

# Profile

## David Sullivan

Senior Legal Counsel, CNBC Asia Pacific

## Nick O'Donnell

Director, APAC Public Policy, Yahoo!



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Mandy Chapman

**CAMLA Young Lawyers representative, Mandy Chapman, caught up with David Sullivan and Nick O'Donnell, two senior in-house lawyers working in global media organisations, to discuss their roles and anticipated trends and challenges on the horizon for 2015.**

### Who do you work for?

**David:** As Senior Legal Counsel for CNBC Asia Pacific, I look after CNBC's legal function across the region, managing a small team based in Singapore. My role reports directly to CNBC International's Head of Legal and Business Affairs, who is based in London.

**Nick:** I'm the Director of Public Policy responsible for Yahoo's regulatory and government relations activities in the Asia Pacific region.

### How would you summarise the scope and major responsibilities of your current role?

**David:** My role is broad by its nature. My team provides support to the business in a number of key areas, including editorial and regulatory, channel distribution across the region (Asia and Australia/New Zealand), advertising sales, sponsorships, compliance, and our general operations function, which includes managing the various broadcast studios across the region, and supporting procurement of global financial market data and the technical equipment used for production and distribution of our content.

**Nick:** I work as part of a small global Public Policy team which is headquartered in Washington DC. My main focus is tracking and responding to legislative and regulatory developments across the region that have the potential to impact Yahoo's business, our users and the technology industry more generally.

### What prior career path led you to your current role?

**David:** I started my career at Baker & McKenzie, Melbourne, where I was an Associate in the Technology,

Communications and Commercial group. After secondments at Melbourne IT and La Trobe University and a placement in Tokyo, my experience lent itself well to an in-house role and I moved to the Victoria Racing Club (**VRC**), where I had the great privilege of being part of the team delivering the Melbourne Cup Carnival, and the various events held at Flemington Racecourse throughout any given year. I was exposed to media advice work, specifically supporting the VRC's General Counsel negotiate the VRC's FTA, subscription television and digital rights domestically, as well as managing the international distribution of the Melbourne Cup Carnival rights. I then moved to Singapore to work in the professional golf industry, as Head of Legal and Business Affairs for the Asian Tour, where I had the opportunity to sit on the Board of Asian Tour Media – a joint venture between the Asian Tour and IMG. Earlier this year, I accepted my current role, so I am relatively new to the role.

**Nick:** I was lucky enough to start my legal career at the Seven Network where I had the opportunity to work in a small group of experienced in-house legal professionals working across the many and varied media assets of the Seven West Media group. Ultimately I ended up focusing on regulatory compliance and government relations issues associated with the highly regulated commercial FTA television business. This led to my desire to follow a more specialized public policy path. I joined Yahoo in early 2012, initially dealing with policy issues in Australia and New Zealand. That role has since expanded to capture our businesses across the APAC region.

### **What do you consider to be some of the interesting and more challenging aspects of your role?**

**David:** Advising editorial is an element of my role that I find most engaging. We operate in a fast pace news-environment, where we are presented with a raft of interesting legal issues such as queries relating to segments about to go on air. In my view, this is where our team adds the most value to the business. Our product is ultimately what appears on screen, so it is imperative that our content is not only fair, but accurate, and reflects the editorial values of the CNBC brand. We also need to ensure that the content adheres to the laws across our broadcast territories.

**Nick:** I find dealing with emerging policy issues across diverse jurisdictions both interesting and rewarding. It can definitely be challenging at times; requiring us to be across a wide range of issues complicated by different political and legislative frameworks. Adding to the complexity is the need to be mindful of the cultural nuances driving certain issues, and the protocol or convention guiding interactions with governments. It's these nuances which also make for extremely varied and interesting work. You just never know what you are going to be dealing with on any particular day, from meeting with government ministers in Vietnam on the impact of laws relating to freedom of expression, to responding to sweeping national security reforms in Australia, and everything in between. Working in a truly global, yet small and highly collaborative team is an enjoyable aspect to my role, as it allows great exposure to and understanding of what's happening around the globe on technology-related issues.

We constantly engage policy makers with the aim to develop well thought-out and balanced solutions, while at the same time providing a regulatory environment which encourages innovation. In recent years, governments have paid increasing attention to issues around technology and how it has disrupted existing, and often outdated regulations. The pace of change means that governments often seek to enact legislation or regulations on the fly to deal with emerging issues. However, the nature of the global internet means that responses are rarely simple or clear cut.

