

Internet of Things

Wiley is uniquely positioned to serve clients in the emerging area of connected devices/Internet of Things (IoT). Wiley's Wireless Practice is a leader in the area of connected devices, helping clients develop "bring to market," licensing, and compliance strategies for connected devices of all kinds. The firm's Wireless expertise is complemented by experience before all federal agencies with interest in IoT, including the Federal Communications Commission (FCC), Federal Trade Commission (FTC), Department of Commerce (DOC)/National Telecommunications and Information Administration (NTIA), National Institute of Standards and Technology (NIST), Department of Transportation (DOT)/National Highway Safety Transportation Administration (NHSTA), Food and Drug Administration (FDA), Health and Human Services (HHS)/Center for Medicare and Medicaid Services (CMS), and Federal Aviation Administration (FAA). Litigation, State agency, and legislative support are also part of our seamless offering.

Wiley attorneys can provide assistance in the areas of:

- Data Privacy—Advising on the collection, use, and disclosure of customer data, including Personally Identifiable Information, Customer Propriety Network Information, and data from children, and the use of such data in marketing and customer outreach activities.
- Cybersecurity—Complying with and shaping regulatory requirements and industry best practices for the protection of critical systems, including vehicle control systems, and development of cybersecurity practices and regulations in emerging areas.
- Spectrum Access—Securing access to spectrum resources, including licensed and unlicensed, necessary to operate new services; new spectrum allocations; and waivers and rule changes to facilitate new uses of existing allocations.
- FCC Device Certification—Securing FCC approvals necessary to market and sell radiofrequency emitting devices.
- Telecommunications and Wireless Regulation—Strategy development and risk management regarding connected device business models—including carrier, MVNO, and white-labeling models—to expedite smooth market entry.
- Standard Setting—Navigating domestic and international standards setting bodies to advance the development of new product and service offerings.
- Copyright and Access Issues—Strategy development to protect copyrighted access control code and address issues regarding academic access to code/"white hat hacking."

- Regulatory Harmonization for Global Product Offerings—Developing and implementing strategies to maximize regulatory consistency globally in support of uniform product offerings and efficient production at scale.
- Law Enforcement Access to Customer Data—Responding to government requests for data at all domestic levels—federal, state, and local—and from foreign governments.
- Responding to Government Inquiries—Evaluating and responding to formal and informal requests from agencies and Congress, including about security and privacy concerns.

Connected & Autonomous Vehicles

- Preemption/State Dealer Protection Laws—Strategy development in support of national product offerings, including addressing potentially restrictive local laws and regulations.
- Disability Access—Counsel regarding disability access obligations arising from vehicle “infotainment systems,” WiFi hot spots, and app stores.
- Telematics—Advising on the licensing and regulation of traffic safety and vehicle monitoring, including in-vehicle systems, and “smart highway” and collision-avoidance infrastructure.

Connected Health Devices & mHealth Apps

- Health Privacy/HIPAA—Advising on the collection, use, and disclosure of consumer health data, and acceptable commercial use of such data.
- Medical Device Approvals—Navigating the FDA approval process and, where necessary, securing Premarket Approvals (PMAs) and preparing Premarket Notifications (510(k)s).
- HHS/CMS Reimbursement Programs—Advising on the eligibility of connected health devices for government funding and advocating for such funding.
- mHealth Apps—Providing guidance on FDA mHealth application triggers of medical device regulation.
- Traffic Management/Prioritization of Service—Providing strategic advice regarding connected health devices and services requiring prioritization of traffic or guaranteed QoS.

Uncrewed Aerial Systems (UAS)

- FAA Part 107 Waivers, Section 333 Exemptions and other Authorizations—Securing authority to use UAS for commercial purposes outside of the Part 107 rules.
- State and Local Legislation—Providing strategic advice regarding state and local restrictions on UAS, including developing federal preemption arguments.
- Spectrum for Commercial UAS—Advising on the use of unlicensed spectrum, commercial wireless networks, and other spectrum for control links, payload communications, and detect-and-avoid radar technologies.
- FAA UAS Rulemakings—Helping develop key facts and legal showings to support reasonable ground rules for future commercial UAS operations.

- Congressional Oversight and Legislation—Monitoring UAS legislative developments and advocating to advance legislative objectives.

Contact Us

Scott D. Delacourt

202.719.7459 | sdelacourt@wiley.law

Megan L. Brown

202.719.7579 | mbrown@wiley.law