

# Rune Opdahl

Partner

Authorisation: Advokat

E-mail rop@wiersholm.no

Phone +47 21 02 10 79

Mobile +47 41 02 04 01



Rune is partner in Wiersholm's IPR&TMT team. He specializes in intellectual property law (copyright law, trademark law and patent law), data protection/privacy law, marketing law, technology/IT law, consumer law and contract law. He acts as advisor, litigator (admitted to the Supreme Court) and in transactions. He works for clients in a range of industries, including in the media, technology, retail, e-commerce, health, pharma, renewable energy, sports and financial industries. His practice focuses particularly on novel, cutting-edge technology, including artificial intelligence, data, innovation, content production, business interactions (such as supplier-customer relationships, distribution relationships, partnerships, and research and development) and regulatory compliance advice. In the Norwegian Financial Daily's annual lawyers survey 2023, voted by peers, Rune is ranked as leading in the categories Data Protection/Privacy, Technology/Digitization, Intellectual Property and Media, and as Norway's 2nd best lawyer overall. He is also ranked among the experts on Intellectual Property and TMT (technology/media/telecom) by Chambers and Partners and by Legal 500. Rune is member of the board of the Norwegian Bar Association, Oslo, a member of the Trademark and Patent Law Committee of the Norwegian Centre for Continuing Legal Education (JUS), and a member of the editorial board of the Lawyer's Magazine (Advokatbladet). He was previously member of the board of AIPPI (Association Internationale pour la Protection de la Propriété) Norway.

## Industry expertise

Renewable energy  
Fintech  
Fisheries and Aquaculture  
Retail  
Industry  
Life Sciences  
Media and Entertainment  
PropTech  
Sport  
Technology and Digitisation

## Areas of practice

Intellectual Property Law  
IT Contracts  
Contract Law  
Media and Marketing Law  
Data Protection/GDPR  
Litigation and Dispute Resolution  
Telecommunication and Infrastructure

*He is sophisticated, smart, experienced and*

*pleasant to work with.*

**Chambers Global, 2024**

## **Selected projects**

### **Review of employees' mobile devices**

Assistance to Coop in connection with a litigation before Bergen District Court. The issue was whether Coop could lawfully seize, copy and review the contents of an employee's mobile devices. The Court gave judgment in favour of Coop. Wiersholm was able to convince the Court to deviate from case law. The decision marks a change from the previous opinion that employers cannot review the contents of employees' mobile devices.

### **File sharing disputes for Telenor**

Assistance to Telenor in connection with a number of cases concerning copyright infringements on the internet. This includes cases where the music or film industry has requested blocking of websites (such as The Pirate Bay) or access to subscriber information due to illegal file sharing. On behalf of Telenor, Wiersholm has worked to adequately ensure privacy and freedom of speech in these cases. One of the cases have been decided by the Supreme Court, where Wiersholm represented Telenor.

### **Dispute regarding trade secrets and connected cars**

Represented Telenor in a major arbitration case against HipDriver AS ("HipDriver"). Telenor was sued by HipDriver for alleged illegal utilization of HipDriver's trade secrets and copying of HipDriver's product concepts in connection with the launch of the connected car solution. Arbitration hearings took place in November 2017. In the judgement of December 2017, Telenor was completely acquitted from all claims.

### **Damage claim for forced upgrade of firmware**

Represented Simula in a dispute against the Chinese technology company ZTE. The case concerned the clients' tort due to ZTE's update of its MF910 mobile modems. The main question is whether a producer of mobile modems can update the modem regardless of whether the customer has chosen not to receive any updates, or in any case without the customer's consent. Wiersholm took over the case from the competing law firm Vaar Advokat AS after the client lost in the District Court. The Appeal Court agreed with Simula that ZTE's forced upgrade of the devices, without the user's consent, represented a negligent act giving rise to liability in tort. The case provides a general threshold for technology producer's right to update their software and which responsibility the producer will have in case the update causes any loss.

### **Consumer dispute regarding digital subscription offer**

Assistance to SATS, the main fitness centre chain in the Nordics, in connection with a case against the Consumer Authority concerning digital subscription offer during the Covid-19 pandemic. During the Covid-19, SATS converted its subscribers to a pure digital training subscription. The Consumer Authority initiated a case against SATS, arguing that such conversion required opt-in rather than opt-out, and consequently that SATS' invoicing of the digital subscriptions was unlawful. Wiersholm has represented SATS throughout the matter.

### **Establishment of joint controllership for NAV**

Assistance to the Norwegian welfare administration (NAV) in establishing joint control for all NAV offices in Norway. The project involved facilitating for lawful exchange and processing of personal data in the NAV offices, which is a cooperation between governmental and municipal welfare services.

### **Adtech for the media industry**

Assistance to Norwegian Media Businesses Association (Mediebedriftenes Landsforening) and Norwegian media enterprises in connection with GDPR and ePrivacy issues, including with respect to personalisation of online ads and programmatic buying of such ads. The assistance included, inter alia, preparation of the Norwegian media industry's standard agreements and policies with respect to the exchange of data between media, advertisers and adtech vendors.

### **Contracts and rights clearance for audiovisual productions**

Assistance to Monster Entertainment and Monster Scripted in connection with preparing and negotiating contracts and rights clearance with respect to audiovisual productions, including entertainment and drama, on behalf of NRK, TV 2, Discovery, MTG. Netflix and others.

