

Bird & Bird & Aviation



Sharing your passion & working
your way & in for the longhaul
& across the whole industry &
crossing the globe & touching the
metal & helping you to fly

*Our mission is to combine
our deep knowledge of the
aviation sector and our
legal expertise to develop
commercial solutions that
make business sense.*

Introduction

Bird & Bird is an international commercial law firm with a particular focus on key industry sectors, including aviation, defence, financial services, communications, e-commerce, IT. We are proud to be working with some of the world's most innovative and technologically advanced companies, each of which expects prompt appropriate and commercially aware legal advice to support their business objectives.

With offices in Abu Dhabi, Beijing, Bratislava, Brussels, Budapest, Düsseldorf, Frankfurt, The Hague, Helsinki, Hong Kong, London, Lyon, Madrid, Milan, Munich, Paris, Prague, Rome, Shanghai, Stockholm and Warsaw, a global association agreement with a leading firm in Singapore, as well as close ties with firms in other key centres in Europe, Asia and the United States, we are able to offer our clients local expertise within a global context.

Bird & Bird is a full service law firm and our specialists in corporate, tax, IP, employment, insolvency and data protection and other practice areas are also experienced in providing aviation sector-focused advice.

Aviation at Bird & Bird

Unlike certain other law firms which come to aviation from a banking or insurance perspective, we have lawyers within the team who have practical 'hands on' experience of working within the aviation industry itself. We currently act for many aviation and aerospace businesses, including airlines, aircraft manufacturers, lessors, financiers, groundhandlers, airports, MROs, freight forwarders, insurers, tour operators and travel agents.

What unites our specialist team across the 23 offices worldwide is a genuine passion and enthusiasm for the industry.

Our objective is to be able to use our knowledge and experience to understand the issues quickly and effectively and then provide practical and commercially realistic advice and support. We take pride in helping our clients to reach sensible, workable solutions on a wide range of transactions and ventures which are often at the cutting-edge of business and legal developments.

“When once you have tasted flight, you will forever walk the earth with your eyes turned skyward, for there you have been, and there you will always long to return.”

Leonardo Da Vinci

Strength in breadth and depth

As well as knowing the industry inside out, it won't surprise you that our people are also great lawyers. The range of legal issues we have worked on and can work on covers just about every agreement, transaction or type of dispute resolution that the industry presents. If we look at some of our recent activity, it includes aircraft ownership, finance and asset management, aviation commercial agreements, advice on aviation regulatory issues and competition matters. We also lead clients through corporate transactions, dispute resolution and intellectual property (IP) challenges.

Aircraft purchase, aircraft finance and aircraft leasing

We work with clients to deal successfully with all aspects of aircraft ownership, finance and management. Whether it is buying or selling new and used passenger, cargo or corporate aircraft or setting up ownership and financing arrangements, our team can help. We are happy to get involved from the first draft of the letter of intent, through delivery and portfolio management and work out, insolvency, repossession and remarketing. Recent transactions and activities include:

- buying and selling aircraft and engines
- financing of new and used aircraft and engines including pre-delivery and ECA financing of new aircraft
- leasing of aircraft and engines, both finance and operating, on long, medium and short-term bases
- wet leasing and charter of commercial and corporate aircraft
- warranty, support and service issues relating to the sale and operation of aircraft
- registration and operation of aircraft
- fleet management and restructuring

“The aircraft financing group at this firm offers a strong sector focus and lawyers with experience working inside the industry.”





“Observers have praised the team’s consistent, practical and no-nonsense approach to both regulatory matters and insolvency-related disputes.”

Chambers and Partners 2011

Dispute Resolution

Our aviation disputes team consists of specialist litigators and arbitrators. The team deals with litigation, international and domestic arbitration under the auspices of the leading arbitration fora and ad hoc references, regulatory complaints and ADR.

Examples of the types of work we perform are as follows:

- operating leasing and financing disputes: engineering, technical and financial disputes arising during the term of the lease, redelivery disputes, lease terminations
- enforcement of rights under sub-leases, including aircraft repossessions
- disputes with engine manufacturers: for instance in relation to reliability and cost issues
- disputes with airframe and component manufacturers
- issues with maintenance providers: including MROs and CAMOs and all line, overhaul and spares issues
- aviation insurance matters, including coverage issues
- groundhandling disputes
- contractual disputes with suppliers
- airports: contractual and regulatory disputes, eg in relation to charges, opening hours, access to airports, facilities
- regulatory disputes with the aviation authorities
- disputes with tour operators
- disputes with global distribution suppliers
- protection of rights in the event of supplier or customer insolvency
- information technology disputes
- intellectual property rights disputes
- international product liability disputes for aircraft and equipment manufacturers

