

Bird & Bird

Automotive

One firm.  
Your firm.

# Helping you navigate the transformation journey

**Our International Automotive Industry Group provides a full range of contentious and non-contentious corporate, commercial, intellectual property and regulatory law services to investors, manufacturers, suppliers, distributors and dealers.**

Our service is based on a deep knowledge of the automotive industry; we genuinely understand the key dynamics of the marketplace as well as the business relationships that drive it.

Through our heritage and expertise in intellectual property and other technology-driven sectors, we also have a strong understanding of the processes which are critical to the successful growth and development of the sector including IT, electronics and outsourcing.

We are able to advise at all stages of the lifecycle of a motor vehicle – from initial design and development through to serial production, sales and distribution and, eventually, disposal. This includes advising on commercial contracts, enforcement and exploitation of intellectual property, EU and competition law and other regulatory and environmental matters (in particular sustainability), warranty issues, product liability and recall, financing and investment opportunities.

We operate as one international integrated group with a common approach; our lawyers are used to working together as a seamless team. Our ability to provide teams of expert lawyers in each of the major European jurisdictions and

in Asia-Pacific ensures a uniformity of service, experience, approach as well as joined up thinking.

Our clients range from large multi-nationals to smaller domestic companies and include suppliers of automotive parts and investment goods, motor vehicle manufacturers, distributors of motor vehicles, as well as logistics businesses and investors.

## About Bird & Bird

Bird & Bird is an international law firm that provides a unique service based on an extensive knowledge of key industry sectors and areas of legal practice. We have an outstanding reputation for helping our clients achieve success through our innovative and creative solutions. We always put our client's business objectives first.

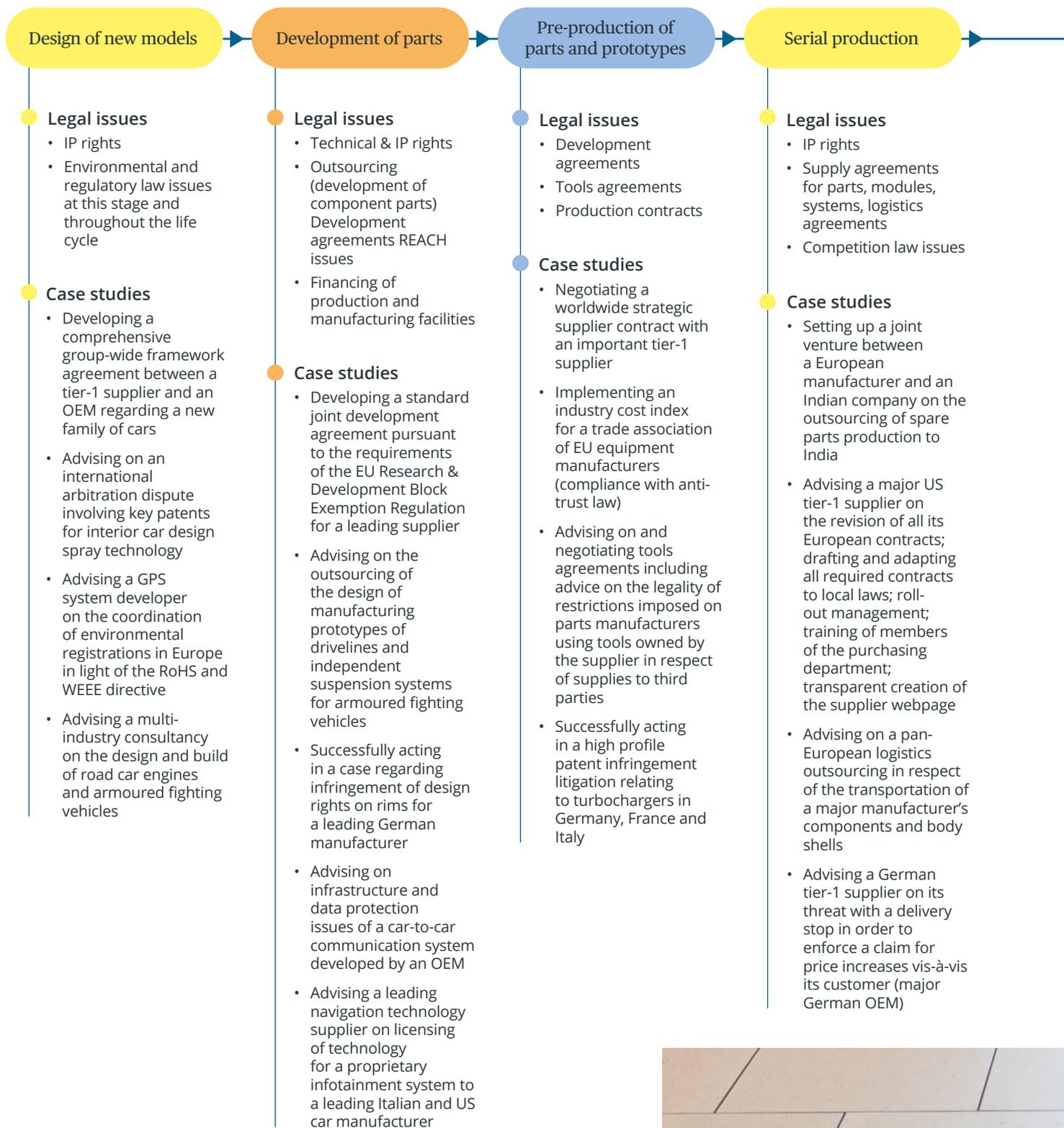
With offices in Abu Dhabi, Amsterdam, Beijing, Bratislava, Brussels, Budapest, Casablanca, Copenhagen, Dubai, Dublin, Dusseldorf, Frankfurt, The Hague, Hamburg, Helsinki, Hong Kong, London, Luxembourg, Lyon, Madrid, Milan, Munich, Paris, Prague, Rome, San Francisco, Shanghai, Singapore, Stockholm, Sydney and Warsaw and cooperation agreements in Indonesia, Malaysia, Portugal, Switzerland and Turkey, together with close ties with firms in other key centres in Europe, Asia-Pacific and North America, we are well placed to offer our clients local expertise within a global context.







