



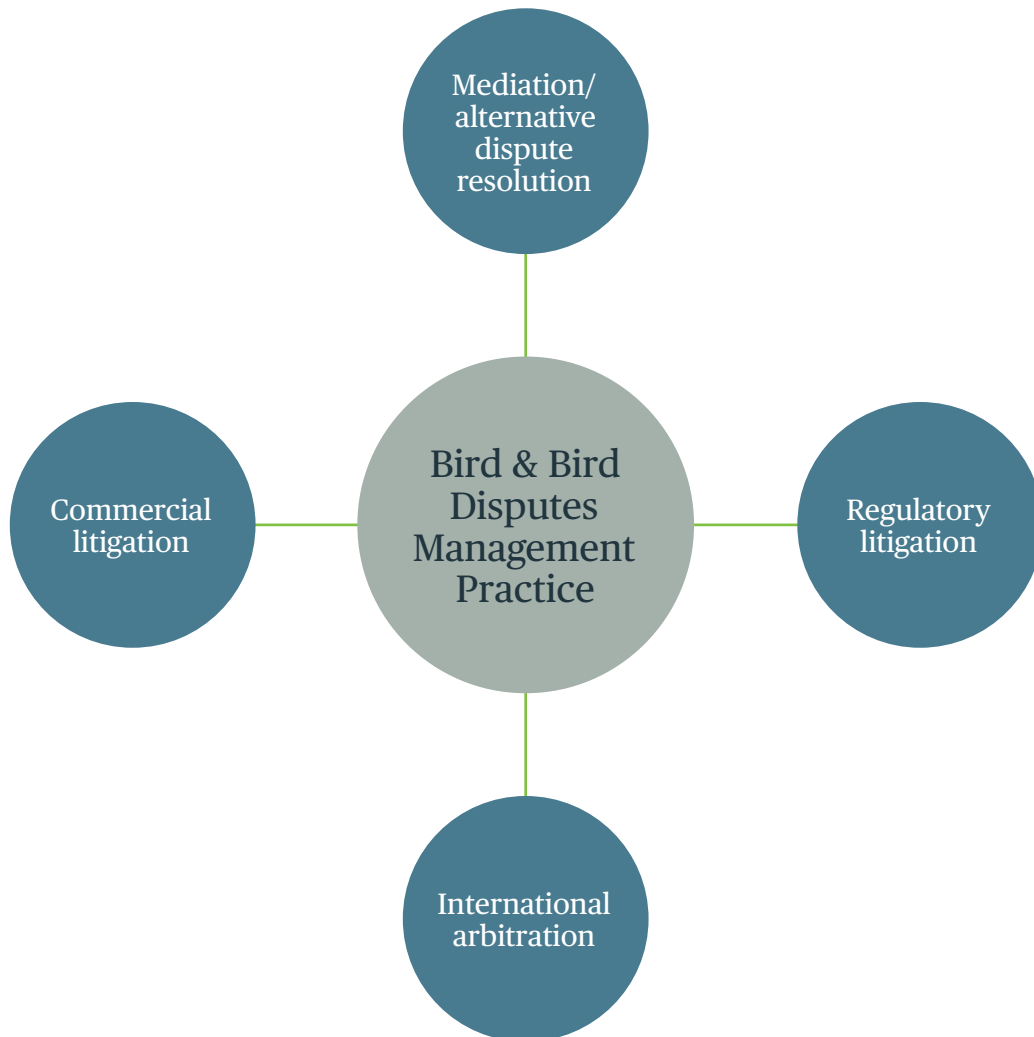
# Bird & Bird & First for Disputes

Our product liability experience

# Our dispute management practice

*Business does not always run smoothly and whilst we work with our clients to avoid disputes wherever possible, sometimes they do arise. When you do find yourself in dispute, we will help you to manage the best business advantage.*

You will benefit from the experience of more than 100 lawyers in 17 countries, all of whom believe in working in close partnership with their clients.



*Specialises in domestic and international product liability litigation.*

*Demonstrates strength in high-value disputes in its sector specialisms of IT and telecommunications, energy and financial services. Works seamlessly alongside colleagues in other departments and jurisdictions in order to provide a full-service offering to corporate clients.*

# Our international product liability group

## Sector focus

Our sector focus combined with our international reach comprising 25 offices across Europe, the Middle East and Asia involving almost 1000 lawyers means that we are global leaders in sectors such as Commercial, Technology & Communications, IT, Banking & finance, Aviation, Defence & Security, Energy and Sports.

