

# MEWBURN ELLIS LLP – PRIVACY POLICY [2018]

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## COMPLIANT WITH THE GENERAL DATA PROTECTION REGULATION (EU 2016/679) (“GDPR”) AND DATA PROTECTION BILL 2017 (“DBP”)

MEWBURN ELLIS LLP (referred to as **Mewburn** or **we/us/our**) is a firm of patent and trade mark attorneys and specialist intellectual property and technology lawyers, and we are completely committed to protecting the personal data of any data subjects whose personal data we process.

Welcome to Our privacy policy notice.

We respect your privacy and we are committed to protecting your personal data. This privacy policy notice will inform you as to how we look after your personal data when you visit any area of our website (regardless of where you visit it from), instruct us as your attorneys, make enquiries regarding our services and in any other way, provide us with your personal data and tell you about your privacy rights and how the law protects you.

To make this privacy policy notice as clear and as accessible as possible, we have provided the following information in a layered format so you can click through to the specific areas set out below. Please also use the Glossary to understand the meaning of some of the terms used in this privacy policy notice.

- 1. IMPORTANT INFORMATION AND WHO WE ARE**
- 2. THE DATA WE COLLECT ABOUT YOU**
- 3. HOW IS YOUR PERSONAL DATA COLLECTED**
- 4. HOW WE USE YOUR PERSONAL DATA**
- 5. DISCLOSURES OF YOUR PERSONAL DATA**
- 6. INTERNATIONAL TRANSFERS**
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## **1. Important information and who we are**

### **Purpose of this privacy policy notice**

This privacy policy notice aims to give you information on how we collect and process your personal data through your use of this website, including any data you may provide through this website (or in future in our Content Hub where you may indicate your interests and preferences in the Preference Centre, for our newsletter or information updates).

In addition, you may provide us with your personal data when you correspond with us to make enquiries about our legal services, to instruct us as your attorneys, or in any other way, provide us with your personal data. In those cases you will also be informed about our collection of your data.

This website is not intended for children and we do not knowingly collect data relating to children.

It is important that you read this privacy policy notice together with any other privacy policy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy policy notice supplements the other notices and is not intended to override them.

### **Controller**

Mewburn Ellis LLP is the controller and responsible for your personal data (collectively referred to as "Mewburn", "we", "us" or "our" in this privacy policy notice).

We have appointed a Data Protection Manager (**DPO**) who is responsible for overseeing questions in relation to this privacy policy notice. If you have any questions about this privacy policy notice, including any requests to exercise any of your legal rights, please contact the DPM using the details set out below.

### **Contact details**

Our full details are:

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Entity: MEWBURN ELLIS LLP

DPM: MEWBURN ELLIS LEGAL TEAM – EMMA GALLACHER

Email: [DataProtectionManager@mewburn.com](mailto:DataProtectionManager@mewburn.com)

Address: FAO MEWBURN ELLIS LLP LEGAL TEAM – DPM – EMMA GALLACHER  
22-14 QUEEN SQUARE  
BRISTOL, BS1 4ND

At all times, you have the right to make a complaint at any time to the Information Commissioner's Office (**ICO**), the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us using the details provided above, in the first instance.

## **Changes to the privacy policy notice and your duty to inform us of changes**

This version was last updated on [16 May 2018].

The data protection law in the UK will change on 25 May 2018. Although this privacy policy notice sets out most of your rights under the new laws, we may not yet be able to respond to some of your requests (for example, a request for the transfer of your personal data) immediately as we are still working towards getting our systems ready for some of these changes.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

## **Third-party links**

This website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy policy notice of every website you visit.

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## 2. The data we collect about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

To ensure transparency, we have included a list of all of the types and categories of personal data that we may collect, use, store and transfer about you.

Throughout this privacy policy notice we will refer to these type and category names when we talk about the ways that this information may be collected (i.e. via our website or as a result of your instructing us), used (i.e. in order to provide you with requested services), stored (i.e. for the purposes of sending you industry updates according to your interests as indicated via the Preference Centre which will be available in our Content Hub) and transferred (i.e. providing foreign attorneys with inventor details for the purposes of filing patent applications in other jurisdictions):

- **Identity Data** includes first name, maiden name, last name, username or similar identifier, marital status, title, nationality, date of birth and gender.
- **Contact Data** includes billing address, in the case of inventors, home address or 'care of' delivery addresses (this may be the inventor's employer address), alternative postal delivery address, email address, telephone numbers and fax numbers.
- **Financial Data** includes bank account and payment card details.
- **Transaction Data** includes details about payments to and from you and other details of services you have purchased from us.
- **Technical Data** includes internet protocol (IP) address, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this website. This is data that is collected by Google Analytics <https://analytics.google.com/> by its use of metatags on our website pages and search engine optimisation. This data may be viewed by us from time to time via our business account with Google Analytics.

