

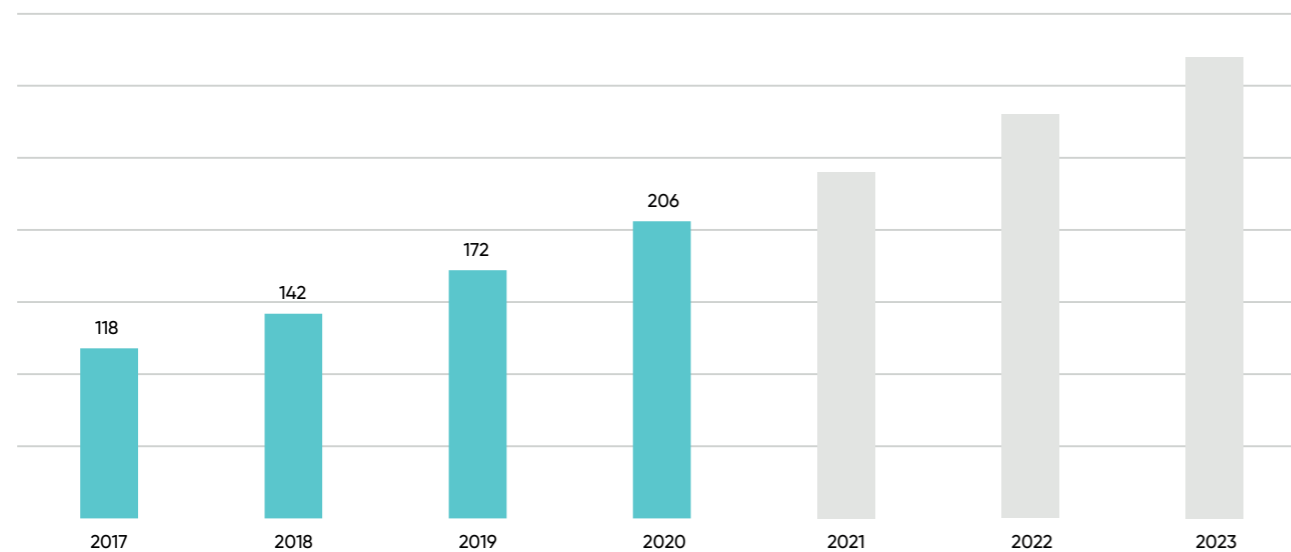
# When Health and Technology meet Law – Digital Health @ Taylor Wessing



# Megatrends Combined: Technology and Healthcare

A growing population, demographic developments and the modernisation of medical systems are today's drivers of the health ecosystem. For the healthcare industry, digitalisation will be the key factor in gaining the edge in this highly competitive area. While the high pace of change due to digitalisation offers many possibilities, it also poses countless challenges in a constantly changing legal landscape.

## Global Digital Health Market Growth (USD bn)\*



\*Source: Allied Market Research, Markets and Markets, Grand Market View, Transparency Market Research, BCC Research, Roland Berger analysis

## Key Market Drivers

- Increasing demand for remote patient monitoring services
- Demographic change
- Increasing use of smartphones, tablets and other mobile platforms
- Shortages of doctors and nursing staff in rural areas
- Corona pandemic (temporarily)

# Legal Challenges for Digital Health Ventures

1

## Telemedicine

Telemedicine comprises a multitude of healthcare services targeted at diseases and conditions as well as personal health services on a remote basis. The rise of telemedicine services in particular is a reflection of the ubiquitous digitalisation in the healthcare industry. With this shift in the nature of the service comes a great uncertainty regarding matters like privacy protection and healthcare laws.

2

## Personalized Medicine

Personalized medicine allows the tailoring of medical treatment to the individual needs of each patient. This highly personalized approach deserves particular attention concerning data protection. Furthermore, accessing the market and national healthcare systems can be challenging due to the multitude of local legal laws that need to be considered.

3

## Big Data

The handling of big data is a key factor in the healthcare industry, particularly in the use of data for research and product development purposes. The privacy laws that must be observed are challenging and complex. But companies that ensure privacy law compliance at the beginning, and thus build trust with patients, will benefit in the long term.

4

## AI & Robotics

Part of the digitalisation process in healthcare is the implementation of artificial intelligence (AI) and the use of highly developed robotics. Irrespective of the technical challenges, the use of AI and robotics raise a variety of legal questions: What is the regulatory classification of the product, and who is accountable if AI or robotics make a mistake?

# Our Digital Health Expertise:

1

## Regulatory

Progress in digital healthcare goes hand-in-hand with an ever changing and sometimes opaque regulatory landscape. Often, established relationships with competent authorities and notified bodies will help to promote mutual understanding of new regulated products and services and assist with the resolution of potentially contentious regulatory matters.

2

## Data Protection

The use of digital technologies offers innovative treatment options and new ways of monitoring health and well-being, and enables better access to information. In this context, forms of data use and exploitation are emerging that require reliable and trust-building data protection measures.

3

## Intellectual Property

Patent protection, trademarks and copyright are key for innovative digital health companies. Clearing, registering and enforcing rights across the globe is necessary in order to safeguard valuable unique selling points and customer perception.

4

## M&A

Major divestments and transactions comprise an essential component of many mid and long-term strategies. Successful deals can be game changing and lay down the foundation of a thriving business. Besides excellent legal advice in corporate law, sector-specific knowledge on regulatory requirements, data protection, and other related legal fields will make a remarkable difference in how smooth a transaction will proceed.

