



## Commercial Contracts

DLA Piper's Commercial Contracts practice combines legal knowledge with deep sector experience and a can-do approach covering the full spectrum of commercial and business law issues. When it comes to multi-jurisdictional transactions, our worldwide presence and experience managing sophisticated cross-border commercial deals sets us apart. Chambers Global notes that DLA Piper, as a Band 1 ranked firm in Commercial Contracts, is a “distinguished firm recognized for advising clients on high-value, complex, multi-jurisdictional commercial transactions where clients benefit from DLA Piper's extensive global footprint and expertise in a range of diverse practice areas that are often relevant to commercial transactions.”

Companies deal on a daily basis with a myriad of relationships and contracts that bind them to their suppliers, customers, licensors, distributors and other strategic partners. Our global Commercial Contracts practice helps structure these relationships and guide clients through the complexities to ensure their contracts provide the necessary framework for success.

Our global Commercial Contracts practice advises some of the world's largest companies on all manner of business-critical national and international commercial transactions, among them sourcing and procurement, sales, agency and distribution, e-commerce, joint ventures and collaborations, manufacturing, logistics, licensing arrangements, research and development, digital and business transformation, Everything-as-a-Service, to name a few. We represent some of the world's largest and most successful businesses in vibrant sectors such as Industrials (Aerospace, Automotive, Chemicals, Manufacturing), Consumer goods and retail, Infrastructure and Transport, Technology, Hospitality and Leisure...

In every major commercial center around the world, we have experienced sector-focused lawyers who truly understand local rules, business practices and customs, who work together as a cohesive team, who can call on the resources of our global firm and who share a common client service ethic.

### CAPABILITES

- Structuring sourcing and purchase programs, strategies and RFPs; advising regarding dealings with suppliers.
- Preparing and negotiating all documentation governing procurement, outsourcing, multisourcing, development, strategic alliances, sales, distribution, channels to market; advising regarding dealings with customers and consumers.

### KEY CONTACTS

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### RELATED SERVICES

- Employment
- Finance
- Franchise
- Intellectual Property and Technology
- International Arbitration
- International Tax Counsel
- International Trade
- International Trade, Regulatory and Government Affairs
- Mergers and

- Advising regarding the termination of agreements/dealings.
- Structuring business and/or digital transformation projects.
- Advising on international expansion.
- Advising on the conduct B2B and B2C ecommerce and digital business.
- Advising on advertising and marketing programs.
- Advising on customer and consumer relations.
- Representing suppliers and customers in commercial contracts disputes, through litigation, arbitration, mediation and other alternative dispute resolution techniques.

Acquisitions

- Real Estate
- Technology

Transactions and Strategic Sourcing

## RELATED SECTORS

- Energy and Natural Resources
- Financial Services
- Industrials
- Life Sciences
- Consumer Goods, Food and Retail
- Technology

## EXPERIENCE

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- Representing numerous international companies which are household names in the luxury, FMCG and retail sectors in relation to sourcing, distribution, digital transformation, geographic expansion of their businesses into multiple new territories across EMEA, the Americas and Asia Pac. Through our offices across these regions, we provide turnkey strategic advice and a local law/compliance service to support our clients' expansion programs.
- Representing the largest non-State owned car maker in Russia in relation to its US\$4 billion joint venture with Ford. Our Amsterdam office advised on the Dutch law joint venture agreement while our UK team advised on 32 different English law supply agreements, franchise agreement for the use of the Ford brands and IT services agreement. The transaction was conducted across Europe with support from DLA Piper offices in London, Cologne and Moscow.
- Representing aircraft manufacturer in relation to a multitude of strategic projects, including: deployment of global data services, sourcing of strategic components, IT and tech services, launch of new lines of business, including in the context of digital transformation.
- Representing leading mobility providers in respect of the transformation and the expansion of their businesses.
- Representing a global food and beverage leaders in commercial contracts, distribution, marketing, advertising, sales promotion and consumer protection matters in several key jurisdictions.
- Representing a global hospitality company in the creation of an affinity credit card program with a major US bank, including representing the company in agreements with third party merchants related to the affinity credit card program.
- Representing a financial services company in all of its arrangements with Visa, MasterCard and other payment networks.

