What?," AXA Conference, October 20, 2016
- Panelist, "Cyber Security Panel Discussion," October 13, 2016
- Participant, "Don't Call Me, I'll Call You: Navigating TCPA Compliance and Class Actions ", Dentons Webinar, August 4, 2016

- Speaker, "De-Identification: Maximize Big Data Value, Minimize Privacy Risk," September 2015
- "Dentons Proposal for Global Legal Services to Nokia Corporation," Presentation to Nokia Corp., Helsinki, Finland, June 2015
- "The Current State of Net Neutrality," IT.CAN, Montreal, Quebec, October 20-21, 2014
- "Identity and Privacy Across the Screens," Multiscreen Summit, New York, NY, June 12, 2013
- "Protecting App Users' Privacy: The Case for Enlightened Regulation," Second Annual Privacy Summit, Washington, DC, June 6, 2013
- "Cybersecurity Summit - Best Practices," CTIA, Las Vegas, NV, May 22, 2013
- "M-Commerce: What the Future Holds for Retailers, Brands and Content Owners," MEF panel, CTIA, Las Vegas, NV, May 21, 2013
- "Data Privacy and California Privacy Litigation Trends," Dentons CLE seminar for in-house counsel, Beverly Hills, CA, January 10, 2013
- "Walk the Line: The Balance Between Protecting your Customers and Monetizing their Data," MEF Americas Conference, Miami, FL, December 5, 2012
- "Fireside Chat: Inside the Beltway - Find Out what Legislation is Coming Down the Line that will Impact the Industry," Interviewer, MEF Americas Conference, Miami, FL, December 5, 2012
- "Mobile Payments and Value Transfers: Opportunities and Obstacles," Association of Corporate Counsel webinar, September 20, 2012
- "Retail in a Mobile World: Ensuring Consumer Privacy and Data Security," Dentons CLE presentation to National Retail Federation, Washington, DC, July 10, 2012
- "Privacy and Data Security - Cross-Border Compliance in a Data-Driven World," Dentons CLE seminar for Pitney Bowes, July 9, 2012
- "Data Protection/Privacy Update and the New EU Regulations," Dentons CLE webinar, June 19, 2012
- "Government Fireside Chat with the Federal Reserve Board and the Federal Trade Commission," MEF Mobile Content & Commerce Privacy Summit, Washington, DC, April 24, 2012
- "Privacy and Security Issues around M-Commerce," MEF Mobile Content & Commerce Privacy Summit, Washington, DC, April 24, 2012
- "Regulatory and Legal Risks of Mobile Payment Systems," LexisNexis Emerging Issues webinar, New York, NY, March 21, 2012
- "Privacy and Mobile Apps," MEF Roundtable, Mobile World Congress, Barcelona, Spain, February 28, 2012
- "Regulatory 2.0 The New Rules Are Here," ITExpo, Miami, FL, February 2, 2012
- "Context v. Privacy—A Critical Problem Requiring a Robust Solution," MEF Americas Conference, Miami, FL, November 30, 2011
- "Practical and Regulatory Considerations for MCommerce," Innovation Stage, CTIA fall conference, San Diego, CA, October 15, 2011
- "The Ethics of Mobile Devices: Tracking Employee Locations: When Should You? When Should You Not?" Masters Conference for Legal Professionals, Washington, DC, October 5, 2011
- "Technology, Broadband & Your Business: Where We Are, Where We Are Going, and What You Should Know," Dentons CLE seminar for in-house counsel, Washington, DC, September 20, 2011
- "Applying the New FUSF/ICC Rules: Who Needs Help with Broadband?" 4G Wireless Evolution Conference,

