

## FinTech

# Helping clients leverage FinTech Innovations



### Whether you are seeking to

- launch a new FinTech company or develop new products or business strategies
- partner with a financial institution or deploy crowdfunding
- develop peer-lending platforms
- use blockchain platforms relating to cryptocurrency or other virtual currencies
- address enforcement, licensing, or other operational issues

our team provides legal advice to help you keep up with the ever-changing regulatory environment and to create or deploy FinTech products and services in compliance with federal and state laws.

### We help clients manage

- Automated payments processing
- Bitcoin
- Blockchain
- Card processing and ISOs
- Core processing
- Crowdfunding
- Cryptocurrencies
- Data breach response and continuity planning
- Data integrity and encryption
- Data mining and consumer disclosures
- Digital banking
- Domestic and international funds transfers
- ESign and UETA compliance
- Income share agreements and other non-traditional financial products
- Loyalty programs

### Related Practice Areas

Alternative Lending  
& Other Non-Bank  
Financial Services

Banking & Financial  
Services

Blockchain & Digital  
Currency

Commercial &  
Syndicated Lending

Consumer Financial  
Services

Corporate &  
Securities

Cybersecurity & Data  
Privacy

E-Discovery -  
Encompass

E-Discovery &  
Information  
Governance

Emerging Growth &  
Venture Capital

Financial Institutions  
Corporate &  
Regulatory

Financial Services  
Advisory

Government  
Relations

Intellectual Property

Investment  
Management

Litigation

Mergers &  
Acquisitions

Payments & Digital  
Commerce

Privacy & Data  
Management

Private Equity

- Mobile and online underwriting and evaluation
- Mobile investment advising and securities brokerage
- Mobile payments and wallets
- Money transmission and Money Service Business ("MSB") regulations
- NFC, QR Code, and alternative input devices
- Online and mobile business lending and micro-finance
- Payment processing and compiling
- Peer-to-peer lending, barter and "sharing" networks
- Prepaid open-loop and closed-loop card networks
- Privacy and security issues
- Robo-advisors
- Technology licensing
- Third-party vendor due diligence and contracting
- Trademarks, copyrights, and patents
- Virtual currencies

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### **Interdisciplinary team**

- Broad experience in card network rules and regulations, payment processing and platform agreements, NACHA regulations, P2P lending, and software integration
- Financial services practitioners experienced in guiding clients on compliance and regulatory matters
- Team includes former: bank and SEC staff, in-house counsel for national financial institutions, general counsel and compliance officer for crowdfunding and startup investment company
- Collaborative insights from across broader Nelson Mullins platform, including: investment and emerging growth teams, litigators to anticipate issues and tackle disputes, privacy and cybersecurity attorneys who have handled some of the nation's largest data breaches, finance, and tax perspectives

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### **Our clients span the financial services sector**

- Blockchain projects and platforms
- Card processors and sponsors
- Crowdfunding platforms
- Closed-loop prepaid card processors
- Digital wallet providers
- FinTech equity and debt investors
- Global, national, regional, and community financial institutions
- Institutional and emerging growth investors
- National, regional, local banks

[Real Estate](#)

[Real Estate Capital Markets](#)

[Securities Offerings](#)

[Tax](#)

[Tax Lien Resolution & Litigation](#)

[Technology](#)

### **Related Industries**

[Banking & Financial Services](#)

[Technology](#)

- Open-loop providers of general purpose reloadable (“GPR”) cards
- Peer-lending platforms
- P2P, real-time payment providers
- Technology driven banks and payment subsidiaries
- Technology providers that layer consumer data onto payments processing
- Wireless/telecom providers offering alternative payment structures

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### Our FinTech Team advises and works with you to

- **Launch a new business or product** – from an idea to implementation
- **Establish and maintain regulatory compliance** – to help Fintech businesses comply with securities and financial services laws and regulations
- **Advocate for legislative and regulatory change** – that provides clarity to emerging fields of finance that do not “fit” traditional lending regulations
- **Defend** – to product offerings by regulators, competitors, or borrowers
- **Develop growth strategies** – that position companies for investment and capital raising
- **Develop new products** – that solve unique market needs not served by traditional payment mechanisms
- **Develop third party vendor due diligence strategies** – for partners and service providers
- **Enforce claims** – against networks, processors, program managers, and servicers
- **Evaluate risks** – of product designs or payment strategies
- **Fund emerging technologies** – through equity or debt offerings
- **License technology** – and develop platform integrations
- **Protect innovation** – through aggressive intellectual property strategies
- **Stay compliant** – with federal and state money transmitter laws and other regulations
- **Stay current** – with regulatory developments from banking regulators, state regulators, the Consumer Financial Protection Bureau, and the Department of the Treasury / FinCEN
- **Test security and data integrity** – to comply with privacy, cybersecurity, and E-Sign regulations

## Why Nelson Mullins?

- Business-minded attorneys, including team members with financial and business backgrounds
- Technical knowledge and experience across a wide spectrum of financial technology businesses
- Multi-disciplinary team, deep bench, virtual team roles and experience

- Industry experience with regulators, investment bankers, investors, program managers, and other key service providers
- Cost-efficiency and budget predictability

## Experience

Following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

- Addressed money transmitter regulatory compliance for an indirect, agent-based payments model
- Addressed regulatory compliance issues with client offering online closed-loop gift card marketplace
- Assisted in the development of one of the leading “dual loop,” multi-criteria card authorization platforms
- Brought together mobile payments with electronic investment advisor services to provide a mobile based RIA with the ability to “gift” contributions and assess savings
- Built a model for a client that was using expedited payment rail processing with alternative routing systems
- Consulted with banks developing a real-time payments engine including new ACH core integration
- Counseled clients on integration challenges with municipal transportation cards and real-time reloads
- Developed an ACH integration for one of the largest merchant-focused payment platforms
- Developed a Know Your Customer integration for account opening, funding, authentication, and authorization solely through mobile platforming
- Integrated a client’s mobile payments platform into a state college savings platform for “give the gift of college” program to assist traditionally underserved communities
- Negotiated program administrator and card sponsor agreements for multiple clients
- Structured programs for real-time reloads from cards and ACH into mobile payment and loyalty program
- Worked with client to develop in-app, point-of-sale regulatory disclosures
- Assisted financial company in analysis of NY cybersecurity requirements