



Bird & Bird & First for Disputes

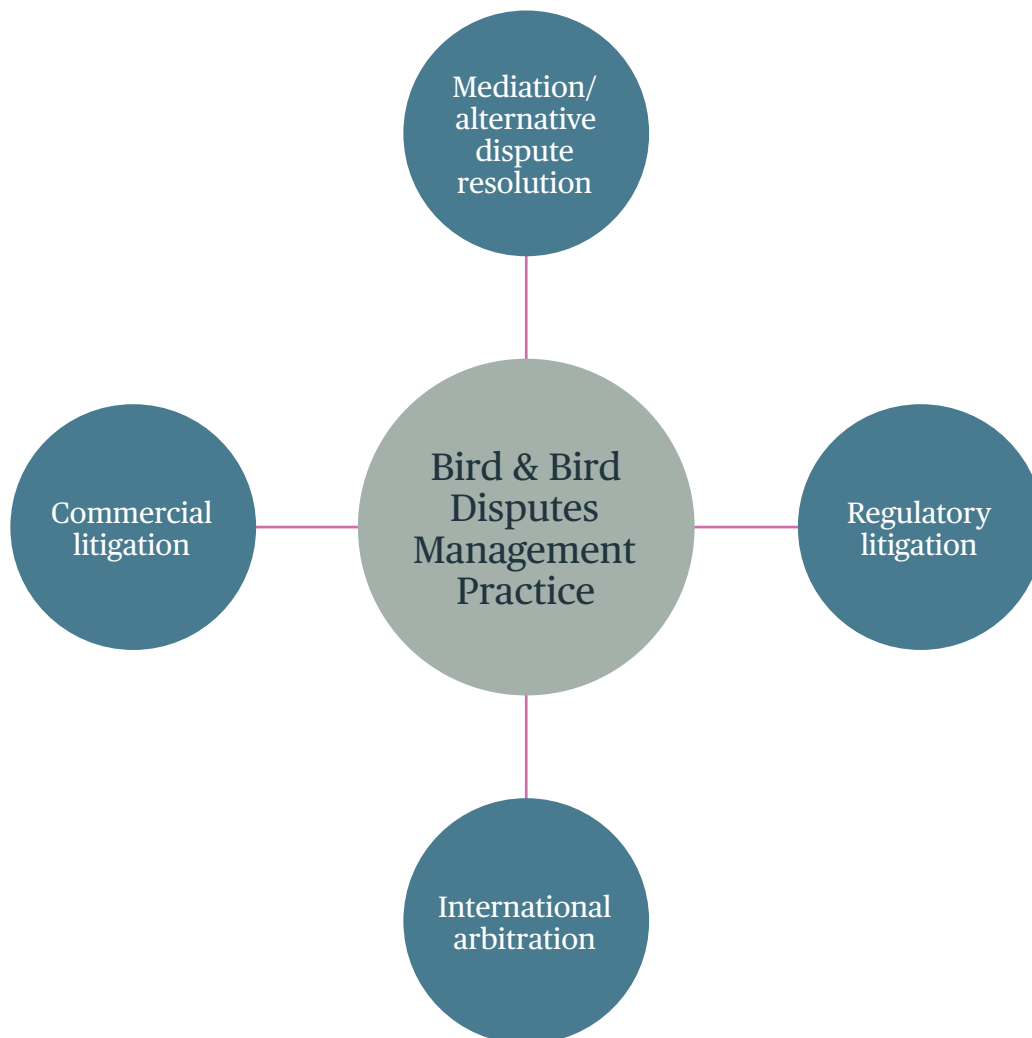
Our technology and communications
disputes practice

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 15 countries, all of whom believe in working in close partnership with their clients.

Chambers Global comments that our commitment to the areas of Telecoms and Technology distinguishes us from many other firms enabling us to provide a comprehensive array of services to clients and providing them a first-rate service.



“A first-class practice - no one can dispute that.”

Chambers and Partners 2014

Our IT and communications disputes group

Bird & Bird are recognised globally as a leader in the IT and communications sectors and we assist clients handle their IT risks and resolve their disputes. We also have unrivalled expertise in advising on communications related transactions and disputes. We have been at the forefront of developments in international communications law since the 1980s and have acted on some of the largest, most complex and ground-breaking transactions of recent years.