## Motor vehicle and associated legal issues lifecycle



### Distribution to end customers

#### Legal issues

- Distribution agreements
- Competition law issues

#### Case studies

- Defending a manufacturer's selective and exclusive distribution network before the French competition council further to a complaint by French distributors
- Advising a leading starter battery manufacturer on the competition law aspects of setting up a new Europe-wide distribution model
- Advising a manufacturer of automotive lighting products on the compatibility of certain pricing practices in the aftermarket with competition law
- Negotiating a joint venture agreement for an OEM with an EU distributor for the implementation of a web distribution platform

### Import and export

#### Legal issues

- Customs and trade law issues

#### Case studies

- Advising on contracts with importers in Asia Pacific, including dealers in Korea, Malaysia, Japan, Thailand, Singapore, Hong Kong and China
- Advising on several cases for car manufacturers and/or car importers against their distributors, mainly with respect to the termination of the contractual relationship
- Assisting in one of the largest border seizures in Italy for patent infringement whereby several thousand air conditioning units equipped with a refrigerant imported from China to Italy infringed the owner's patent rights

### Warranties

#### Legal issues

- Defects
- Safety
- Product recall

#### Case studies

- Defending the German subsidiary of a large US tier-1 supplier in an €80m recall/ warranty dispute with leading OEMs and taking recourse against the tier-2 supplier
- Advising a component manufacturer in connection with a global product recall and field refit due to defective components provided by a third party manufacturer
- Defending a €57m warranty claim brought by a large US manufacturer and its Swedish, German and UK subsidiaries on the basis of different governing laws
- Advising a major German insurance company on the defence of the insured tier-1 supplier in a product liability case against a leading German OEM (€110m)

### Disposal

#### Legal issues

- Specific environmental and sustainability issues

#### Case studies

- Advising on the EU WEEE regulation (waste electronic and electric equipment regulation)
- Advising on environmental law aspects as to classified installation
- Advising a leading insurance company on the impact of the WEEE regulation on its warranty insurances

# IT and Automotive

## IT agreements, including outsourcing and managed services agreements

- Dealing with the complexities of contractual relations and clash of cultures on the balance and allocation of liability between OEM and Tier 1, Tier 2 suppliers and providers of information technology
- Developing and negotiating IT outsourcing and managed services agreements
- Addressing the challenges in multi-tiering design and integration projects when laying the contractual basis for complex networks and IT architectures.

