

EMERGING TECHNOLOGIES AND THE ENERGY INDUSTRY



Babst Calland's **Emerging Technologies** practice combines experience from multiple disciplines to address the evolving intersection of technology and energy sectors. Our multidisciplinary team of attorneys draws on deep knowledge from technology law, intellectual property, regulatory compliance, as well as energy and environmental law to help energy clients navigate the complex landscape of technology innovation and sustainability.

Our diverse legal team provides strategic counsel for startups, corporations, and government entities involved in developing and deploying advanced technologies, ensuring that clients meet regulatory requirements, protect intellectual property, and manage risks associated with rapidly changing legal and market conditions. Whether dealing with energy transition projects, technology onboarding and integration projects, or legal issues related to AI and automation, Babst Calland is equipped to handle the unique challenges and opportunities in these dynamic industries.

Babst Calland's Emerging Technologies attorneys support traditional and alternative energy clients with respect to their technology transactions, intellectual property and data privacy compliance needs, leveraging significant industry experience in enterprise software, IoT, AI, ML and robotics/automation products and services to help our energy clients embrace sector-wide digitization and the onboarding of new technologies to drive operational efficiencies.

Additionally, Emerging Technologies attorneys routinely collaborate with Babst Calland's Renewable Energy and Environmental practitioners to advise on cutting-edge developments in renewable energy, smart grids, clean technology, energy storage, and other emerging technologies transforming the global energy landscape.

Through collaboration across diverse practice areas, Babst Calland's Emerging Technologies attorneys deliver comprehensive solutions that drive our clients' growth while ensuring compliance, risk mitigation, and long-term success in both the technology and energy sectors.

Emerging Technology Capabilities Relevant to the Energy Sector

Technology Transactions

- Negotiate and develop vendor/vendee enterprise software contracts; technology development and collaboration agreements; technology licenses; referral and reseller agreements; sales and manufacturing agreements; product/services terms and conditions, and master agreements.

Federal Government Contracts

- Negotiate and support DOE, NSF, and other FAR-based tech development and federal acquisition contracts (including SBIRs, STTRs, CRADAs, etc.), including the development of Data Rights Assertions.
- Work with awardees from the National Renewables Energy Laboratory and the National Energy Technology Laboratory on energy-related legal matters.

Non-Federal Public Contracts

- Negotiate commercial product/service procurement contracts on behalf of energy clients with public customers (state and local governments).

Corporate Finance

- Support capital fundraising activities of energy clients.
 - Support SAFE, debt capital, friends/family, venture and PE capital raises on behalf of early-stage high growth energy tech clients.
 - Support strategic corporate investment funds of large energy clients in connection with diligence and financing of portfolio early-stage technology companies.

General Corporate/OGC Model

- Provide ongoing legal counsel for corporate governance, contract negotiations, compliance, regulatory issues, and general business operations.

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- Offer outsourced general counsel services tailored to the energy sector, providing day-to-day legal support and expert counsel without the overhead costs of hiring full-time in-house attorneys.

M&A

- Provide legal guidance for energy companies navigating complex mergers, acquisitions, joint ventures, and strategic partnerships.
- Draft and negotiate key transaction documents, including purchase agreements, joint venture agreements, and shareholder agreements, to reflect the specific goals of the transaction and to address the unique complexities of the energy sector.
- Conduct due diligence to identify potential risks, liabilities, and regulatory hurdles specific to the energy sector.

Real Estate

- Negotiate and draft key real estate documents, helping energy companies secure the land and property rights necessary to execute their projects.
- Negotiate purchase and sale agreements, leases, easements, and right-of-way agreements.
- Conduct comprehensive due diligence, including title reviews, zoning checks, and environmental assessments, to identify potential risks or encumbrances.
- Collaborate with public sector attorneys to address zoning, land use, permitting, and a wide range of other matters requiring public sector experience.

Data Privacy and Cybersecurity Compliance and Counseling

- Support energy clients with respect to compliance with a wide array of federal, state, and foreign data privacy laws and regulations (including CPRA, CCPA, GDPR, PIPEDA, and others).
- Support energy clients with respect to compliance with federal cybersecurity regulations and directives (including rulemaking activity related to critical infrastructure).
- Perform data usage assessments and support clients in connection with negotiating data processing agreements, AI agreements, and other data and cybersecurity-related contract terms.
- Review and draft privacy policies, cookie policies, AI and other data-centric policies relevant to energy clients.

Intellectual Property

- Support energy clients in connection with:
 - Patent prosecution.
 - Trademark and copyright registration.
 - Intellectual property strategy.
 - Inbound and outbound technology licensing.

Emerging Technology Regulatory Experience

- Support energy clients in connection with federal (FAA, DHS, and other agencies) and state regulatory requirements and legal issues related to drones and advance air mobility (AAM).
- Support energy clients in connection with acquisition and use of monitoring, surveying, and other safety-related technologies.
- Support energy clients in connection with strategies relating to electrification, use of autonomous and electric mobility technologies and related infrastructure, including charging stations, V2G technologies, etc.
- Support smart grid, energy storage and data center projects, and clients participating in such projects that span a wide range of sectors (including energy producers, stranded asset companies, technology companies, construction companies and their supply chains, manufacturers and distributors of relevant products and services).



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