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- **Usage Data** includes information about how you use our website and our intellectual property law-related services.
- **Profile and Marketing and Communications Data** this includes the services you have purchased from us and the relevant associated services areas (i.e. Trade mark services, Patent services and other legal services), your interests, preferences, feedback and any interest indications and selections that you may make in the Preference Centre of our Content Hub (including contact preferences regarding our newsletter and legal update correspondence) as well as any of your preferences in receiving marketing from us and any other communication preferences.

We do not collect any **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data). Nor do we collect any information about criminal convictions and offences.

### **If you fail to provide personal data**

Where we need to collect personal data under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with services). In this case, we may have to cancel service you have with us but we will notify you if this is the case at the time.

### **3. How is your personal data collected?**

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us data including your Identity, Contact and/or Financial Data by filling in forms, updating preferences via our Preferences Centre which will be available in our Content Hub, or by corresponding with us in person, by post, phone, email or otherwise. This includes personal data you provide when you:
  - enlist any of our services (including patent, trade mark and design prosecution services as well as other legal services);

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- subscribe to or request any of our information services, publications or other communications including marketing; or
- request marketing to be sent to you.
- **Automated technologies or interactions.** As you interact with our website, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, server logs and other similar technologies. Please see our cookie policy <http://mewburn.com/cookies/> for further details.
- **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources such as, as set out below:
  - Technical Data from the following parties:
    - analytics providers, such as Google (based outside the EU), in particular, Google Analytics as discussed at point 2 above;
    - search information providers and Filing Analytics <https://filinganalytics.io/dsn/>.
  - Contact, Financial and Transaction Data from providers of technical, payment and delivery services such as BACS Payment Schemes Limited <https://www.bacs.co.uk/Pages/Home.aspx> based inside the EU and Royal Mail plc based inside the EU.
  - Identity and Contact Data from event organisers where we have sponsored or made a contribution to the event such as Managing Intellectual Property Magazine outside the EU (these third parties are not data brokers)
  - Identity and Contact Data from publicly available sources such as Companies House and the Electoral Register based inside the EU and LinkedIn based outside the EU.

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#### 4. How we use your personal data

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract for services that we are about to enter into or have entered into with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.

Generally we do not rely on consent as a legal basis for processing your personal data. However in the event that consent is used (for example, if we have not been able to conclude with total confidence that any proposed processing of your personal data fits within the three categories of lawful processing set out above, or any other grounds for lawful processing) you have the right to withdraw consent to marketing at any time by contacting us.

#### **Purposes for which we will use your personal data**

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To register you as a new client	(a) Identity (b) Contact	Performance of a contract with you
To process and deliver our services to you including: (a) Providing you with our	(a) Identity (b) Contact (c) Financial	(a) Performance of a contract with you (b) Necessary for our legitimate

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<p>extensive range of legal advice and intellectual property services</p> <p>(b) Managing payments, fees and charges</p> <p>(c) Collecting and recovering money owed to us</p>	<p>(d) Transaction</p> <p>(e) Marketing and Communications</p>	<p>interests (to recover debts due to us)</p>
<p>To manage our relationship with you which will include:</p> <p>(a) Notifying you about changes to our terms or privacy policy</p> <p>(b) Asking you to provide comments for legal review publications such as Chambers and Partners and the Legal 500</p> <p>(c) Providing you with information, industry and legal updates including our publications (you will be able to manage your preferences regarding your areas of interest via the comprehensive options set out in the Preference Centre which will be located within our Content Hub)</p>	<p>(a) Identity</p> <p>(b) Contact</p> <p>(c) Profile</p> <p>(d) Marketing and Communications</p>	<p>(a) Performance of a contract with you</p> <p>(b) Necessary to comply with a legal obligation</p> <p>(c) Necessary for our legitimate interests (to keep our records updated, to study how best to serve our clients and provide our services in the most suitable and personally tailored manner possible)</p>
<p>To enable you to attend events, participate in webinars and other interactive events.</p>	<p>(a) Identity</p> <p>(b) Contact</p> <p>(c) Profile</p> <p>(d) Usage</p> <p>(e) Marketing and Communications</p>	<p>(a) Performance of a contract with you</p> <p>(b) Necessary for our legitimate interests (to study how clients use our services, to develop them and grow our business)</p>
<p>To administer and protect our business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)</p>	<p>(a) Identity</p> <p>(b) Contact</p> <p>(c) Technical</p>	<p>(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise)</p> <p>(b) Necessary to comply with a legal obligation</p>
<p>To deliver relevant website content and advertisements to</p>	<p>(a) Identity</p> <p>(b) Contact</p>	<p>Necessary for our legitimate interests (to study how clients use</p>



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you and measure or understand the effectiveness of the advertising we serve to you	(c) Profile (d) Usage (e) Marketing and Communications (f) Technical	our services, to develop them, to grow our business and to inform our marketing strategy)
To use data analytics to improve our website, services, marketing and our client relationships and experiences	(a) Technical (b) Usage	Necessary for our legitimate interests (to define types of clients for our and services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)
To make suggestions and recommendations to you about services or publications or events or updates that may be of interest to you	(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile	Necessary for our legitimate interests (to develop our services and grow our business)

### Marketing

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising. We have established a privacy centre where you can view and make certain decisions about your personal data use including managing your preferences.