## Design, manufacturing and logistics process

- Advising on purchase, licensing and maintenance of computer-aided design software, hardware and technologies
- Dealing with business critical software applications, user interfaces and all major platforms, including multi-platform agreements
- Advising on sophisticated supply chain and logistics agreements for all aspects of manufacturing, including planning, management, intellectual property licensing, transportation and storage
- Providing legal and regulatory advice in connection with the implementation of a world-class automated manufacturing and supply process.



## Functional safety, embedded systems and open source

- Providing legal advice and risk assessment on development projects for functional safety systems relying on ISO 26262
- Legal support for the development, procurement and maintenance of embedded and cyber physical systems
- Advising on the regulatory and data privacy challenges in implementing and operating such systems
- Providing legal advice on IP and liability aspects related to the use of open source software.

## Innovative usage concepts

- Drive and pay per use – advising on e- and m-commerce, including IT infrastructure projects for innovative distribution and usage models
- Providing compliance assessments on data privacy, telecoms regulatory and related online marketing concepts.

## E-mobility/smart grids/telecoms

- Legal advice on regulatory requirements of telecommunications law, energy law, e-commerce regulations, data privacy and data security laws
- Providing strategic advice for the protection of innovation and building the contractual frameworks to implement business models associated with electrical vehicles in the world of e-mobility
- Support with standardisation, payment services, zoning regulations and planning law.

## Big Data and Automotive

- Legal advice on privacy, data ownership and data security, standardisation and regulations regarding the use of large amounts of data coming from vehicle sensors and components and their coordination with intelligent infrastructures
- Advice on the development and deployment of legal frameworks for liability allocation between OEM and suppliers with regard to the use of big data.

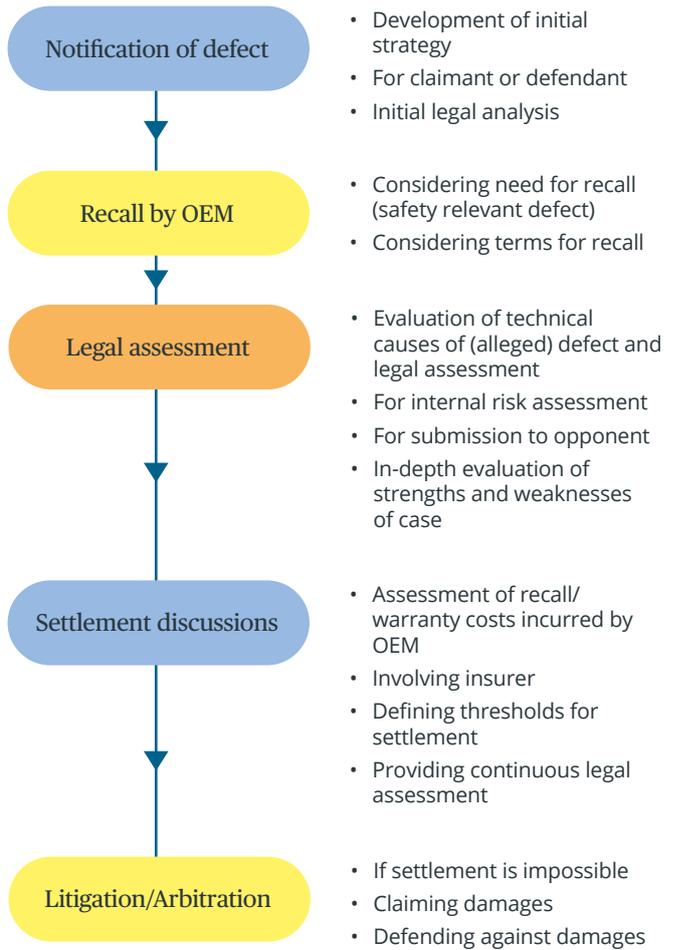
## Infotainment

- Advice on the development and deployment of legal frameworks for the relationships with content providers, IT providers and service providers
- Legal advice on telecommunication regulations, IP issues, connectivity, data access, TV and multimedia content distribution, advertising and information distribution.

