

Trending Topics of the month



Privacy and
Data Protection



Intellectual
Property



Telecom



Consumer Law



Blockchain



Web4

#Privacy and Data Protection

European Commission proposes a new regulation to ensure stronger enforcement of GDPR in cross-border cases




On 4 July 2023 the European Commission (EC) proposed a new set of rules to streamline the functioning of the cooperation and consistency mechanism established in chapter VII of the GDPR. The [new regulation](#) will set up concrete procedural rules for authorities when applying the GDPR in cases which affect individuals located in more than one Member State (cross-border cases).

Namely, the new regulation aims to harmonise some aspects in data protection authorities' (DPAs) administrative procedures in the following areas:

- **Rights of complainants:** requirements for a cross-border complaint to be admissible will be harmonised by creating common rights for complainants to be heard in cases where their complaints are fully or partially rejected.
- **Rights of parties under investigation:** controllers and processors will have a right to be heard at key stages in the procedure, including during dispute resolution by the European Data Protection Board (EDPB), as well as the right to access the administrative file.
- **Streamlining cooperation and dispute resolution:** DPAs will be able to provide their views early on during investigations, and make use of all the tools of cooperation provided by the GDPR (e.g., joint investigations and mutual assistance).

According to the EC, the proposed regulation will not affect any substantial elements of the GDPR and will therefore not change data protection rules. This new regulation will rather work within the framework already established by the GDPR while affording quicker remedies for individuals and more legal certainty for businesses.

For more information, please see the [EC press release](#). 

EC adopts new adequacy decision for EU-US data flows

On 10 July 2023 the EC adopted its adequacy decision for the [EU-US Data Privacy Framework](#) (DPF). The EC adequacy decision concludes that the United States (US) provides an adequate level of protection in relation to the processing of personal data, and thus transatlantic data flows from the EU to US companies are now possible under the DPF, without being subject to any further conditions or authorisations. US companies can certify their participation in the DPF by committing to comply with a detailed set of privacy obligations.


The adequacy decision follows the US signature of an [Executive Order on “Enhancing Safeguards for United States Signals Intelligence Activities”](#), which introduced new binding safeguards to address the concerns raised by Court of Justice of the European Union (CJEU) in its [Schrems II](#) case law of 16 July 2020. These include limiting access to EU data by US intelligence services to what is necessary and proportionate, as well as establishing a Data Protection Review Court (DPRC), to which EU individuals will have access.

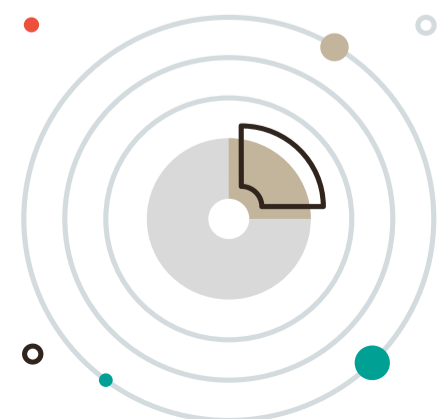
The US Government has since then established a new two-layer redress mechanism, with independent and binding authority, to handle and resolve complaints from any individual whose data has been transferred from the EU to companies in the US about the collection and use of their data by US intelligence agencies. In that regard, a data subject’s

complaint will be investigated by the so-called “Civil Liberties Protection Officer” of the US intelligence community, which is responsible for ensuring compliance by US intelligence agencies with privacy and other fundamental rights. If the data subject is unsatisfied with the outcome of the aforementioned investigation, he or she will be able to appeal against the decision of the Civil Liberties Protection Officer before the newly created DPRC.

The DPF will be administered by the US Department of Commerce, which will process applications for certification while monitoring if participating companies continue to meet certification requirements. Compliance by US companies with their obligations under the DPF will be enforced by the US Federal Trade Commission.

The functioning of the DPF will be subject to periodic reviews carried out by the EC, together with representatives of European DPA and competent US authorities.


For more information, please see the [EC press release](#). 



Portuguese Data Protection Supervisory Authority approves an activity plan for the three-year period 2024–2026

The Portuguese Data Protection Supervisory Authority (Comissão Nacional de Proteção de Dados or CNPD) has approved a [three-year activity plan for 2024-2026](#). The activity plan was subject to public consultation from 4-15 July 2023 and was later approved on 27 July 2023.

