



PARTNER

Dr. Michael Kraus

**Rechtsanwalt |
Fachanwalt für
Informationstechnologierecht
(Certified lawyer for IT
law)**

📍 Stuttgart, Germany

☎ +49 711 9764 738

🏠 +49 711 9764 96738

✉ michael.kraus@cms-hs.com

Michael Kraus advises companies in all matters of technology and data law as well as data protection law, with a particular focus on the automotive, banking & insurance and energy sectors. He specialises in particular in supporting complex IT and software projects. He has extensive experience in drafting and negotiating contracts for technology and digitalisation projects as well as data-driven business models. In this respect, he advises on, for example, the areas of AI, connected cars, eMobility, Data Economy, Internet of Things and new business models in the area of digital business. Another focus of Michael Kraus is the IT-legal support of technology transactions.

Michael Kraus started working at CMS in 2010 and has been a partner since 2018. He is a regular speaker on digitalization topics as well as IT and data law. He is co-author of the commentary on IT law published by Otto Schmidt Verlag.

Relevant experience

- Advising a German stock exchange on the implementation and outsourcing of a new stock exchange trading system
- Advising several financial services institutions on first and second generation IT outsourcing as well as on the implementation of an electronic payment system
- Advising an international IT company on the outsourcing of the administrative selection and commissioning processes for external staff
- Advising Savills plc on the acquisition of SEB Asset Management AG
- Advising Solar A/S on the sale of its German business division
- Advising Implenia on the acquisition of Bilfinger's infrastructure division
- Advising Sparkassen-Finanzgruppe on the implementation of the new payment system "paydirekt"

Publications

- "Daten und Geheimnisschutz im Homeoffice – Schutzkonzept zur Vermeidung von Bußgeld- und Haftungsrisiken", CCZ 2021, 111. (together with Alexander Leister)
- "Kommentierung zu §§ 339-345 BGB" in Schuster/Grützmaker (Hrsg.), IT Recht Kommentar, Otto Schmidt Verlag, Köln 2020.
- "You, Robot – Rechtliche Risiken beim Einsatz von Chatbots", iX - Magazin für professionelle Informationstechnik, 6/2018, p. 70 (together with Dr Jörn Heckmann)
- "Neuregelung von § 203 StGB – Endlich Rechtssicherheit für Outsourcing bei Berufsgeheimnisträgern?" In: PinG 2018, p. 16 ff.
- "IT-Compliance bei FinTech-Investments – was zu beachten ist, wenn Banken bei FinTechs einsteigen", IT-Finanzmagazin 28.09.2016 (together with Dr Heckmann)
- "Recht und Compliance: Kein Welpenschutz für FinTechs", gi Geldinstitute 5/2016, S. 22 (together with Dr Heckmann)
- "6 rechtliche Fallstricke bei Fintech-Investments", Das Investment 26.09.2016 (together with Dr Heckmann)
- "Datenlizenzverträge", in: Taeger (Hrsg.), Internet der Dinge - Digitalisierung von Wirtschaft und Gesellschaft, 2015, p. 537-549.
- "Keine Verfügungsbefugnis des Herstellers einer Datenverarbeitungsanlage über damit erzeugte Daten" – Urteilsanmerkung zu OLG Naumburg, Urteil vom 27.08.2014 – 6 U 3/14, Recht Automobil Wirtschaft (RAW), 2015, p. 60.
- "Telematik – Wem gehören Fahrzeugdaten?", in: Taeger (Hrsg.), Big Data & Co – Neue Herausforderungen für das Informationsrecht, 2014, p. 377 – 390.
- "Jede Millisekunde zählt – Service Level Agreements im Banken- und Börsensektor", in: Taeger (Hrsg.), Law as a Service (LaaS) – Recht im Internet- und Cloud-Zeitalter, Band 2, 2013, S. 891 – 909.
- "Rechtsstaatliche Terrorismusbekämpfung im Straf- und Strafprozessrecht", Frankfurt am Main et al., 2012 (Augsburger Studien zum Internationalen Recht; Band 9)

