

# 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 intellectual property and technology, cybersecurity and data privacy, labor and employment, capital markets, M&A, national security, tax and antitrust/competition law. 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.

## 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.

## 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.

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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.

## 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.

## 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.

## 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.

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## 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.

## 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.

## Experience

### Intellectual Property and Technology

- **A developer of AI tools** for workplace automation in connection with IP and licensing issues
- **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
- **Several studios and production companies** in their use of AI in creating film and TV content, including advice on AI IP strategy
- **A sports league** in connection with AI IP strategy

### 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.

- **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 APLAI
  - **Intel Corporation** in its \$15.3 billion acquisition of Mobileye, N.V.
  - **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 of Cisco Systems, Inc.
  - **Spotify Technology S.A.** in its acquisition of Sonantic Limited, an AI voice platform
  - **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
- ### 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
  - **A leading social media platform** in connection with the review of user-facing policies relating to AI features of photo and video application

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- **Several studios and production companies** in their use of AI in creating film and TV content, including advice on AI governance
  - **An autonomous vehicle company** in connection with an AI strategic review
  - **A global brand** in connection with establishing policies for AI usage and deployment of an AI-based customer service tool
  - **A leading financial technology company** in the development of AI usage policies and strategy
  - **A sports league** in connection with AI governance

## Additional Experience

- **Automobile manufacturers and self-driving car companies** on legal, regulatory and legislative AI developments, and litigation related to emerging AI threats
- **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