Aviation commercial agreements

We draft, advise on and negotiate all types of aviation-related commercial agreements and arrangements. Recently, we’ve worked on:

- aircraft engine and component maintenance, overhaul, repair and support contracts
- airport services agreements
- code sharing arrangements
- groundhandling and ground support arrangements
- IT and communications contracts
- intellectual property licensing and protection of rights
- joint operating ventures and alliances and airline franchise arrangements

Clients seek out the team’s assistance because it ‘understands the aviation and aerospace market and is therefore able to offer commercially aware legal advice that is always on the money.’

Chambers and Partners 2010

Aviation competition and regulation

We are skilled in applying competition law and aviation regulatory systems across borders to achieve the best case outcomes for our aviation sector clients. We combine deep knowledge of all the major aviation regulatory frameworks (including creation, interpretation and application) with extensive experience of advising on competition law in the industry.

We represent clients before the EU institutions, national competition authorities, courts and national regulatory bodies. Specifically, our advice has covered areas including:

Regulatory

- slot allocation and disputes with airport slot coordination bodies
- route licensing
- bilateral air services agreements
- airport charging disputes
- aircraft ownership and control
- environmental issues including emissions trading and noise
- airport price control reviews
- denied boarding compensation and passengers' rights
- global distribution systems (GDS)

Competition

- merger control involving airline M&A and alliance activity
- the application of competition law to code-sharing, alliance or franchising arrangements
- market definition, dominance and abuse in airline and airport markets
- State Aid to airlines and airports
- pricing and ticketing policies

Corporate

Our aviation team includes lawyers with great experience of corporate transactions and related activity for clients in the sector. What's more, the team can draw on the talent of others in our Corporate Group to offer a full menu of transactional and corporate governance services, including:

- advice throughout the cycle of business from start-ups and corporate establishment to divestments and exits
- work to secure corporate finance and venture capital or private equity investment
- listings and public securities issues
- mergers and acquisitions
- joint ventures
- privatisations
- reorganisations and restructurings

Intellectual property

Our group is recognised as the leading IP practice in Europe with many of the lawyers in that Group coming from scientific backgrounds and with the ability to understand the technologies used within the aviation sector. The Group operates at the forefront of legal developments in IP from both a contentious and non-contentious perspective. Most recently we have advised on:

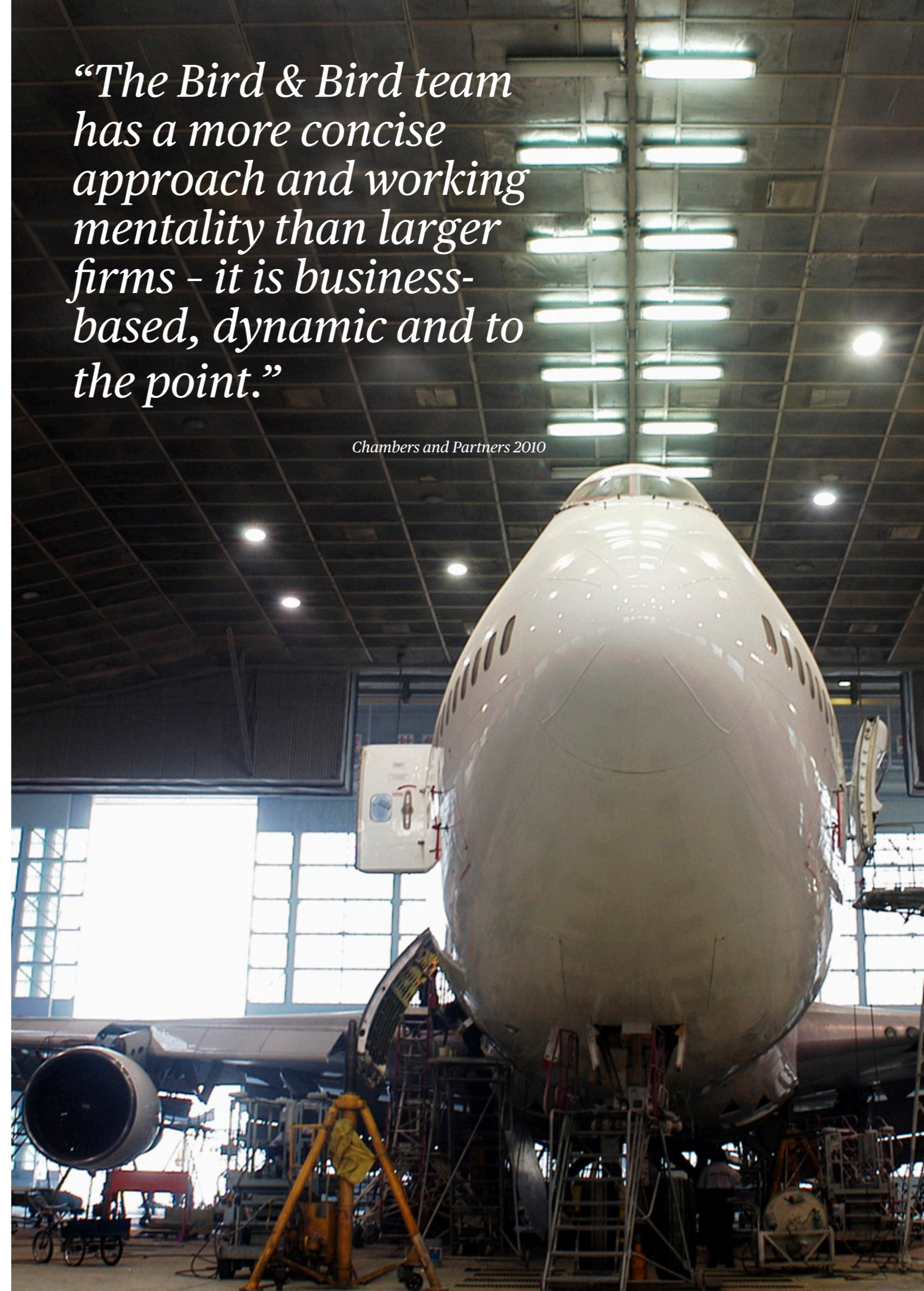
- strategic issues and management of IP portfolios
- the transfer of technology
- drafted and negotiated R&D contracts and R&D joint ventures

