



## FINTECH

# Growth Opportunity

The convergence of financial services, technology and innovation is driving the financial industry forward with accelerated momentum toward autonomous finance and non-traditional financial products, open and virtual banking, voice technologies, cloud-based financial services, and digital payments. Barnes & Thornburg understands how fintech is reshaping consumer financial literacy and the dynamic landscape of laws, regulations, market standards, and innovative business models native to the fintech space.

Our team works with clients to evolve their operational imperatives, maximize growth potential, expand market dominance, and mitigate the risks inherent in this complex sector. Barnes & Thornburg advocates on behalf of fintech clients in supervisory, investigative, and enforcement actions and complex civil litigation matters. With a comprehensive knowledge of financial technology products, applicable regulations, and market standards, combined with our experience in traditional investment and payments systems, intellectual property, and related corporate transactions, we are uniquely positioned to advise our industry-leading clients.

Barnes & Thornburg's Fintech practice is founded in the structuring, formation, and ongoing compliance of cryptocurrency-focused private funds, including creating multiple funds tracking nascent cryptocurrency indices and providing ongoing legal and regulatory advice to private fund managers operating in digital assets and digital asset products. We advise on investing, transacting and accepting cryptocurrencies and digital assets, including various smart contract, protocol, and other blockchain-based instruments.

Our fintech practice advises clients on the full suite of applicable compliance and registration regimes, and handles government

## Why Barnes & Thornburg?

Finding new ways to help clients identify solutions and new business opportunities, across industries, is at our core. We are, at times, more than lawyers, we are advisers bringing new ideas to light. We understand what keeps you up at night and work collaboratively to find practical and creative solutions, at the heart of business.

## RELATED PRACTICES

Corporate

Data Security and Privacy

Financial and Regulatory Litigation

Intellectual Property

Litigation

Private Funds and Asset Management

investigations into allegations relating to cryptocurrency and digital asset business activities and services that do not have the proper registration under federal securities or commodities laws.

Our firm provides comprehensive legal counsel for businesses, startups, financial technology companies, institutional clients, and other organizations involved in financial technology and financial services products. Our team is valued for its efficiency, cohesive team methodology and problem-solving, client resource conservation, and a no-surprises approach to budgeting.

## **Fintech Products and Financial Technology Services**

As proven legal advisers with offices in major financial centers across the country, including New York and Chicago, we are fluent in the full range of fintech products and financial technology services including:

- Blockchain technology, digital assets, non-fungible tokens (NFT) and cryptocurrency
- Cloud initiatives and cloud-based financial services
- Consumer and data privacy
- Digital banking, virtual banking and insurance
- E-commerce and e-payment platforms
- Marketplace lending and alternative lending mechanisms
- Mobile finance, digital wallets and custody services
- Payment gateways, payment processing and money service
- Trading platforms
- Digital ecosystem, meta-verse, and decentralized network platforms
- Compliance technology providers and anti-money laundering

We assist fintech clients with the acquisition and protection of intellectual property rights, including international patent and trademark portfolio growth and management, trade secret and rights management, due diligence planning and execution, and data privacy and cybersecurity best practices.

With a knowledge of cutting-edge digital platforms based on blockchain and other evolving technologies, our fintech team advises on joint development agreements, technology development partnerships, IP licensing and enforcement, and the establishment and maintenance of market exclusivity through early and continuous protection strategies.

Our team advises on virtually every substantive legal discipline in the fintech mix, such as:

- Advertising and marketing compliance
- Artificial intelligence and machine learning advisory
- Competition and disputes
- Consumer financial services, compliance and reporting
- Data privacy and cybersecurity

- Joint ventures, outsourcing and other alliances
- Mergers, acquisitions and dispositions
- Private offerings, IPOs and SPAC exits

## Compliance and Digital Assets

Supported by our deep experience in traditional compliance, anti-money laundering and financial institutions regulatory matters, we guide fintech and emerging technology clients through product and compliance system design, implementation and ongoing compliance issues relating to payment services and products, treasury management, consumer and commercial lending arrangements, innovative financial services, and digital asset and cryptocurrency regulatory matters. We help myriad organizations – startups and divisions of established financial services companies alike – to launch new products in the consumer lending, alternative credit providers, and payments segments and to procure and maintain licensure, registration, and ongoing compliance.

We assist with:

- Regulatory compliance and advisory for SEC, CFTC, NFA, Financial Crimes Enforcement Network (FinCEN)
- Vendor risk management, due diligence and compliance
- Anti-Money Laundering (AML) and Combatting the Funding of Terrorism (CFT) compliance
- Bank Secrecy Act (BSA), Know Your Customer (KYC) and Know Your Business (KYB) compliance
- USA PATRIOT Act, Customer Due Diligence (CDD) and Enhanced Due Diligence (EDD) requirements
- Money Service Business (MSB) and State Money Transmission (MTL) analyses and licensure
- Consumer and commercial lending, state licensure and usury and payday lending compliance
- Currency Transaction Report (CTR) support and guidance
- Digital asset and token design, compliance and the 2019 SEC Framework for Digital Assets
- Digital asset screening and Know Your Transaction (KYT) compliance
- Digital native securities offerings and investment vehicle compliance
- Virtual Asset Service Provider (VASP) and Travel Rule (TR) compliance

## Fintech Practice Leaders



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