The worldwide volume of product liability claims in all sectors is increasing. This is true for product manufacturers, B2C and B2B retailers, and all intermediaries within the supply chain, including distributors, suppliers, retailers and importers. All of these businesses are increasingly exposed to product liability risks from faults in delivered products. Such claims are often complicated due to the combination of applicable laws in different jurisdictions, including the potential for variations between European legislation and the national laws of each member state. Our product liability specialists understand these issues, often from first-hand industry experience, and are specialists in handling product liability disputes and non-contentious matters.

- **International manufacturer of parts for vehicles:** notification obligations relating to potential defects of products, including aspects of product liability and dangerous product regulations.
- **Communications provider for public sector:** product safety and liability issues arising from the supply of a BatteryGuard product (as part of radio-telecommunications equipment) installed in fire engines used/ operated by the FRS.
- **International printing company:** representing as Part 20 Defendant in a contractual product liability claim in the Commercial Court relating to the packaging of cooked rice products.
- **Global biotechnology company:** importation into China of human and animal matter for bio-technology research where we provided the client licensing, product liability and regulatory advice in connection to bio-technology in China.
- **Leading manufacturer of premium kitchen appliances:** acting in relation to a range of product liability cases.
- **Design and development of packaged gifts company:** in relation to product liability issues arising from its supply of glass jars to a UK-based chocolate company.

*“They are not acting as outsiders, but help us as if they are the real owners of the problem and provide us with the best possible solution. They are concentrated on finding solutions rather than creating problems.”*

*Chambers and Partners 2014 (What clients say)*



*Commercial, quick to identify the issues  
and get to the heart of the matter.*

*Chambers and Partners 2014*



*Manages massive pieces of  
litigation seemingly effortlessly.*

*Chambers and Partners 2013*



*This dispute resolution group has  
developed a formidable reputation...  
interviewees praise the team as being  
“very thorough and knowledgeable” and  
highly “user friendly”.*

*Chambers and Partners 2013*



## Aviation sector

Our Aviation team has hands-on experience working within aviation companies and our people are highly experienced in the way the industry works. We act for many leading aviation businesses, including airlines, aircraft manufacturers, lessors, financiers, groundhandlers, MROs, freight forwarders, insurers, airports, tour operators, industry associations and online booking providers. Our clients in these organisations come to us because we know their business and we share a genuine passion and enthusiasm for the sector. Our aviation product liability specialists understand the sector, often from first-hand industry experience, and are specialists in handling product liability disputes and non-contentious matters.

- **Major global aircraft manufacturer:** €500 million ICC arbitration against a national airliner in relation to an indemnification claim from a major aviation crash.
- **Aircraft manufacturer:** in obtaining a landmark judgement in a long-pending case on aircraft manufacturer liability and was the first time a Belgian court applied commercial air transport legislation to parachute flights.
- **Military and humanitarian transport aircraft manufacturer:** on a number of aviation product liability and commercial contract matters.
- **Commercial aircraft manufacturer:** advising on a number of aviation product liability and commercial contract matters.
- **Manufacturer of helicopter turbines and its insurer:** in relation to a helicopter crash in India in 2005 involving the death of two ministers.
- **Major international airline:** potential US\$200 million claim against aircraft seat manufacturer arising from the falsification of test data.
- **Leading insurance company:** several litigations relating to damages caused to aircrafts and/or physical damages caused by road vehicles circulating in airport (subject to the Road Traffic Act).

*The team focuses on product liability and dispute resolution, including contractual disputes with suppliers, competition claims and aviation insurance ... handles case management following air crashes, including compensation negotiations. It advises a variety of industry players including airports, airlines and manufacturers.*

*Chambers Europe 2013*

# Our integrated approach

Because we take an integrated approach with our non-contentious colleagues, we become involved in potential product liability disputes from the very earliest stage and we can assess risk, alone or with other professional advisers. This enables us to provide you with early advice in confidence and can lead to the avoidance of costly litigation. Our services related to product liability include:

## Contentious

- Domestic and international disputes before criminal, civil and commercial courts or in national and international arbitration
- Working with insurers, their experts, and in-house engineers to set up teams capable of managing all stages of litigation, from the technical and financial aspects through to court proceedings
- Advising on complex international contentious issues, e.g. for large aircraft manufacturers
- Acting on the civil and criminal implications of group actions brought by several hundred claimants following accidents
  - » claims against manufacturers and suppliers
  - » contractual claims
  - » National and European regulatory issues