### **In short, what, in your view, are some of the big issues you are seeing which are currently facing the industry?**

**David:** From my point of view, the current digital landscape presents many challenges, but it also creates opportunities. Standalone OTT providers in the

marketplace have not only had an impact on Pay TV channels, but also on subscription TV platforms and media regulators. There are certainly new players in the market disrupting standard linear television models. There is less regulation in the digital space and more accessibility of content for the user.

While it is a constant challenge in the industry, I'd like to think that it is also an opportunity to evolve, and we must constantly embrace developments in digital and social media platforms to stay relevant to consumers. We realise the need to be nimble to address the changing demands of consumers.

**Nick:** The rapid pace of innovation and evolution in the technology sphere is unprecedented and it is very hard to expect government and legislation to keep up. As legislation affects how we can continue to innovate, it is important to build good relationships with policy makers around the world to promote the benefits of new technologies and also highlight where legislative developments impact our businesses and of course, the interests of our users.

Today users are increasingly more informed and discerning. For Yahoo, we've worked hard to build and maintain the loyalty and trust of our over 800M global daily users. We take a 'Users First' approach defined by the three pillars: security, privacy and safety. We aim to deliver innovative products that become part of our users' daily habits and to do this in a socially responsible and transparent manner.

Yahoo is constantly innovating to deliver the best user experience. That constant cycle of innovation impacts the public policy dynamic and requires a network of strong relationships with key stakeholders – that includes regulators, governments and our industry colleagues.

### **Are there any general legal or regulatory issues your organisations face on a regular basis here in Australia or abroad you can discuss which may be of interest to CAMLA members and bulletin readers?**

**David:** Australia is generally a straightforward jurisdiction for us in terms of regulation, as opposed to other parts of Asia. Across Asia, alcohol advertising seems to be an area that we spend quite a bit of time advising on, which reflects the fact that a number of territories have banned such advertising. Balancing this against other jurisdictions with disparate laws requires us to tailor advice to where the highest risk is. As a pan-regional network, we have to consider the laws and regulations of multiple jurisdictions at all times.

**Nick:** Technology has absolutely outpaced the law. Analog laws in a digital world mean governments around the world are playing catch-up. This has the potential to create knee-jerk legislative responses that rarely stand the test of time. A major challenge for Yahoo and other companies in the technology field is to ensure the regulatory environment does not restrict future innovation or close down the borders of the global digital economy. Some of the greatest challenges we see as multi-jurisdictional entities relate to conflict of laws or extraterritorial assertion of domestic laws. This can be in the form of decrees that require the forced localization of data centers, or operating licenses that have spurious content standards, monitoring and moderation components. These issues threaten intermediary liability protections and are a challenge to the preservation of the internet as a platform for creativity, free and vibrant expression and unimpeded access to all levels of society.

**In your opinion, what are likely to be some of the prominent issues facing global media organisations in 2015?**

**David:** As internet speeds increase across emerging markets, pressure on traditional platforms will continue to drive a real push from industry players and regulators to ensure that the digital players are not getting a free ride. I expect to see news programs further integrate social media platforms into their broadcasts, and also behind the scenes, in terms of the data that such platforms are able to collect on audiences. There are great opportunities for networks like CNBC to better engage with audiences, and understand viewers, which did not formerly exist.

**Nick:** In terms of trends, it's not new but privacy will once again be front and center. This is because privacy is at the heart of many of the personalised products now offered by technology companies which rely on users voluntarily and openly sharing personal information. It's trust, control and transparency that fire this issue. There are real and serious challenges for companies dealing in personalisation, including an increased focus by governments on user data security and access. We are intently focused on the protection of our users' data and the security of the Yahoo platform.

We can't talk about 2015 without mentioning Internet Governance which I think encapsulates in one word all of these issues. How individual governments choose to accept the multi-stakeholder, free and open governance of the web will determine what it will

look like and how we can use it in years to come. It's not too dramatic to say that we are at a crossroad.

**Do you have any hot tips for junior lawyers considering a career in media law?**

**David:** Once you have a broad idea that you want to work in the media industry, building your industry network is really important. I'd recommend joining industry associations and networking at industry events to help build your profile.

**Nick:** Background in legal, compliance or regulation is obviously a bonus, but just as important is the ability to develop and maintain constructive relationships with governments and other industry stakeholders. To be able to position your company as a trusted contributor. It doesn't mean you always agree with government policy but at least it means you will be in the conversation. You'd also want to be pretty interested in the field in which you are working. Oh, and join CAMLA.

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