

Dr. Thomas Nietsch

Partner

Berlin
+49.30.220.029.408

thomas.nietsch@klgates.com

OVERVIEW

Thomas Nietsch is a Berlin based partner and Certified International Privacy Professional (CIPP/E). His focus is on IT, data protection and privacy, e-commerce and (open source) software law. This particularly encompasses the fields of big data, artificial intelligence, cloud computing and other digital economy business models.

Thomas advises clients on regular basis in technology M&A transactions, negotiation of complex IT and software licensing and cooperation agreements, IT security questions, GDPR compliance matters, including data use and sharing structures including their contractual implementation in domestic and cross-border scenarios, data subject access requests and data breach management. This includes advice regarding standard customer contracts and terms of use in the software, e-commerce and other digital economy sectors. Thomas also assists clients in connection with the implementation of new tech business models on the German market.

His clients range from IT-focused start-ups up to major international software and tech corporations and everything in between and stem from various industry sectors like automotive/logistics, e-commerce, e-health, digital content, cloud services, software, smart home and IoT, science and research, finance.

In addition to his lawyer activity, Thomas also serves as member of the Complaint Committee for the EU Cloud Code of Conduct, the first EU-wide privacy code of conduct for cloud service providers.

PROFESSIONAL BACKGROUND

Thomas served as a research assistant at the chair of Prof. Dr. Spindler for telecommunications and multimedia law at the Georg-August-University of Göttingen from 2010 to 2011.

ACHIEVEMENTS

Professional Certification

- IAPP's Certified Information Privacy Professional CIPP/E
- Leaders League
  - IT & Outsourcing - Recommended

- Privacy - Recommended

PROFESSIONAL / CIVIC ACTIVITIES

Thomas is a founding member of the Göttingen Association for the Promotion of International and National Economic and Media Law (*Göttinger Verein zur Förderung des internationalen und nationalen Wirtschafts- und Medienrechts e.V.*).

EDUCATION

- Second Legal State Exam, Higher Regional Court of Braunschweig, 2014
- Dr. iur., University of Göttingen, 2013
- First Legal State Exam, University of Göttingen, 2010

LANGUAGES

- English
- German

THOUGHT LEADERSHIP *POWERED BY HUB*

- 19 August 2026, Cyber Resilience Act Part One: Companies Prepare for First Notification Obligations to Apply as Commission Publishes Implementation Guidance
- August 2026, Global Data Protection Insights
- 31 July 2026, EU Digital Omnibus on AI Enters Into Force
- 8 July 2026, New EU Withdrawal Button Requirement: Practical Implications and Recommendations for US and Global Online Sellers
- 11 May 2026, ICO Publishes Soft Opt-in Electronic Marketing Guidance for United Kingdom Charities
- April 2026, Global Data Protection Insights
- 5 March 2026, New Cybersecurity Regulations in Germany—Registration Requirement Expires on 6 March 2026
- 2026, Global Employer Guide
- 15 July 2025, No One Wants to Dispute with Consumers–End of the European Online Dispute Resolution Platform (ODR Platform)
- 27 June 2025, UK Data Use and Access Bill Becomes Law