## Non-contentious

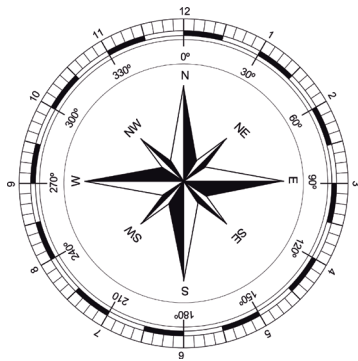
- Reviewing contractual documents
- Defining processes, such as criminal and legal risk
- Assisting clients to produce plans to manage risk, or offering bespoke legal risk training to staff without a legal background
- Advice on avoiding criminal risk for
  - » unintentional offences
  - » offences under the Consumer Code
  - » offences relating to hygiene and safety

- **Major Japanese motor cycle company:** on all day-to-day business and operational matters, in particular distribution agreements and product liability.
- **Electronics company:** on its supply of a defective product; on its safety obligations under the General Product Safety Directive 2001/95, including its risk assessment procedures, options for appropriate corrective action and notification to market surveillance authorities.
- **European aircraft manufacturer** in civil proceedings introduced in France by the families of the victims of an air crash. There are more than 320 claimants who jointly claimed over 130 million Euros in more than 20 different proceedings.
- **International technology company:** in defence of a worldwide product recall in the IT field.
- **Major IT and telecommunications provider:** on two business-critical product recalls arising out of power adapters used in our client's home-hub and video-on-demand television systems. In particular, we advised on crisis management, risk assessment of the products, regulatory obligations to Trading Standards, required corrective action in the market, and the recovery of costs incurred from the original manufacturers.
- **Manufacturer of protective, working, service and special clothing:** advice in relation to potential dispute over product failure of a safety helmet.
- **UK-based supplier of safety components, build fixings and fit-out products consumables:** in relation to claims brought by its customers following the supply of defective adhesive products.

## International reach

Where disputes have an international element, our lawyers are able to rely upon a highly integrated international team, providing our clients with an extensive cross-border dispute resolution capability, particularly in Europe and Asia. This, coupled with our distinctive sector based approach, sets us apart from our competitors, many of whom are increasingly precluded from acting for high profile banking sector clients, for reasons of conflict.

- **Global maritime services company:** in respect of its worldwide supply of a defective product. We advised on conflict of law issues involving the applicable law as between our client and the original manufacturer and first supplier of the product, the contractual claim against the original manufacturer and first supplier of the product, potential claims from customers including risks under the Product Liability Directive 85/374, safety obligations under the General Product Safety Directive 2001/95 (including appropriate corrective action, communications with customers and notification to market surveillance authorities), and public relations with its customers.
- **Major Chinese manufacturer:** defence of a worldwide product recall in the IT field.
- **UK insurance company** in a dispute against its insured and third parties in relation to product liability for defects on port cranes manufactured by the insured, involving significant claim for loss of profits and denial of insurance cover for prescription.
- **Global wine producer:** in relation to the product recall of a wine product containing a EC-prohibited compound. In particular, we advised on the commercial implications arising from the recall including the recovery of costs under contractual warranties and indemnities.
- **Italian manufacturer of upmarket domestic appliances:** concerning an investigation by the National Measurements Office in relation to the energy-rating labelling of domestic ovens sold into the UK. The investigation affects many of our client's oven product ranges in the EU and can carry criminal sanctions.
- **Spanish textiles company:** in relation to product safety issues arising from the supply of woven-coated fabric to a Norwegian furniture producer.



*"One of the things that I most admire is their availability. Whenever needed, even at the most bizarre times, the team members, including the partner, are always available."*

*Chambers and Partners 2014 (What clients say)*

# Our reputation in the market

*Bird & Bird is an obvious choice for high-calibre commercial and banking disputes, particularly those involving elements of IP, IT, outsourcing, telecoms and life sciences.*

*Chambers Global 2013*

*Continues to impress, advising on cross-border disputes and arbitrations, and major white-collar crime and securities investigations.*

*Legal 500 EMEA 2012*

*“Determined but pragmatic”*

*Chambers and Partners 2013*

*‘Outstanding’ team ... Bird & Bird is ‘commercially minded and gives concise advice’, and is exceptionally good at ‘anticipating changes in the legal environment’*

*Legal 500 EMEA 2012*

*The dispute resolution team at this firm is praised by sources for the quality of its litigation work, and has been receiving instructions in a wide range of cross-border matters.*

*Chambers and Partners 2013*

*Clients are full of praise for our sector based dispute resolution practice, noting that the “smart, attentive and service orientated” lawyers have “specific industry knowledge in addition to the legal skills required”.*