In line with the activity plan, CNPD has selected 20 strategic activities that it considers a priority and which it intends to further develop within the given timeframe. CNPD will give priority, among others, to the launch of a national training plan on personal data protection and to the reopening of face-to-face customer service and the use of artificial intelligence tools.

For more information, please see the [CNPD press release](#). 

#Intellectual Property


COTEC-BPI SME Innovation Award applications are now open



According to the [COTEC BPI SME Innovation Award regulation](#), the award aims to distinguish companies that have stood out for their culture, processes, practice and results in the application of innovation in their development,


market performance and that have created economic, social and environmental value in a sustainable way.

Applications are open until 22 September 2023 through the submission of an [application form](#).

For more information, please see the [COTEC press release](#). 

European Inventor Award 2024 applications are now open

Nominations are now open for the 2024 European Inventor Award promoted by the European Patent Office (EPO). The award recognises technological breakthroughs and highlights pioneering innovators committed to a smarter and more sustainable world.

For more information, please see the [EPO press release](#). 

[Applications](#) are open until 1 October 2023 for the traditional categories (i) Industry; (ii) Research; (iii) SMEs; (iv) Non-EPO countries; and (v) Lifetime achievement, as well as the Young inventors prize. Applicants are advised to review the [entry requirements, eligibility criteria and formal conditions](#) before submitting their proposals.



#Telecommunications

ANACOM launches a procedure for drafting a new regulation




Autoridade Nacional de Comunicações (ANACOM), Portugal's national regulator authority for communications, has launched a procedure for drafting a new regulation on the registration of companies providing electronic communications networks and services.

In light of the Portuguese Electronic Communications Law (*Lei das Comunicações Eletrónicas*) entering into effect on 14 November 2022, ANACOM will approve a new regulation on the registration of companies providing electronic communications networks and services. The new regulation will not only aim to adapt this area to the provisions of the new Portuguese Electronic Communications

Law, but also to reflect the experience acquired in the management and maintenance of the register since 2018.

At a later stage, interested parties will be able to comment on the draft regulation, which will be subject to public consultation.

For more information, please see [ANACOM press release](#). 



#Consumer Law


EC proposes a new Regulation on toy safety in the EU



On 28 July 2023 the EC proposed a [Toy Safety Regulation](#), revising the current rules on the protection of children from potential risks in toys. Currently, the marketing of toys in the EU is regulated by [Directive 2009/48/EC on the safety of toys](#).

The new Regulation aims at further improving the protection of children in the EU market, which is already considered to be one of the safest markets in the world for toy safety. The Toy Safety Regulation will focus on prohibiting the use of harmful chemicals in toys, while updating other safety requirements that toys must meet to be marketed in the EU (whether they are manufactured in

the EU or elsewhere). The Regulation will also strengthen the enforcement of safety requirements, namely, all toys will be required to have a Digital Product Passport, which will include information on compliance with the proposed Regulation.

For more information, please see [EC press release](#). 



#Blockchain


Portugal joins the IP Registers in blockchain



On 31 July 2023, *Instituto Nacional da Propriedade Industrial* (Portugal’s National Institute of Industrial Property, or INPI) opened the doors to a new and innovative Intellectual Property (IP) service via the integration of blockchain technology.

The creation of IP Registers in Blockchain results in a fast, reliable and secure “Data Transfer Service” between IP offices and EUIPO’s [TMview](#) and [Designview](#), the world’s largest free online databases of trade marks and designs.

Portugal therefore joins the European Union Intellectual Property Office (EUIPO) and the national IP offices of Latvia, Malta, Estonia, Lithuania, Poland and Italy in this blockchain initiative, with the aim of expanding further the services for the benefit of users.

For more information, please see the [INPI press release](#). 




#Web4

EC presents EU strategy to lead on Web 4.0 and virtual worlds



On 11 July 2023, the EC launched a new initiative to propose its vision and strategic actions on Web 4.0 and virtual worlds for the EU. The strategy aims to ensure that EU citizens can safely use virtual worlds and European businesses can develop world-leading applications through the use of open technologies and standards ensuring interoperability between platforms and networks, as well as freedom of choice for users.

Web 4.0 is the expected fourth generation of the World Wide Web (WWW). Web 4.0 is expected to offer the full integration and interoperability of advanced artificial and ambient intelligence, the internet of things (IoT), trusted blockchain transactions, virtual worlds and XR capabilities, digital and real objects and environments, enabling truly immersive experiences and blending the physical and digital worlds.

For more information, please see the [EC press release](#). 

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