

Bird & Bird & Aerospace, Defence and Security





One
international
team & part of
the industry
& strategic
understanding
& a shared
mission &
clarity from
complexity

About Bird & Bird

Bird & Bird is an international commercial law firm [900 lawyers , 23 offices] 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.

We recognise that our clients value fresh input to add to that provided by their in-house legal experts. Our lawyers provide robust thinking so that we can find smarter ways to help our clients achieve tangible commercial solutions. We explain complex issues clearly, concisely and directly, helping clients gain the most from our expertise. Our people are passionate to help their clients succeed and it shows in everything they do.

We have deep expertise in aerospace, defence and security and many of our people have worked within the industry. From

defence contracting to equipment leasing, we have the expertise - worldwide - to deal with your issue.

Serving our clients from 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 Asia and the United States, we are able to offer our clients local expertise within a global context.

Our mission is to combine our deep knowledge of the aerospace, defence and security sectors and our legal expertise to develop commercial solutions that make long-term business sense.





*“Aerospace and defence
is where Bird & Bird has
most recently excelled.”*

Aerospace, defence and security at Bird & Bird

The range of legal issues we have worked on covers just about every type of agreement, transaction and dispute resolution that the industry presents. If we look at some of our recent activity, it includes systems integration; defence contracting; international co-operation; partnering and alliances; PFI and public private partnership; technology; export control; IPR; risk allocation; and employment matters.

With our insider industry experience we also support clients with risk assessment and “life cycle management” beyond just giving legal advice:

Systems integration

We help prime and sub-contractors develop and deliver complex IT, telecommunications, mission and other systems.

Defence contracting and procurement

We’ve a long track record of working with European governments to help them deliver cutting edge technology. We know our way around UK DEFCONs and DEFFORMs, including how to adapt them to fit complicated and innovative deals. We’re familiar with Smart Procurement. And we understand the day-to-day realities of corporate governance and programme management.

International co-operation

Our pan-European experts advise on international competition law - including merger control, state aid, public procurement, antitrust and cross-border projects. We lead the field when it comes to advising on defence-related competition rules, including Article 346 TFEU. And we’re extremely knowledgeable about international procurement organisations, including OCCAR and NAHEMA.

Corporate

Our team of lawyers has extensive experience of corporate transactions in this sector. Working closely with their global colleagues, our IP and commercial lawyers and our international tax group, our corporate lawyers are recognised experts in their field, and offer a full range of transactional and corporate governance services. We have advised on national security issues in strategic M&A, including undertakings under the UK Enterprise Act. We can also offer strategic guidance and cutting edge transactional know-how relating to divestment agendas; we’ll help you navigate

your way around defence industry consolidation, including intervention notices and change of control arrangements. Our team is used to structuring complex transactions - many of which are cross border in nature - and co-ordinating all the relevant specialist advice, and executing multiple transactions to exacting timescales.

Partnering, alliancing and strategic partnerships

We help our clients create innovative contracting structures that allow them to share risks and rewards - including advising on risk allocation models and target cost incentive arrangements.