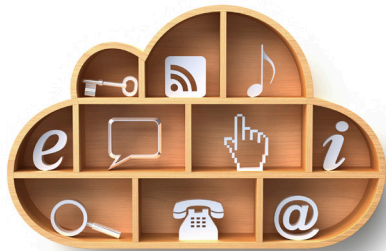
Sector focus

We don't pretend to be experts in all areas, but where we do excel, we are the equal to any Magic Circle firm and Bird & Bird is universally well known for the quality of its disputes work in the communications and IT sectors. We have acted on a wide range of IT and communications related disputes ranging from failed implementation of projects to highly complex construction issues. A number of the disputes we have helped resolve have required a real understanding of the relevant technologies as well as market issues.

- **Major telecommunications operator:** acting in a £800 million claim in the Technology and Construction Court regarding alleged faults in a nationwide network.
- **Axa Insurance Plc:** acting in relation to a dispute surrounding the migration of reporting and accounting systems from the ICL platform to IBM OS 390 platform. This multi million pound claim was settled by mediation after expert reports and witness statements were exchanged.
- **Orange and Worldmax:** advising on numerous proceedings against municipalities' and other parties' denial to allow the installation of GSM, UMTS or WiMAX antennas.
- **Primus Telecommunications:** negotiated a global settlement agreement and resolving litigation in the UK, Denmark, Germany, The Netherlands, France and Spain.
- **Major technology multinational:** in a \$6 billion ICC arbitration in relation to a global licensing dispute.
- **International business and technology consulting firm:** in dispute with major bank in relation to "matching engine" software supplied.

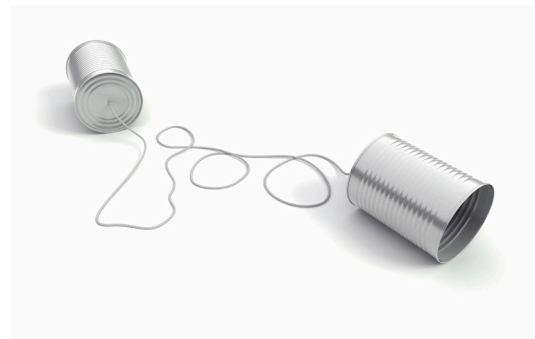
Major player in the technology world that takes on large and complex deals in the IT space, as well as significant disputes.

Chambers and Partners 2014



Recognised as a leader in the IT sector. Sources say: “The bottom line on Birds is that they impressed us in every regard and more than met our needs for all the legal issues that we’ve encountered.”

Chambers 2012



“The quality of the work is always superb, turnaround is within the timeframe and the advice takes into account the nature of our business.”

Chambers and Partners 2014



Full range of clients

Bird & Bird leads the market in acting for many of the world's best-known IT and communications companies. We have been central to many of the largest, most complex and innovative IT projects of recent years and have provided an extensive range of corporate, commercial, regulatory and dispute resolution advice to businesses involved in telecommunications, broadcasting and on-line services around the world. Our clients are organisations in the public and private sectors, including:

IT

- Blue-chip companies
- Developers and distributors
- Providers of IT systems and services
- Institutional users

“A really great firm for TMT. It understands how companies work and what the client needs’, sources say”.

Communications

- National and international operators
- Regulators
- Major financial institutions
- Users

Chambers Europe 2011

- **Everything Everywhere:** acting for telecommunications giant, Everything Everywhere, in a dispute relating to mobile communications networks. This dispute concerned both contractual and technical issues, and also involved a number of regulatory concerns.
- **Skype Technologies SA:** in a very substantial, high profile £2.1 billion “bet the company” dispute in the UK High Court and courts in California, Delaware and Estonia, arising out of the licensing and ownership of Skype’s core peer-to-peer technology. Settled successfully before trial.
- **PayPal:** acting for PayPal (Europe) Ltd in relation to a Norwich Pharmacal application brought by Microsoft seeking customer account details and other confidential information from PayPal. The proceedings were brought in order to obtain information about individuals who Microsoft alleged were selling counterfeit software through the eBay site. After negotiations the terms of a consent order were agreed and information provided. A full reimbursement of PayPal’s legal costs was subsequently obtained.
- **Bloomberg LP:** in a complex technology licensing dispute involving two sets of expedited proceedings in the Commercial Court and Chancery Division respectively.
- **Major government department:** in relation to issues arising from possible termination of a multi-vendor IT tower outsourcing arrangements in the UK.

“Clients and commentators are in no doubt about this firm’s position at the forefront of the European technology and communications market.”