### **Patent dispute concerning green technology**

Patent law. Wiersholm represents Silva (a joint venture between the Norwegian and Swedish state owned enterprises Statkraft and Södra) in a major patent dispute against LTL NOR AS ("LTL") before Oslo District Court. LTL claims that Silva's operation of its recently opened biofuel plant infringes LTL's patent covering processes for converting lignin/wood to biofuel. Silva has made a counter claim regarding invalidation of the patent. The outcome of the dispute will be decisive for Silva's future operations and for the Norwegian biofuel industry in general. Enormous investments are at stake. Court hearings will take place in Oslo District Court in February 2022.

### **Dispute concerning gondola logos**

Wiersholm represented Voss Gondol in a dispute against Loen Skylift AS before Gulating Court of Appeal. Voss Gondol's appeal succeeded. The appeal court found that Voss Gondol had not infringed Loen Skylift's logos. The case has attracted considerable attention, due to the fact that if Voss Gondol had lost, it would have been prevented from using its lawfully registered trademarks. The Appeal Court corrected the City Court's misunderstandings concerning the relationships between trademark law and marketing law. The matter value is challenging to calculate. Loen Skylift was awarded damages in the amount of MNOK 1.6 in the court of first instance. However, the total matter value is significantly higher.

### **Labor and Welfare Administration's digitization efforts**

Following a request by the government, NAV engaged Wiersholm to prepare a legal opinion of the legal basis for Labor and Welfare Administration's digitization efforts. In particular, we are asked to assess NAV's use of new technology, artificial intelligence, automated decision making, and data exchange between other public entities.

### **Contracts for the aviation industry**

Advisor to Flyr in the company's drafting, negotiation and establishment of contracts with innovative suppliers of software and IT solutions that support Flyr's vision of being a highly technically driven and innovative airline, with sophisticated, integrated digital systems, from baggage handling software to hosting services.

### **Monitoring of transactions**

Advice to BITS in a project involving several banks concerning use of data for monitoring of transactions, including advice on privacy and regulatory issues.

### **Work experience**

Partner, Wiersholm, 2015

Managing Associate, Wiersholm, 2012

Senior Associate, Wiersholm, 2009

Associate, Wiersholm, 2006

## Education

Cand. Jur., University of Oslo, 2005

Studies in Intellectual Property Law and IT Law, The University of Southampton, 2004

## Membership

Board secretary, the Norwegian Association for the Protection of Industrial Property, 2011 - 2021

Board member AIPPI (Association Internationale pour la Protection de la Propriété) Norway, 2011 - 2021

Member, the legal professional group for patent, trademark and design rights, 2014

Board member, Norwegian Bar Association, Oslo, 2020

Member of the editorial board of the Lawyer's Magazine (Advokatbladet), 2021

## Awards

Band 3, Chambers Global , Intellectual Property , 2024

Band 3, Chambers Europe, Intellectual Property, 2024

Bronze, World Trademark Review , Individuals: enforcement and litigation, 2024

Band 2, Chambers Europe, TMT: Data Protection, 2024

Band 3, Chambers Europe, TMT: Information Technology, 2024

Leading Individuals, Legal 500, Intellectual Property , 2024

Leading Individuals, Legal 500, TMT, 2024

Recommended Individuals , IAM Patent 1000, Litigation and transactions , 2024

Topp 10, Advokatundersøkelsen, Finansavisen , Technology and digitalization, 2024

Topp 10, Advokatundersøkelsen, Finansavisen , Data privacy, 2024

Topp 10, Advokatundersøkelsen, Finansavisen , Intellectual property , 2024

2. plass, Advokatundersøkelsen, Finansavisen, Technology and digitalisation, 2023

Topp 10, Advokatundersøkelsen, Finansavisen, Intellectual property law, 2023

Global Leader, Who's Who Legal 2023, Data Protection & Privacy, 2023

Global Leader, Who's Who Legal 2023, Information Technology, 2023

Leading individuals, Legal 500, , 2023

Leading individuals, Legal 500, , 2023

Band 3, Chambers Europe, Intellectual Property, 2023

Band 2, Chambers Europe, TMT: Data Protection, 2023

Band 3, Chambers Europe, TMT: Information Technology, 2023

Band 3, Chambers Global, Intellectual Property, 2023

2. plass, Advokatundersøkelsen, Finansavisen, Privacy, 2023

Band 3, Chambers Europe, Intellectual Property, 2022

Band 3, Chambers Europe, TMT: Data Protection, 2022

Leading individuals, Legal 500, Intellectual Property, 2022

Copyright Star, IP Stars, Intellectual Property, 2021

Trademark Star, IP Stars, Intellectual Property, 2021

Band 3, Chambers Europe, TMT: Information Technology, 2021

Band 3, Chambers Europe, Intellectual Property - Norway, 2021

Leading individuals, Legal 500, Intellectual property, 2021

Leading individuals, Legal 500, TMT, 2021

Band 3, Chambers Europe, Intellectual Property - Norway, 2020

Band 3, Chambers Europe, TMT: Information Technology - Norway, 2020

Leading individuals, Legal 500, Intellectual Property, 2020

Next Generation Partners, Legal 500, TMT, 2020

Thought Leader Data, Who's Who Legal, Data Protection & Privacy, 2020