*Chambers and Partners, 2012*

*Bird & Bird’s renowned status as a leader in the fields of IT, IP, outsourcing, telecoms and life sciences, this dispute resolution group has developed a formidable reputation in these core areas and in a broad spectrum of high-calibre contentious commercial and banking-related matters.*

*Chambers Europe 2013*



*Bird & Bird LLP’s ‘sector-focused practice commits to cases.*

*Legal 500 2013*

*Bird & Bird LLP (international arbitration group) has ‘a deep bench of sector-focused practitioners’*

*Legal 500 2013*



# Getting to know us

*Bird & Bird is a truly international firm, organised around our clients. We connect our passion and practical insight with our clients' vision, to achieve real commercial advantage.*

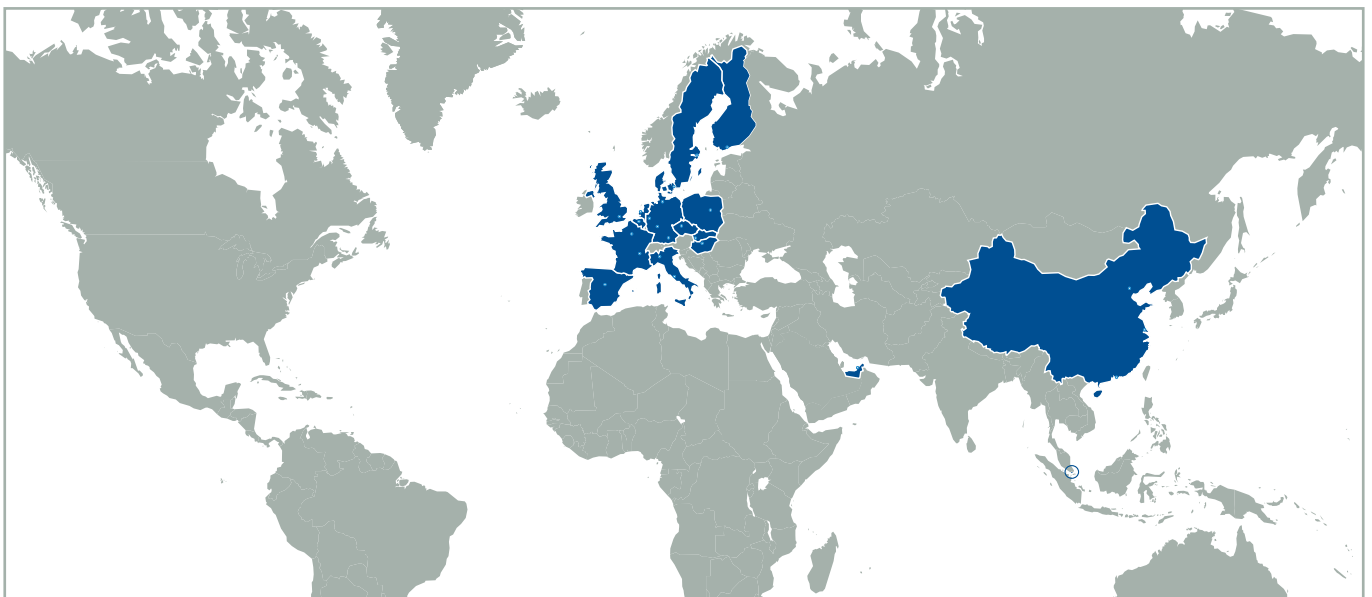
With more than 1,000 lawyers and legal practitioners in 25 offices worldwide, we specialise in combining leading expertise across a full range of legal services, including advice on commercial, corporate, EU and competition, intellectual property, dispute resolution, employment, finance and real estate matters.

Our clients build their businesses on technology and intangible assets, and operate in regulated markets. The key to our success is our sector focus. We have developed deep industry understanding of these sectors, including aviation & aerospace, communications, electronics, energy and utilities, financial services, information technology, life sciences, media and sports. Our deep industry knowledge gives us:

- Expertise in the law and regulatory framework relating to each sector
- A practical, commercial approach to navigating the sector, supported by advisors who have worked for decades in these specific industries

Most of our work is cross-border and multi-jurisdictional. We excel at managing complex projects across multiple regions with a seamless one-firm approach.

We have offices in key business centres across Europe, the Middle East and Asia, including in 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 and Warsaw. We also have a dedicated group focusing on India and close ties with firms in other key jurisdictions in Europe, the Middle East, Asia and the United States. We offer local expertise within an international context.



# twobirds.com

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