

# Bird & Bird & Unmanned Aircraft Systems

*Government, industry and commerce are becoming ever more aware of the benefits of Unmanned Aircraft Systems (UAS). In this context, companies and governments need legal and commercial advisers who recognise the challenges and have the skills and experience to help deliver their UAS strategies successfully.*

Bird & Bird's specialist UAS team is part of our Aviation Defence and Security group which operates across our 23 offices worldwide and has a genuine passion and enthusiasm for the UAS industry.

Our objective is to use our knowledge and experience to understand the issues faced by our clients quickly and effectively and then to 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 UAS business and legal developments. As well as their military applications we understand the huge variety of civil applications for UAS including areas such as (environmental) crisis and disaster management, border/immigration control on both land and sea, law enforcement (such as zoning or subsidies for agriculture), traffic surveillance, crowd control and scientific applications (such as weather, or earth observation).







## Why Bird & Bird?

*Bird & Bird is an international law firm. Over 900 lawyers worldwide work together to resolve our clients' issues and further their business goals.*

Bird & Bird has grown from a market leading IP practice into the foremost technology firm in Europe, with a particular focus on IT and telecommunications. Over the last decade we have developed a thriving and innovative Aerospace, Defence and Security and Civil Aviation business.

With offices across Europe and Asia, we are strategically well placed to offer local expertise within a global context, helping you realise your business goals both domestically and internationally. Bird & Bird applies a 'one firm' approach to its practice - this enables us to offer a highly integrated service and create the strongest possible long-term relationships with our clients.



## Aviation and UAS regulation

We are the leading aviation regulation law firm in Europe, advising airlines, manufacturers, investors, service companies and suppliers on all relevant regulation from air traffic management to environmental risk management.

We understand certification and licensing of UAS including their operation; land based pilot licenses; the general regulatory framework, air space division and segregation at national level and third party liability for damages. We have close relationships with various regulators including CAA, ICAO, NATO, Eurocontrol, EU, EASA, ESA, and national bodies including ANSP's, industry and trade organisations such as UAVS, UVS and standardisation bodies including EuroUSC, ITU, ETSI.

## Space and Satellite communications

We have a leading Space and Satellite communications law team who are well versed in communication via satcom tools and positioning using satnav such as GPS and Galileo.

## Intellectual property

Protecting intellectual property has been a cornerstone of Bird & Bird's practice for generations. In that time the legal and technological landscapes have changed almost beyond recognition but our commitment and expertise have remained at the forefront of IP protection, adapting and changing to find new solutions.

We have Europe's most pre-eminent IP litigation group who are consistently involved in the largest and most complicated patent cases at the forefront of legal developments including in the aviation sector. We regularly advise on strategic issues and management of IP portfolios including technology transfer matters.

We draft, advise on and negotiate research and development contracts and research and development joint ventures. Many of the lawyers in the IP Group have extensive scientific backgrounds and a sound understanding of the technical aspects that underline modern aviation sector technologies.

Our expertise includes copyright issues in aerial photography and the reuse of public sector/environmental information.

## Export controls

In a world of global trade and multi-vendor integrated and interoperable technologies, we recognise the importance of export and import opportunities for our clients, particularly where UAS strategies are concerned, and understand the serious consequences of non compliance with export regulation and regulations governing "dual use" technology. Our international reach and extensive experience with national administrations enables us to deal with multinational projects and issues, as well as to provide advice which considers local and international laws, policies and business practices.

## Commercial

Our Commercial portfolio of services is one of the core focuses of the firm and our depth of excellence is recognised by tier one rankings for our sector groups and partners. Our multi-jurisdictional experience includes both single transactions with elements in several places and the provision of general legal advice across several locations where we have particular expertise in international client management.

Our commercial lawyers have a thorough understanding of the legal issues that can impact on domestic and international transactions. They work pro-actively with clients to get the deal done whilst ensuring that their activities are soundly and securely based. We provide first rate practical professional advice and assistance on a wide range of commercial arrangements, from the strategic planning of transactions and negotiation of contracts to deal implementation and contract management.

## Data protection

Today more critical data than ever is held in unmanned systems, and attacks on infrastructure or malpractice can have serious ramifications in terms of disclosure and misuse of personal data. Bird & Bird has an unrivalled reputation in data protection issues, with noted experts across our offices. Our clients often collect large quantities of sensitive personal data and are high profile businesses, including IT and service providers, financial institutions, healthcare providers and government bodies. We provide many different levels of advice in this area - ranging from compliance assistance on particular issues (e.g. protection against or reaction to data security breaches) to full data protection audits and assistance with international data compliance projects, such as the creation of contracts and binding corporate rules for the transfer of data on a worldwide basis. Our lawyers are also leading experts in privacy law issues affecting UAS operators engaged in observation of individuals for example during crowd control situations.

## Corporate transactions


In the last four years Bird & Bird has acted on M&A transactions with a total deal value of more than €5 billion. A substantial amount of this transactional expertise is in the communications, IT and aviation sectors where the firm is recognised as one of the market leaders, with first rate experience of acquisitions and divestments of complete technology companies.