- 26 June 2025, AI Models May Be Trained With Publicly Available Data From Social Networks, Says the Higher Regional Court of Cologne (Decision of 23 May 2025, Ref. 15 Ukl. 2/25)
- 25 June 2025, Termination Button–Also Required for Agreements With Automatic Expiry and One-Time Payment
- 24 January 2025, EU Updates Codes of Conduct on Countering Illegal Hate Speech Online
- 4 October 2024, Higher Regional Court of Hamm (Germany): Claims for Moral Damages Under Art. 82 GDPR are Assignable – German Class Actions Coming?
- 30 August 2024, Decision by German Higher Regional Court Koblenz: Consent for Publication of Interview not Revocable
- 5 March, 7 March, and 12 March 2024, EU and UK Regulatory Webinar Series
- 14 February 2024, Compliance Odyssey - Navigating the Cloud through Co-Regulation and Codes of Conduct
- 18 December 2023, CJEU Decides on Use of Automatically Generated Scoring Values
- 15 December 2023, CJEU Holds German Provisions for Imposing Fines on Companies for GDPR Violations Invalid
- 12 July 2023, New EU-US Data Privacy Framework—Reliable Solution for Transatlantic Data Transfers or Gateway to Schrems III?
- 4 May 2023, Gateway to Privacy: May The Enforcement Be With You: Reflections on Five Years of GDPR
- 13 January 2023, Exploring DORA: EU Tightens IT Security Rules for the Financial Sector, Targeting "Critical" Third-Party Providers
- 13 January 2023, Happy NIS Year, Everyone! A New Common Cybersecurity Framework for the European Union
- 16 June 2021, GDPR and Data Transfers 2.0 - Navigating Through Post-Schrems II Waters
- 11 February 2020, German Act on Tax Incentives for Research and Development (FZulG) in Force
- 29 June 2018, From Influencer Marketing to Biometric Technologies

OTHER PUBLICATIONS

- "Acquiring an AI Company," *Thomson Reuters Practical Law*, January 2024
- "Smart Contracts in Insolvency Proceedings" (Smart Contracts in der Insolvenz), in: *DSRITB* 2018, 287
- "International Data Transfers in the Light of "Brexit" (Internationale Datentransfers im Lichte des "Brexit"), in: *DSRITB* 2017, 171 (in cooperation with Dr. Friederike Gräfin von Brühl, M.A.)

- “To ensure the compliance with data protection law by consumers' associations” (Zur Überprüfung der Einhaltung des Datenschutzes durch Verbraucherverbände), in: *CR* 2014, 272
- “Anonymity and enforcement of copyright claims on the Internet” (Anonymität und Durchsetzung urheberrechtlicher Ansprüche im Internet), published in 2014 *Mohr Siebeck*, Tübingen
- “Some notes on BGH, decision v. 19.4.2012 - I ZB 80/11”, in: *CR* 2012, 600
- “On the obligation under data poteciton law to issue dynamic IP addresses in IPv6” (Datenschutzrechtliches Gebot zur Vergabe dynamischer IP-Adressen im IPv6), in: *CR* 2011, 763
- “On the determination of dynamic IP addresses by third party providers” (Zur Ermittlung dynamischer IP-Adressen durch Drittunternehmen), in: *K&R* 2011, 101

NEWS & EVENTS

- 21 October 2026, AI in Employment: Navigating UK/EU Data Protection Risks
- 3 September 2026, K&L Gates Advises AUMOVIO on Sale of Washer and Cleaning Business Group to CERTINA Group
- 21 April 2026, K&L Gates Advises AUMOVIO on Sale of Mechelen Manufacturing Site to Dumarey Group
- 16 December 2025, K&L Gates Advises Therme Horizon on Acquisition of Wund-Thermen
- 26 June 2025, K&L Gates Advises Therme Group on Billion Euro Joint Venture With CVC to Establish Therme Horizon
- 24 June 2025, K&L Gates Advises Continental on the Sale of Italian Drum Brake Plant to Mutares
- 14 May 2025, K&L Gates Advises MSA Safety Incorporated on €175 Million Acquisition of M&C TechGroup Germany
- 11 April 2025, K&L Gates Advises Avenue Capital on the Acquisition of Hubergroup
- 19 December 2023, K&L Gates Advises Balderton Capital on Investment in Scalable Capital
- 10 October 2023, K&L Gates Advises Mahr Holding on Sale of Shares in Mahr EDV GmbH to Private Equity Investor
- 2 August 2023, K&L Gates Advises Gorka Holding on Sale of Majority of Shares in DiaSys Diagnostics Systems GmbH
- 7 June 2023, K&L Gates Advises Vitesco Technologies on Sale of All Shares in Vitesco Technologies Italy Srl
- 20 March 2023, K&L Gates Advises ARRI Group on Acquisition of Professional Lighting Provider Claypaky
- 19 December 2022, K&L Gates Adds 40 Lawyers to Firm's Partnership
- 19 May 2022, Data Transfers under the GDPR, Hosted by Amazon Legal University