“You can really rely on their deep, specialised aviation knowledge.”

Chambers and Partners 2010

“The Bird & Bird team has a more concise approach and working mentality than larger firms – it is business-based, dynamic and to the point.”

Chambers and Partners 2010



Contacts

Belgium

Catherine Erkelens

T: +32 (0)22 826 000
catherine.erkelens@twobirds.com

China and Hong Kong

John Koh

T: +852 2248 6000
john.koh@twobirds.com

France

Vonnick Le Guillou

T: +33 (0)14 268 6000
vonnick.le.guillou@twobirds.com

Germany

Ulrich Goebel

T: +49 (0)89 3581 6000
ulrich.goebel@twobirds.com

Italy

Alberto Salvadè

T: +39 (0)23 035 6000
alberto.salvade@twobirds.com

The Netherlands

Pauline Vos

T: +31 (0)70 353 8800
pauline.vos@twobirds.com

Poland

Stanislaw Pelczar

T: +48 (0)22 537 4900
stanislaw.pelczar@twobirds.com

Singapore

Alban Kang

T: +65 6534 5266
alban.kang@twobirds.com

Spain

Javier Fernandez-Samaniego

T: +34 (0)91 790 6000
javier.fernandez.samaniego@twobirds.com

Sweden

Jörgen Ekström

T: +46 (0)85 063 2000
jorgen.ekstrom@twobirds.com

Anders Nilsson

T: +46 (0)85 063 2000
anders.nilsson@twobirds.com

UK

Paul Briggs

T: +44 (0)20 7415 6000
paul.briggs@twobirds.com

Simon Chamberlain

T: +44 (0)20 7415 6000
simon.chamberlain@twobirds.com

Robin Springthorpe

T: +44 (0)20 7415 6000
robin.springthorpe@twobirds.com

twobirds.com

Abu Dhabi & Beijing & Bratislava & Brussels & Budapest & Düsseldorf & Frankfurt & The Hague & Hamburg & Helsinki & Hong Kong & London & Lyon & Madrid & Milan & Munich & Paris & Prague & Rome & Shanghai & Singapore & Stockholm & Warsaw

Bird & Bird LLP is a limited liability partnership, registered in England and Wales with registered number OC340318 and is regulated by the Solicitors Regulation Authority. Its registered office and principal place of business is at 15 Fetter Lane, London EC4A 1JP.

Bird & Bird is an international legal practice comprising Bird & Bird LLP and its affiliated and associated businesses and has offices in the locations listed on our web site: twobirds.com.

A list of members of Bird & Bird LLP, and of any non-members who are designated as partners and of their respective professional qualifications, is open to inspection at the above address.