5

## Venture Capital

VC-funded start-up companies play a pivotal role in advancing digital health technologies. VC investments with a “lifecycle” approach are key, encompassing the structuring of financing transactions, the onboarding of partners, achieving regulatory and commercial milestones, and potential exit scenarios. The legal implementation of such a holistic approach will make a difference in securing and realising mid- to long-term financial and strategic interests.

6

## Product Liability & Product Safety

Cases of product liability, including disputes, with other economic operators can disrupt vital supply chains and put a whole business at risk. No less threatening are product safety matters often spanning across several jurisdictions. In such cases, a thoughtful approach on strategy is required.



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## About Taylor Wessing

Our tech, healthcare and life sciences teams provide seamless expert advice for startups, global companies and investors in the fast-growing digital health industry. Based on our life cycle approach, clients can rely on full service support throughout all product stages:

- Finance, capital raising and VC investments
- Data privacy and security incl. healthcare regulatory
- International IP protection incl. agreements and collaborations, partnerships and licensing agreements
- M&A

### Challenge expectation, together

With our team based across Europe, the Middle East, US and Asia, we work with clients wherever they want to do business. We blend the best of local commercial, industry and cultural knowledge with international experience to provide proactive, integrated solutions across the full range of service areas.

By shaping the conversation in our sectors, we enable our clients to unlock growth, protect innovation and accelerate ambition.



**Technology, Media and Communications**



**Private Wealth**

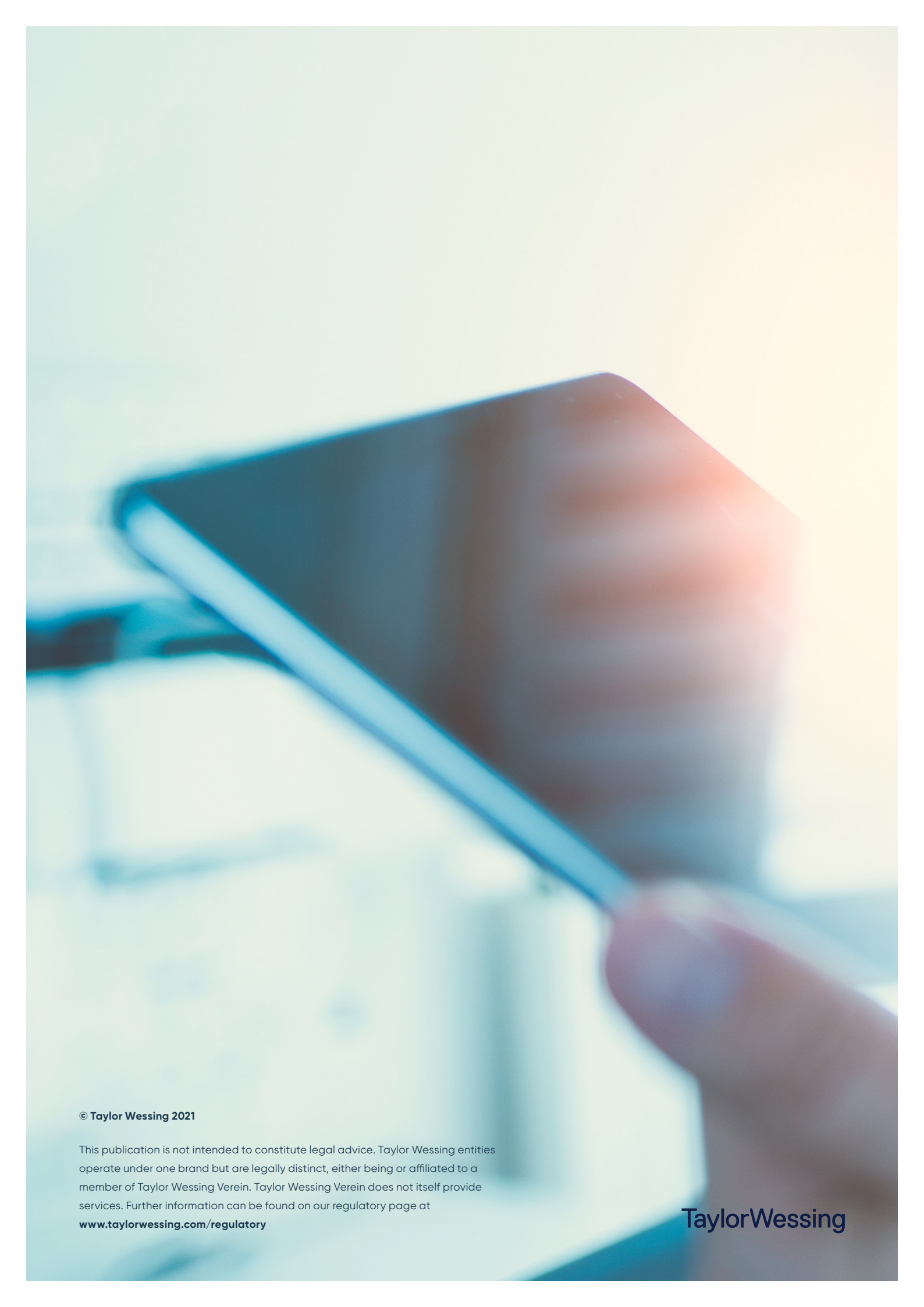


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