- 16 March 2021, K&L Gates Advises Continental AG and Tokyo Century on Series-D Financing of Volocopter GmbH
- 24 February 2021, Codes of Conduct: Building a Trustworthy Framework for International Data Transfers Post Schrems II
- 14 May 2020, K&L Gates Advises Vintage Investment Partners on €27 Million Series-B Fundraising for Software Company Zeitgold
- 22 November 2019, K&L Gates Advises Arena Holdings on Celonis Series C Financing
- 5 July 2018, K&L Gates Advises Mölnlycke on Acquisition of German Medical Technology Company SastoMed
- 26 July 2016, K&L Gates Advises Luye Pharma Group Ltd. on European Market Entry

AREAS OF FOCUS

- Data Protection, Privacy, and Security
- Technology Transactions and Sourcing

INDUSTRIES

- Apparel and Footwear
- Consumer Electronics
- Consumer Goods and Services
- Digital Assets and Blockchain Technology
- Energy
- Household Goods
- Life Sciences
- Technology
- Video Games and Immersive Technology

EMERGING ISSUES

- Artificial Intelligence (AI)
- Data Centers and Energy Intensive Infrastructure

REPRESENTATIVE EXPERIENCE

- Advised global banking institute in global web accessibility project including coordination work
- Advised leading global automotive supplier in GDPR compliance matters related to internal investigation
- Advised US/German autonomous driving vehicle developer in GDPR questions related to use of (personal) data in autonomous vehicles
- Advised German start-up in product/service design matters to ensure GDPR compliance for smart home devices and draft respective contractual documents
- Ongoing GDPR advice for German e-health app provider including GDPR compliance questions and contracting matters
- Advised US healthcare software provider in contract negotiations with German hospital with a focus on software licensing and GDPR compliance questions
- Advised leading global tire manufacturer in setting up an online distribution platform in compliance with GDPR and local e-commerce requirements
- Advised UK based bicycle manufacturer in setting up an online distribution platform in compliance with GDPR and local e-commerce requirements
- Advised German business software developer in setting up a Software as a Service licensing model in compliance with GDPR
- Ongoing advice of German dental scanner software developer in various matters related to software licensing questions, platform regulation questions and GDPR compliance
- Advised leading Korean tech company group in firm wide GDPR compliance project
- Advised leading Korean tech company group in ERP software compliance questions
- Advised Australian network operator in GDPR and IT security matters
- Advised US based software company in license compliance disputes with business licensees, including open source software licenses
- Advised Swedish communication service provider in IT and GDPR compliance matters related to M&A transactions, both in the acquisition phase and post-closing for integration of new subsidiaries in the company group
- Advised Microsoft in the acquisition of a Berlin based open source container solution provider with a focus on open source software licensing and GDPR compliance questions
- Ongoing advice of Danish/German ferry operator in GDPR compliance matters
- Ongoing advice of German logistics operator and service provider in context of the setup and operation of a digital customer service platform and in general GDPR compliance matters

- Advised China-based healthcare product developer in relation to introduction of a digital blood glucose tracking device and app on the German market in compliance with German and EU privacy laws
- Advised world's largest private foundation in GDPR matters related to sharing and use of health data among science and research institutes and sharing of general data among different branches of the foundation
- Advised German pharma company in contractual negotiations with partners and service providers in pharmaceutical studies with a focus on GDPR compliance, taking into account in particular increased need of protection of patient data
- Advised EU-wide toll service provider in negotiations with local partners with a focus on GDPR compliance
- Advised a global consulting company headquartered in Japan in negotiating their Binding Corporate Rules with local supervisory authorities for exchange of personal data between company offices in accordance with GDPR
- Represented German client in an immaterial damage claim matter due to breach of GDPR provisions