## INSIGHTS

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### Publications

#### 2020 Annual Sourcing and Commercial Contracts Case Law Round Up

1 February 2021

Welcome to our round up of key cases for sourcing and commercial contracts.

#### Liquidated damages

1 February 2021

A contractor and its sub-contractor fell out over the development of a biomass plant for the employer. The works were incomplete, the biomass plant was never built.

#### Remoteness

1 February 2021

The British Virgin Islands government engaged Global Water to manage, operate and maintain a water reclamation plant. However, the government failed to prepare the site, in breach of the Design and Build Agreement contract. Global Water terminated the agreement due to this breach, the plant was not built, and Global Water was unable to earn the profits it would have made under a related agreement, the Management, Operation and Maintenance contract.

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## **Unfair contractual terms in B2B contracts**

21 January 2021

### **BETTER CONTRACTS**

In this episode we examine unfair contractual terms in B2B contracts under Belgian, French, German, US, and English Law.

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## **Changing rooms: Converting Hong Kong hotels in the COVID-19 era**

27 May 2020

As COVID-19 lockdowns and restrictions continue to weigh on Hong Kong's hotel sector, hotel owners are increasingly reconsidering their business models and thinking laterally about how to maximise their sources of revenue.

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## **Covid-19 and its impact on contractual performance in Mauritius – Force majeure**

14 May 2020

While the outbreak of the COVID-19 pandemic subsists, the risks for businesses of not being able to fulfil their contractual obligations or of experiencing the default of the other contracting party is a real concern for economic operators. In this article DLA Piper Africa (Juristconsult Chambers) discuss the impact of COVID-19 on contractual performance in Mauritius.

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## **Commercial Contracts in France: Analysis in a Crisis**

5 May 2020

In the flowchart we provide considerations for analyzing commercial contracts in the context of the COVID-19 pandemic and other potential crisis scenarios, through a logical process flow of legal, operational and commercial factors that can serve as a practical checklist.

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## **Loan modifications and forbearance during the COVID-19 crisis**

28 April 2020

Both states and the federal government have implemented changes to real estate policy.

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## **ICC updates its force majeure and hardship standard clauses**

27 April 2020

In view of the current uncertainty created by COVID-19, the International Chamber of Commerce has recently updated its "off the shelf" force majeure and hardship clauses. This article explains the relief that these two clauses offer and the main changes that the ICC has introduced in its standard clauses.

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## **Coronavirus (COVID-19) – top tips for your commercial contracts including force majeure**

16 April 2020

The outbreak of coronavirus COVID-19 is having a profound effect on the global economy, and a widespread impact on the ability of parties to perform their contractual obligations.

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### **Contract analysis in a crisis: flowcharts**

7 April 2020

Flowcharts providing considerations for analyzing commercial contracts in the context of the COVID-19 pandemic through a logical process flow that can serve as a practical checklist.

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### **Coronavirus: Supplier due diligence for vetting Chinese medical suppliers for quality, safety, fair pricing and anti-corruption compliance**

6 April 2020

Some key risks, and potential solutions to reduce cross-border operational risks.

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### **Current challenges for companies due to Coronavirus COVID-19 under Slovak law**

6 April 2020

In order to help our clients manage the Coronavirus COVID-19 emergency, protect the health of their employees and ensure business continuity, we prepared a brief summary of the most important legal aspects that might be of interest to your business operation.

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### **Is coronavirus a force majeure event?**

30 March 2020

These straightforward FAQ explain what force majeure provisions are, how they work, and whether coronavirus is a force majeure event.

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### **Don't get caught out: Intellectual property arrangements will be susceptible to prosecution for anti-competitive conduct from 13 September 2019**

12 September 2019

From 13 September 2019, commercial arrangements relating to IP rights - including licences, assignments, litigation settlement agreements and other contracts, arrangements or understandings between businesses - will no longer be exempt from the anti-competitive conduct provisions of the Competition and Consumer Act 2010 (Cth) (CCA).

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### **Intellectual Property and Technology News (North America), Issue 30, Q2 2016**

28 JUN 2016

#### **INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS**

Our Intellectual Property and Technology News reports on worldwide developments in IP and technology law, offering perspectives, analysis and visionary ideas.