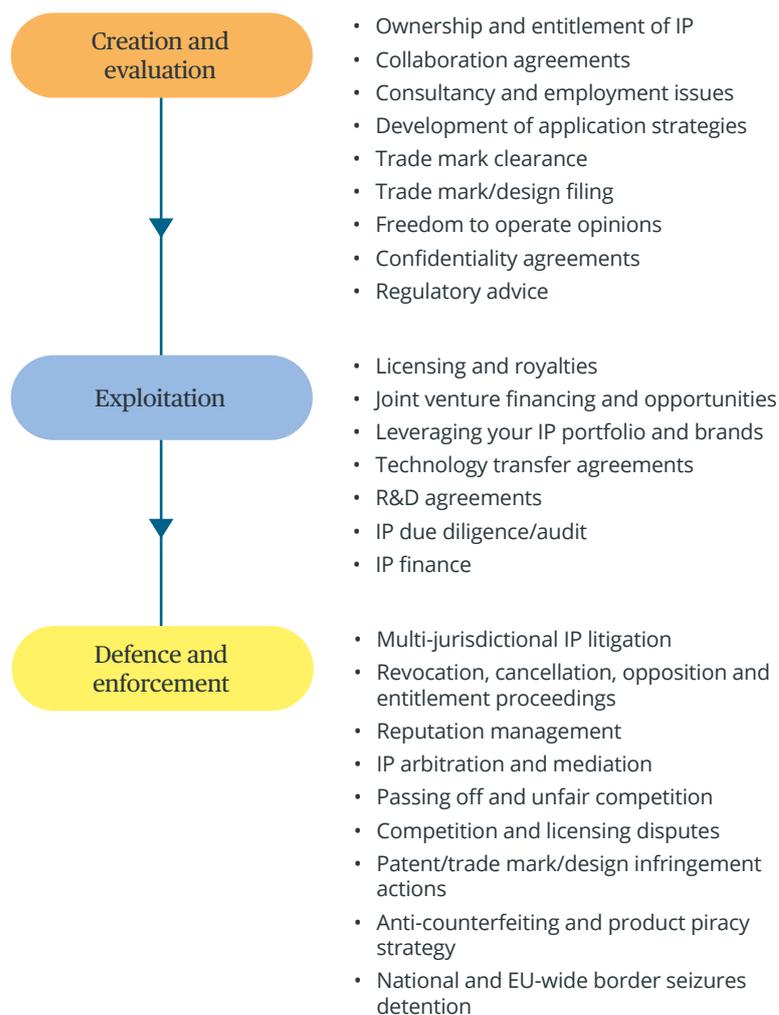
## Autonomous vehicles and assisted driving systems

- Advice in the field of general tort law, product liability legislation, product safety regulations and
- Advice on optimising contract structures, reflecting the appropriate allocation of potential risks and liability regarding the development and manufacturing of autonomous vehicles and assisted driving systems.