We may use your Identity, Contact, Technical, Usage and Profile Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which services, events and updates offers may be relevant for you (we call this marketing).

You will receive marketing communications from us if you have requested information from us or purchased services from us or if you provided us with your details when you registered to attend an event or webinar or other interactive event and, in each case, you have not opted out of receiving that marketing.

We do not share personal data with third party companies for the purposes of enabling those third parties to market to you. However we will use third party companies such as fulfilment houses to process your personal data in their capacity as data processors for the purpose of carrying out our own marketing to you.

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To ensure that we manage your personal data in relation to marketing in both the safest way possible and in a way that ensures we can prioritise your rights and interests, we use a third party provider called HubSpot <https://www.hubspot.com/> for our client relationship management software (CRM), marketing hub and sales hub. HubSpot is based outside the EU and is committed to ensuring that it is compliant with the requirements of the GDPR <https://www.hubspot.com/data-privacy/gdpr/product-readiness> and that it facilitates GDPR compliance for its clients by using Privacy by Design principles <https://ico.org.uk/for-organisations/guide-to-data-protection/privacy-by-design/> in all of its applications.

## Opting out

You can ask us to stop sending you marketing messages at any time by using a variety of methods:

- by logging into the website and checking or unchecking the relevant boxes in the Preferences Centre which will be located in our Content Hub to adjust your marketing preferences; or
- by following the opt-out links on any marketing message sent to you; or
- by contacting us at any time.

Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of the instruction of our services or other transactions.

## Cookies

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly. For more information about the cookies we use, please see <http://mewburn.com/cookies/>.

## Change of purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation

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as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

### 5. **Disclosures of your personal data**

We may have to share your personal data with the parties set out below for the purposes set out in the table in paragraph 4 above.

- External Third Parties as set out in the *Glossary*.
- Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy policy notice.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

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## 6. International transfers

Many of our external third parties are based outside the European Economic Area (EEA) so their processing of your personal data will involve a transfer of data outside the EEA.

Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission. For further details, see [European Commission: Adequacy of the protection of personal data in non-EU countries \(https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries\\_en\)](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en).
- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe. For further details, see [European Commission: Model contracts for the transfer of personal data to third countries \(https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/model-contracts-transfer-personal-data-third-countries\\_en\)](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/model-contracts-transfer-personal-data-third-countries_en).
- Where we use providers based in the US, for example, HubSpot, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between the Europe and the US. For further details, see [European Commission: EU-US Privacy Shield \(https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/eu-us-privacy-shield\\_en\)](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/eu-us-privacy-shield_en).

Please contact us if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

## 7. Data Security

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those

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employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality. In addition, we will carry out regular data protection training for our employees, agents and contractors to ensure that at all times your personal data is processed as safely and securely as possible.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

### 8. **Data retention**

#### **How long will you use my personal data for?**

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements. Further details of retention periods for different aspects of your personal data will be available in our retention policy. You can request further information about this by *contacting us*.

In some circumstances you can ask us to delete your data: see [*Request erasure*] below for further information.

### 9. **Your legal rights**

Under certain circumstances, you have rights under data protection laws in relation to your personal data. You have the right to:

**Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

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**Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

**Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

**Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

**Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

**Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

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**Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please contact us.

### **No fee usually required**

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

### **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

### **Time limit to respond**

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

## 10. **Glossary**

### **LAWFUL BASIS**

**Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we

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have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us

**Performance of Contract** means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

**Comply with a legal or regulatory obligation** means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

### THIRD PARTIES

#### External Third Parties

- Professional advisers acting as processors or as joint controllers including, for example, foreign attorneys throughout the world as necessary for the your international intellectual property rights portfolio (these worldwide attorneys will provide specialist intellectual property legal services in respect of their individual jurisdictions).
- Service providers who provide IT and system administration services, such as Mimecast (based in the EU), who provide our third party email cloud services.
- HM Revenue & Customs, regulators and other authorities such as the UK Intellectual Property Officer, the European Patent Officer and other regulatory entities maintaining their respective national intellectual property registers acting as processors or joint controllers based throughout the world.
- Agencies for fraud prevention purposes of preventing and detecting fraud money laundering.