Our M&A team has a focus and reputation for public and private mid-market deals, particularly those which are cross border. We are known for being pragmatic, easy to deal with and for getting things done. We understand the differences between local approaches, laws and customs. We are familiar with the regulatory and contractual implications of M&A relating to ADS businesses, including “golden share” arrangements. In the UK we regularly advise on the implications of DEFCONS 518 and 566 MoD approvals and the Enterprise Act, pursuant to which there are a range of structural or behavioural remedies open to the Secretary of State. Undertakings can include requirements to establish ‘Chinese walls’, to allow contractors access to the target’s resources on reasonable and non-discriminatory terms, and to deal with third party sub-contractors in sub-contract tendering situations on fair, reasonable and non-discriminatory terms. Team members have practical experience of negotiating and implementing these sorts of undertakings.

*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*



A large industrial pipeline system, likely for oil or gas, stretches across a dry, hilly landscape. The pipes are supported by wooden posts and run parallel to each other. In the background, a large, rugged mountain with snow-capped peaks rises against a clear blue sky. The foreground shows a gravel path and some dry, yellowish vegetation.

*“The firm continues to justify its top ranking with a depth and understanding of clients’ issues second to none.”*

*Legal 500 EMEA*





## EU and Competition Law

Bird & Bird's EU and Competition Law Group combines a depth of experience and understanding of competition law with a practical, solution-orientated approach to meeting clients' needs. The UAS industry is a truly cross-border one and we advise our clients at EC level and in all major European jurisdictions on merger control and a full range of commercial transactions, including research and development, technology collaboration agreements, licensing, distribution and marketing agreements, service supply, outsourcing and dispute settlement agreements. We represent clients on competition matters before the European Commission and national competition authorities, and in the courts. We also frequently advise on the application of the EU competition rules in relation to State undertakings (or undertakings granted exclusive or special rights by the State) and on the EU State aid rules.

## Procurement

We have first hand experience of the key regulatory issues arising in procurement, IT and telecommunications, and we are therefore exceptionally placed to advise on the supply and purchase of goods and services for the UAS industry. The regulatory arena is constantly evolving, but we often advise clients on matters such as the EU Defence and Security Directive, bribery and corruption legislation (including the Bribery Act in the UK), and offset compliance, as well as e-commerce and privacy. As all of our clients are seeking to diversify their customer base, European co-operation will have increasing importance.

## Dispute Resolution

Given the complexity of UAS and the extensive network of sales and distribution agreements which build up around them, things can go wrong. Beyond our contractual and regulatory practices, we have extensive experience in helping our clients manage risk, and defend and bring actions in this area. In particular, we understand the required relationships with local enforcement authorities.

## Relationship management

A number of our lawyers have worked in-house and we have no intention of being 'ivory tower' lawyers offering a counsel of perfection. We understand what type of legal advice is actually helpful to our clients and what is not. We believe that our industry knowledge and experience allows us not only to understand our clients but to empathise with the issues and concerns they may have. Our expertise and industry knowledge give us the best possible platform upon which to build long term relationships with our clients.

## Thought leadership

We seek out areas of innovation where there are new skills to learn and new problems to be dealt with. For example, we have established a cross-industry UAS working group that has had a number of meetings with industry leaders to brainstorm novel issues. Further we have just held our first seminar on Unmanned Air Systems and we have a full programme of Defence Breakfast debates scheduled. We run the European Aerospace & Defence Legal Counsel Forum which acts as a source of understanding of the latest major issues to be concerning senior legal counsel in the sector.

## Dedicated to delivering client value

We provide our clients with service enhancements which are designed to add tangible value to the relationship. This includes an innovative Knowledge Exchange Programme, tailored seminars on legal and business topics, access to online resources and consultancy on strategic issues for in-house teams.

## Value add

As well as advising on the structuring, documentation and negotiation of a deal, we also offer value added services such as: a workshop for those members of the team who will manage the contract on an ongoing basis; contract handbooks and guides for contract managers; a central record of all change control notes and other amendments to the agreements, and a facility to make this available on-line to authorised personnel within your organisation. In addition, we employ bespoke online tools to support our clients in their programme management activities, such as our Online Client Services extranet capability.

*“[Bird & Bird]  
is one of the  
top three  
international  
firms for client  
satisfaction.”*

*Legal Week Intelligence Client  
Satisfaction Report 2010*

# Contacts



**Belgium**

**Catherine Erkelens**

T: +32 (0)2 282 6000  
catherine.erkelens@twobirds.com



**UK**

**Richard Lucas**

T: +44 (0)20 7415 6000  
richard.lucas@twobirds.com



**Belgium**

**Patrick Michielsen**

T: +32 (0)2 282 6000  
patrick.michielsen@twobirds.com



**UK**

**Sally Shorthose**

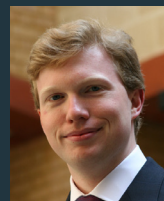
T: +44 (0)20 7415 6000  
sally.shorthose@twobirds.com



**UK**

**Elizabeth Belsey**

T: +44 (0)20 7415 6000  
elizabeth.belsey@twobirds.com



**UK**

**Ed Stanley**

T: +44 (0)20 7415 6000  
ed.stanley@twobirds.com



**UK**

**Paul Briggs**

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

## twobirds.com

Abu Dhabi & Beijing & Bratislava & Brussels & Budapest & Düsseldorf & Frankfurt & The Hague & 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 authorised and 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. The word "partner" is used to refer to a member of Bird & Bird LLP or an employee or consultant, or to a partner, member, director, employee or consultant in any of its affiliated and associated businesses, who is a lawyer with equivalent standing and qualifications. 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.