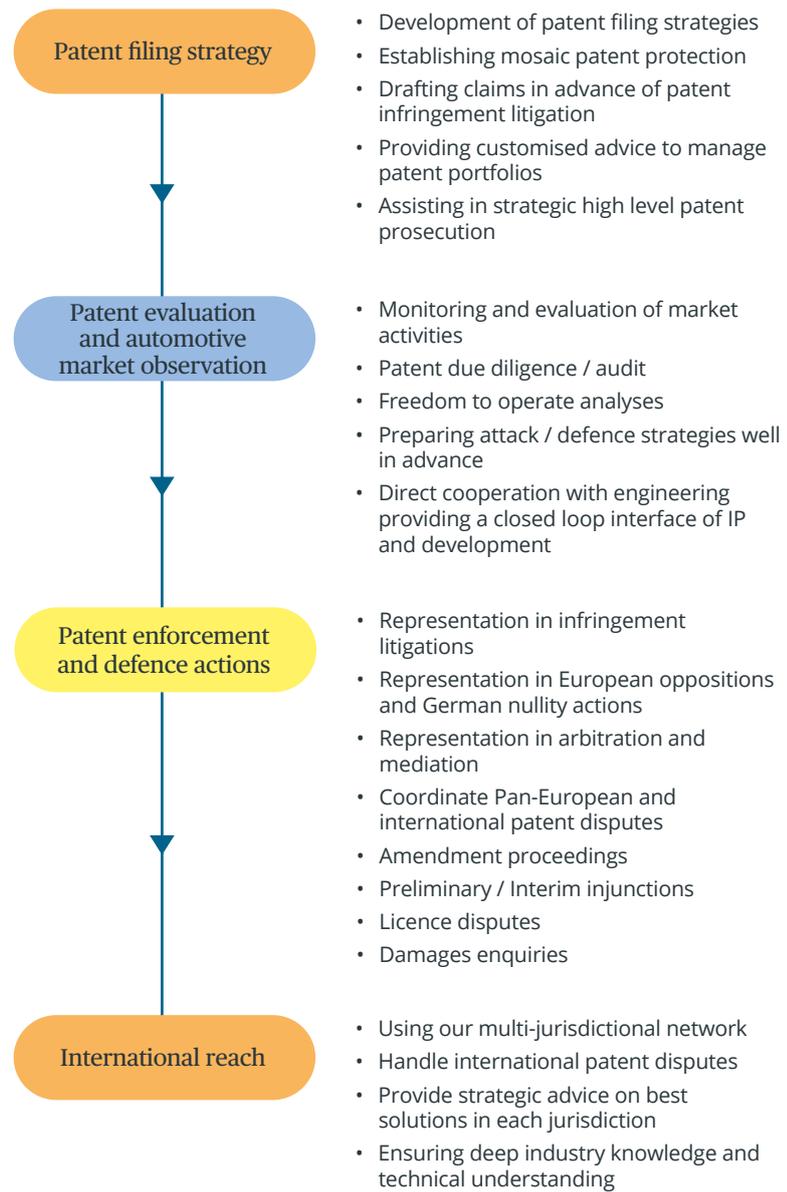
## Recall/Dispute Resolution advice



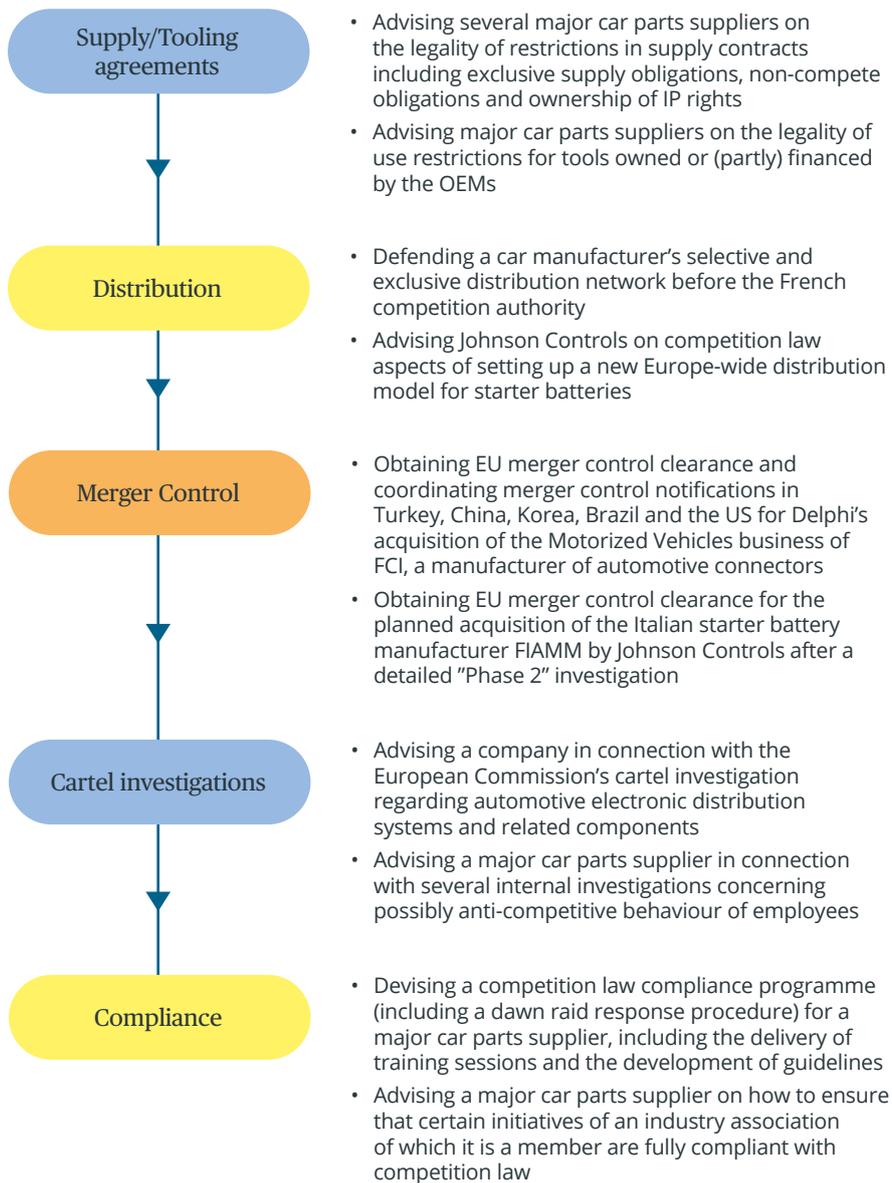
## IP advice, enforcement and dispute resolution