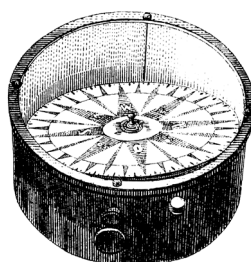
Chambers Global 2013

Full range of IT sector services

We provide disputes advice on:

- Procurement and delivery of IT systems and services
- Commercial contracts
- Outsourcing projects and managed services
- Software development and distribution
- Import and export control
- Joint ventures and strategic alliances
- E-commerce and internet-based businesses
- Data protection
- Privacy principles and security
- Cloud computing and Big Data

- **CINCOM Software:** advising against an IT supplier in the Commercial Courts of Madrid, with regard to the transfer of certain high value software license and services agreements which were entered into in past by Cincom with GEDAS.
- **Major network solutions company:** in a procurement dispute with DANTE in relation to the GEANT transmission and switching equipment tender.
- **US technology company:** advising this specialist in electrochemical products on its potential arbitration against a joint venture partner based in the UK.
- **Tiscali:** advised on litigious matters regarding bitstream access and general commercial advice.
- **Leading global management consulting, technology services and outsourcing company:** in dispute with major energy company in relation to the delayed implementation of an IT system.



International reach

We have offices in Abu Dhabi, Beijing, Bratislava, Brussels, Budapest, Copenhagen, Düsseldorf, The Hague, Hamburg, Helsinki, Hong Kong, Frankfurt, London, Lyon, Madrid, Milan, Munich, Paris, Prague, Rome, Shanghai, Singapore, Skanderbor, Stockholm and Warsaw. Our communications and IT expertise is at the heart of these offices. Being a truly integrated international team, we are able to provide genuine local knowledge and understanding of a variety of systems of laws and procedures. Further, our creative project management skills ensure that we are able to provide seamless cross-border advice.

- **Technip (leading worldwide designer and builder of ethylene plants):** on several continuing litigations in relation to two former employees who unlawfully exploited Technip's state-of-the-art computer simulation software.
- **International telecoms company:** in respect of an expedited trial valued at up to £600m of various issues arising out of the merger of its UK mobile telecoms subsidiary with another UK mobile telecoms company.
- **Sovereign Government:** in a high profile, high value judicial review application against Ofcom in the Administrative Court in which the client government sought to challenge Ofcom's decision to submit a new frequency assignment in the broadcast satellite network on behalf of another state to the International Telecommunications Union.
- **AUSA Productos Especiales, S.A.:** advising one of Spain's biggest logistic and industrial corporations in the steel industry in litigation proceedings against one of the leading international IT consultancy houses due to the early termination of a Systems Integration Agreement with the scope to implement the ERP (Enterprise Resource Planning) SAP R/3.
- **Major Finnish telecommunications company:** assisting in the resolution of a dispute facilitating the completion of a business acquisition.
- **Turkish telecoms company:** LCIA arbitration against Asian telecoms company in relation to a debt outstanding for traffic of minutes between Asia and Turkey.
- **Leading global ICT solutions provider:** in arbitration proceedings against German telecommunication provider in connection with a technology supply agreement of critical importance to the business sector.
- **Global internet security company:** in a multi-million Euro claim in France regarding the termination of a distribution agreement.

Arbitration expertise in the IT/Communications sectors

Bird & Bird's International Arbitration Group has grown substantially over many years and is a cross-border, integrated, multi-disciplinary team with an in-depth knowledge of arbitration as a dispute resolution mechanism and a comprehensive understanding of key industry sectors. The group has a truly international feel, operating throughout all of the major financial cities in the world and because of this, the team has extensive experience of representing clients in arbitrations, including under the rules of the world's leading arbitral institutions (ICC, LCIA, AAA/ICDR, CIETAC, DIS, SCC, UNCITRAL, ICSID, WIPO) and under a variety of systems of law. We have put this expertise to good use in helping resolve many complex disputes in the IT and telecommunications sectors.

- Leaseholder of a communications satellite in a complex and high value ICC arbitration concerning various alleged design defects in the satellite.
- Indian national telecoms carrier in a substantial ICC arbitration concerning the design and operation for a global satellite access node and various claims for interconnection charges.
- US software corporation: acting in ICC arbitration proceedings sited in London that settled on terms extremely favourable to our client.
- Leading global supplier of financial trading systems in an UNCITRAL arbitration with an Asian stock exchange in a US\$107 million ICC arbitration over the supply of a derivatives trading system.
- Major US digital technology company: assisting its PRC subsidiary to enforce a domestic CIETAC award concerning a patent licence dispute against a PRC licensee.
- Telecommunication services company: advising a Hong Kong telecommunication services company in relation to a HKIAC arbitration.
- Leading international software provider, acting in OIS proceedings sited in Germany over a broken global electronic distribution platform project.