Austin, TX, September 15, 2011

- "Mobile Enterprise Services: Ensuring a Competitive Marketplace," 4G Wireless Evolution Conference, Austin, TX, September 13, 2011
- "Mobile Payments: Emerging Business Models & Legal Challenges," Dentons webinar for in-house counsel, Washington, DC, March 1, 2011
- "It's the Internet, Not Mobile, that Matters," 4G Wireless Evolution Conference, Miami, FL, February 3, 2011
- "The Future of Broadband Regulation: Recent Developments and How They May Impact Broadband Services," Dentons CLE seminar for in-house counsel, Washington, DC, October 6, 2010
- "National Broadband Policy Review," 4G Wireless Evolution Conference, Los Angeles, CA, October 5, 2010
- "The National Broadband Plan and the Potential Impact of the Comcast Decision (The Limits of Title I Jurisdiction)," CLE Presentation, Bellevue, WA, March 26, 2010
- "The National Broadband Plan: What It Means for Your Business," Regulatory and Legislative Update, Washington, DC, March 24, 2010
- "Net Neutrality: Can Open Be Governed," 4GWE East 2010 Speaker, TMC Net VoIP Conference, Miami Beach, FL, January 20, 2010
- "Making Sense of the FCC's Network Neutrality NPRM," Washington, DC, December 2, 2009
- "Navigating Uncharted Waters: Telecommunications Policy in the New Administration and Congress," Washington, DC, November 13, 2009
- "Privacy, Access and Law Enforcement in the Age of Interactive Video and User Created Content," Pacific Telecommunications Council Conference, Waikiki, HI, January 12, 2008
- "Universal Service Reform," Federal Communications Bar Association Hot Topics in Universal Service seminar, Washington, DC, November 28, 2007
- "Privacy, Access, and Law Enforcement in the Mobile Information and Entertainment Age," Mobile Web Americas Conference, Orlando, FL, October 2, 2007
- "Interconnected VoIP Services: Should Providers of Interconnected VoIP Services Hold Themselves Out as Providers, Rather than End Users, of Telecommunications Services?," Regulatory and Legislative Update, Washington, DC, April 2, 2007
- "Interconnected VoIP and Universal Service: The Nuts and Bolts of VoIP Compliance with USF Requirements," VoIP workshop, Washington, DC, July 26, 2006
- "Public Safety and VoIP: E911 and CALEA Compliance," VoIP workshop, Washington, DC, July 26, 2006
- "IP: To Regulate or Not to Regulate, That Is the Question," CompTel Conference, Orlando, FL, October 12, 2005
- "Leveraging Information and Communications Technologies for Global Competitive Advantage," World Telecommunication Day Symposium, Port of Spain, Trinidad and Tobago, May 17, 2005
- "Numbering Optimization and IP-Enabled Services," FCC Numbering Symposium, Washington, DC, November 2004
- "Fixed Wireless: The 'Next Big Thing' for Breaking the Last Mile Bottleneck?" ALTS Conference, Washington, DC, May 11, 2004
- "U.S. Regulatory Concerns for VoIP: Where We Are Going and What We Need to Get There," VON Conference, San Jose, CA, April 2, 2003

- "Dispelling Myths About So-Called Virtual NXXs," NARUC Conference, Washington, DC, July 27, 2002
- "Reciprocal Compensation: Where Do We Go From Here?" CompTel Conference, Orlando, FL, May 25, 2000

Prior and Present Employment

- Todd served as a law clerk to the Honorable Chief Judge Gerald B. Tjoflat of the US Court of Appeals for the Eleventh Circuit.
- He also studied and worked in Berlin, Konstanz and Bonn, Germany, as the recipient of the Alexander von Humboldt-Stiftung Federal Chancellor Fellowship.

Areas of focus

Practices

- Advocacy and Government Affairs
- Appellate Advocacy
- Commercial Agreements
- Employment and Labor
- Employment Contracts, Handbooks and Policies
- Federal Regulatory and Marketing (United States)
- Intellectual Property and Technology
- IP and the Internet
- IP Contracts, Assignment and Licensing
- Litigation and Dispute Resolution
- Media Regulation
- Privacy and Cybersecurity
- Public Policy and Regulation
- Regulatory and Administrative Tribunals
- Strategic Sourcing and Outsourcing
- Technology Procurement, Development and Licensing
- US Policy

Industry sectors

- Advertising
- Broadband Access and Internet
- Carriers, Resellers and MVNOs
- Cloud and Hosting Services
- Communications

- Digital Media
- E-Commerce, Internet and E-Payments
- Energy
- Gaming
- Government
- Government Agencies
- Government Corporations
- Hardware and Semiconductors
- Information Technology and Telemedicine Companies
- Information Technology (IT)
- Insurance
- Insurance Privacy
- Insurance Regulation
- Life Sciences
- Life Sciences and Health Care
- Media and Entertainment
- Media, Entertainment and Sports
- Medical Device Companies
- Mobile
- National Governments
- Outsourcing
- Satellite Operators
- Software
- Space Business
- Spectrum Licensing and Radio Equipment Approvals
- Technology
- Transportation
- Transportation Technology and IT
- Autonomous Vehicles

Education

- School of Law, Duke University, 1993, JD, with honors
- Oklahoma State University, 1990, Bachelor of Architectural Engineering

Admissions and qualifications

- District of Columbia
- Maryland
- New York
- US Court of Appeals for the District of Columbia Circuit
- US Court of Appeals for the Eleventh Circuit
- US District Court for the District of Arizona
- US Supreme Court
- US Supreme Court