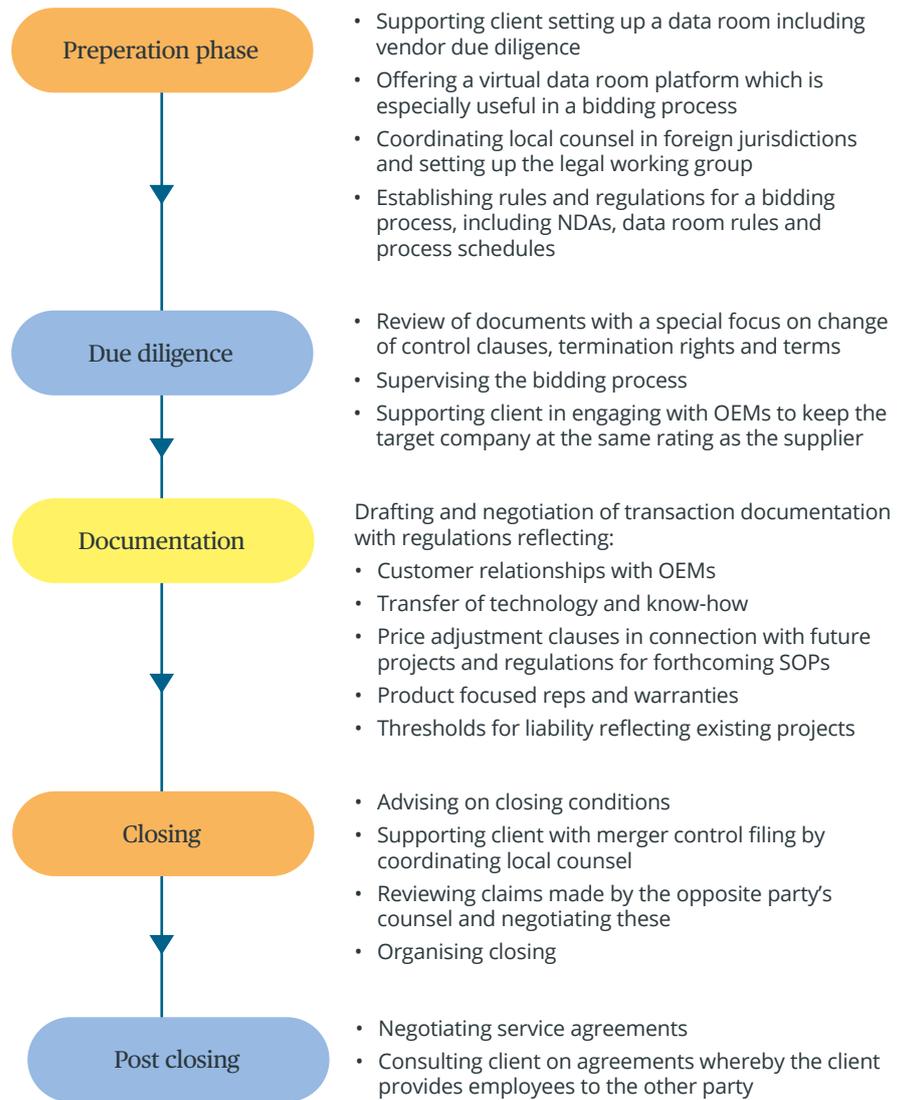
## IP patent advice



## Competition advice



## M&A transaction advice









# Bird & Bird

# One firm. Your firm.

## Our sectors

Automotive

Aviation & Aerospace

Defence & Security

Energy & Utilities

Financial Services

Life Sciences & Healthcare

Media, Entertainment & Sport

Retail & Consumer

Technology & Communications

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