Bird & Bird was one of the first firms in the UK to specialise in technology, telecoms and media.

Global Arbitration Review 100 2011



Our reputation in the market

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

“Demonstrates strength in high-value disputes in its sector specialisms of IT and telecommunications.”

Chambers and Partners 2014

Client’s service: “The quality of the work is always superb, turnaround is within the timeframe and the advice takes into account the nature of our business.”

Chambers and Partners 2014

Broad capabilities in supporting the day-to-day operations of telecoms clients. Experienced litigation team. Also noted for its sound understanding of the intricate nuances in new technological developments.

Chambers and Partners 2014

“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)

Manages massive pieces of litigation seemingly effortlessly.

Chambers and Partners 2013

“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)

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 UK 2012



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.

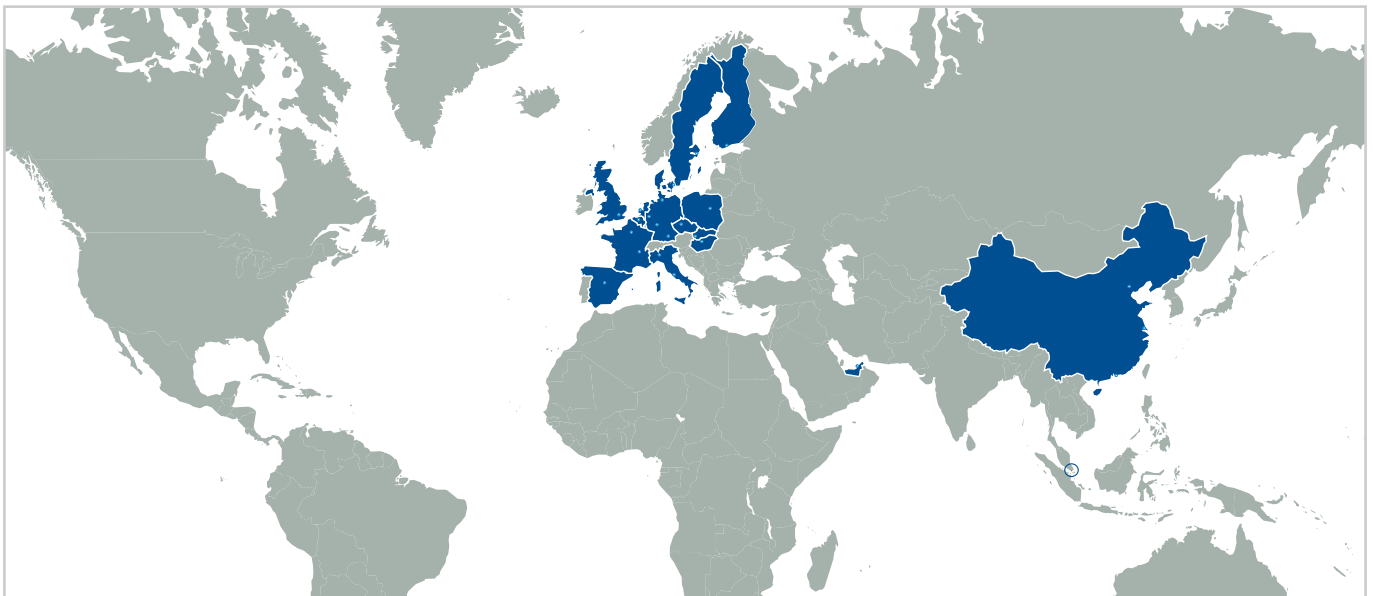
With more than 1,000 lawyers and legal practitioners in 25 offices worldwide, we specialise in combining leading expertise across a full range of legal services, including advice on commercial, corporate, EU and competition, intellectual property, dispute resolution, employment, finance and real estate 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, Copenhagen, Düsseldorf, Frankfurt, The Hague, Hamburg, Helsinki, Hong Kong, London, Lyon, Madrid, Milan, Munich, Paris, Prague, Rome, Shanghai, Singapore, Skanderborg, 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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Bird & Bird is an international legal practice comprising Bird & Bird LLP and its affiliated and associated businesses. 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. 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 that address.