Memberships & Roles

- German Association of Law and Informatics (DGRI)
- Baden Württemberg: Connected e.V. (bwcon)
- Club der Altstipendiaten (CdAS) der Hanns-Seidel-Stiftung

Lectures list

- "EU Data Act: cloud-related provisions", webinar on 11.09.2023.
- "Data Act - A new era in data economy", lecture on 21.06.2023 (together with Dr Axel Funk).
- "TMC in M&A transactions - relevant deal points", lecture at the CMS M&A Academy on 21.04.2020.
- "Digitalisation and law in the automotive industry - selected topics", webinar on 01.12.2020 from the series "Current legal developments and issues from the automotive & mobility sector".
- "Massive increase in fines by the data protection authorities - what legal protection is there?", lecture on 19.02.2020 as part of the CMS Business Breakfast series (together with Dr Axel Funk and Dr Daniel Kaiser).
- "Digitalisation projects with start-ups - how to secure investments and avoid legal pitfalls", lecture on 10.04.2019 as part of the CMS Business Breakfast series (together with Dr Axel Funk).
- "Open-source software", lecture on 18.03.2019 at a meeting of the German Association of General Counsel (BUJ) specialist group on digitalisation.
- "(No) ownership rights to data?", lecture on 01.02.2019 at the German Association of General

Counsel (BUJ) company lawyers' conference.

- "How can I make my online presence legally secure?", lecture on 15.02.2018, Stuttgart Chamber of Commerce and Industry (IHK) (together with Dr Martin Gerecke).
- "TSA im M&A-Projekt", Vortrag auf dem Geschäftsbereichstreffen des Geschäftsbereichs TMC am 10. Oktober 2015.
- "TSA im M&A-Projekt", Vortrag bei der Sitzung des Geschäftsbereichs Gesellschaftsrecht, Schwerpunkt M&A/Private Equity in Stuttgart am 12. Juni 2015.
- "Datenlizenzverträge", Vortrag bei der 16. DSRI-Herbstakademie 2015 in Göttingen.
- "Big Data und das Konzept einer Datenverfügungsbefugnis", Vortrag auf dem Geschäftsbereichstreffen der Geschäftsbereiche TMT und IP in Stuttgart, 11.10.2014.
- "Telematik – Wem gehören Fahrzeugdaten?", Vortrag bei der 15. DSRI-Herbstakademie 2014 in Mainz, 12.09.2014.
- "Regulierung des Algorithmischen- und des Hochfrequenzhandels", Vortrag auf dem Fachbereichstreffen des Fachbereichs TMT, 19.10.2013.
- "Jede Millisekunde zählt – Service Level Agreements im Banken- und Börsensektor", Vortrag bei der 14. DSRI-Herbstakademie 2013 in Berlin.
- "Outsourcing", Vortrag an der Universität Tübingen, 24.01.2013.

Education

- 2015: Qualified as a certified lawyer for IT law
- 2011: PhD; thesis on how a state governed by the rule of law can fight terrorism by means of criminal law and criminal procedure law
- 2010: Second state examination in law
- 2008 - 2010: Trainee lawyer at Ravensburg Regional Court including stints with CMS Hasche Sigle in Stuttgart and McCarthy Tétrault LLP in Montréal, Canada
- 2006: First state examination in law
- 2000 - 2006: Law studies at the University of Augsburg and the University CEU San Pablo in Madrid, Spain
- Hanns Seidel Foundation scholar

Practice Areas

COMPLIANCE & FORENSIC SERVICES COPYRIGHT

IN-COURT AND OUT-OF-COURT REPRESENTATION

sectors

TMC - TECHNOLOGY, MEDIA & COMMUNICATIONS IT LAW

DATA PROTECTION LAW & IT SECURITY LAW MEDIA LAW TELECOMMUNICATION

AUTOMOTIVE & MOBILITY DIGITALISATION AND AI IN THE AUTOMOTIVE INDUSTRY

topics

DIGITAL TRANSFORMATION

Languages

German

English

Spanish

Social media

<https://www.linkedin.com/in/michael-kraus-cms/>