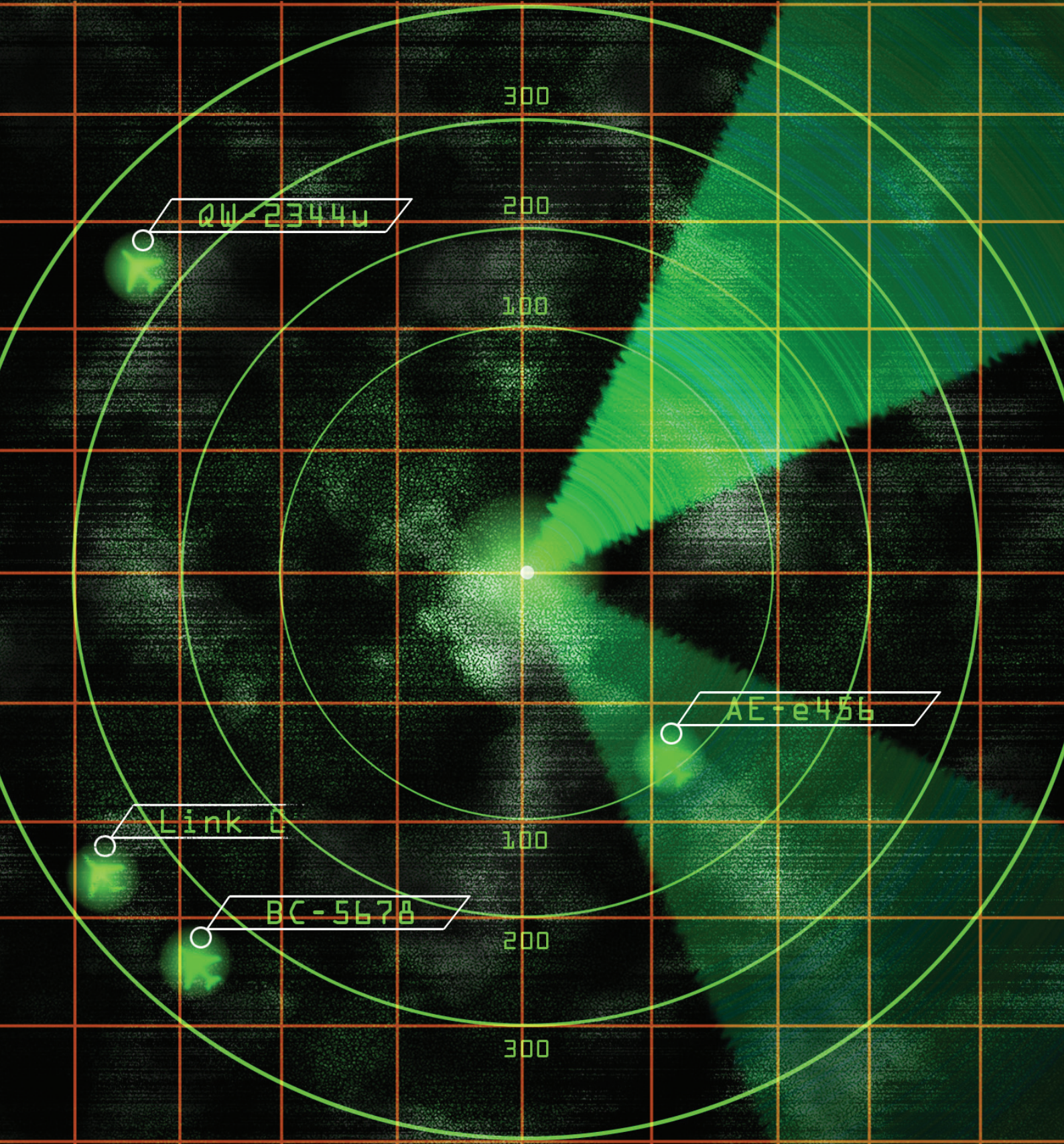
PFI, equipment leasing and receivables financing

Jargon, DEFCONs, complex programme management and corporate governance, confidentiality, delayed project time scales and costs - as you know, there’s no shortage of obstacles when it comes to financing in the defence sector. So you’ll be relieved to hear we’ve worked on the largest defence PFI projects attempted, meaning we know what can - and can’t - be financed.

In addition, we draft and negotiate prime contract and sub-contract arrangements, collateral and direct agreement arrangements - and advise on the terms of loan and security arrangements to finance a project’s capital requirements.

We’re familiar with standard form PFI contracts (both general and UK Ministry of Defence specific), and with the latest integrator and partnering models and know how to make these work as part of an innovative deal. We’re also experts on relief and compensation events, service credit regimes, delay deductions, step-in and step-up arrangements, termination events and termination compensation - and on liability issues, too.

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Technology

Experts on complex system integration, software licensing, cloud computing and open source software issues, our lawyers take part in UK Intellectual and Aerospace, Defence & Security working groups.

Export Control and Customs

We can help you find your way through governance-related issues, including international anti-bribery and corruption conventions and international and EU sanctions. We work with our “best friends” in the USA to navigate the US Foreign Corrupt Practices Act (FCPA), and International Traffic in Arms Regulations (ITAR) and related Technical Agreements.

IPR

We are leaders in IPR-related matters, including securing ownership and licensing of background and foreground IPR, protection, enforcement and exploitation. We're experienced in the integration of commercial off-the-shelf technology with project IPR. We regularly advise on required commitment for amortisation of non-recurring costs - including the degree of exclusivity that's legally permissible and commercially acceptable when it comes to IPR licensing.

Risk allocation

Agreeing the terms of a risk-related 'flow down' issue can be challenging. So you'll be pleased to know we have deep experience of agreeing limitation of liability provisions and issues that affect gearing and sponsor support.

Employment and immigration

We have experience of all of the sector's specific HR and employment-related issues. In the UK, we have a great deal of experience of TUPE transactions, including from the public to the private sector, and of the issues which arise from operating different terms and conditions within a workforce. We frequently advise on industrial relations issues as well as employment related litigation, and other general advisory work. We frequently advise on the protection of confidential information and IP in the context of the employment relationship. We also have experience of sponsored reserves and CONDO issues.





Integrated across all our international offices, our specialist team delivers for platform manufacturers and systems integration businesses, service companies, government bodies, suppliers, leasing companies, air traffic control system operators, industry associations, airports and banks - as well as aircraft maintenance and repair organisations.

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