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### **Intellectual Property and Technology News (North America), Issue 29, Q1 2016**

29 MAR 2016

## [INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

Our Intellectual Property and Technology News reports on worldwide developments in IP and technology law, offering perspectives, analysis and visionary ideas.

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### **Intellectual Property and Technology News (North America), Issue 28, Q4 2015**

2 DEC 2015

## [INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

Our Intellectual Property and Technology News reports on worldwide developments in IP and technology law, offering perspectives, analysis and visionary ideas.

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### **Intellectual Property and Technology News (North America), Issue 27, Q3 2015**

25 AUG 2015

## [INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

Our Intellectual Property and Technology News reports on worldwide developments in IP and technology law, offering perspectives, analysis and visionary ideas.

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### **Intellectual Property and Technology News (North America), Issue 26, Q2 2015**

9 JUN 2015

## [INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

Our Intellectual Property and Technology News reports on worldwide developments in IP and technology law, offering perspectives, analysis and visionary ideas.

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### **Intellectual Property and Technology News (United States), Issue 25, Q1 2015**

24 MAR 2015

## [INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

Our Intellectual Property and Technology News reports on worldwide developments in IP and technology law, offering perspectives, analysis and visionary ideas.

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## [Events](#)

## [Previous](#)

### **Webinar: US commercial real estate and the impact of COVID-19**

27 March 2020

Webinar

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## NEWS

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### **DLA Piper's Luxembourg team enters World Trademark Review ranking**

25 February 2021

Our Luxembourg office is pleased to announce that we have been ranked as a recommended law firm in the World Trademark Review.

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### **DLA Piper advises ATI Global on GBP170 million acquisition of Groundsure**

21 January 2021

Global law firm DLA Piper has advised ATI Global on its GBP170 million acquisition of UK based location intelligence business Groundsure, a leading supplier of environmental searches, data, mapping and reports for the UK property market, from Ascential plc (Ascential) (LSE: ASCL).

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### **DLA Piper and Aldersgate DLS launch TOKO, a fast, secure and cost effective solution for buying and selling high value assets using blockchain technology**

5 November 2020

Global law firm DLA Piper in collaboration with Aldersgate DLS (Digital Ledger Solutions), has launched TOKO, a unique tokenisation engine and vital component in the digital asset ecosystem. Developed with Aldersgate DLS, TOKO provides smart contract functionality and digital asset creation functionality and assurance.

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### **DLA Piper advises HCL Technologies on proposed acquisition of DWS Limited**

6 October 2020

DLA Piper advises HCL Technologies Limited (HCL Technologies) on its proposed AUD162 million acquisition of 100% of the shares in DWS Limited (DWS) by scheme of arrangement.

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### **DLA Piper advises Heidelberger Druckmaschinen on the sale of MIS software provider CERM**

6 August 2020

DLA Piper has advised Heidelberger Druckmaschinen AG (Heidelberg) on the sale of CERM, a global provider of Management Information System (MIS) software for the printing industry, in a Management Buyout (MBO).

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### **DLA Piper advises Singtel Innov8 on its investment in Chinese data service provider DataHunter**

28 May 2020

DLA Piper has advised Singtel Innov8 the venture capital arm of Singtel Group focusing on investments in technology solutions, on its successful investment, through a B-Series fundraising, in Beijing-based data service provider DataHunter.

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### **China and Hong Kong partners recognised in IP Stars 2020**

14 May 2020

We are delighted to announce that IPT partners Edward Chatterton (William (Skip) Fisher, (Shanghai), and Horace Lam, (Beijing), have

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been recognised in IP Stars 2020 by Managing Intellectual Property.

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### **DLA Piper announces partnership promotions for 2020**

30 April 2020

DLA Piper is proud to announce that 67 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2020 in the United States and May 1, 2020 for EMEA and Asia Pacific. The promotions have been made across many of the firm's practice areas in 35 different offices throughout 13 countries.

Across the firm's practices globally, Corporate saw the largest intake of new partners with 19 promotions, followed by Litigation and Regulatory with 15. Intellectual Property and Technology and Finance and Projects had ten and eight promotions respectively, while there were six in Real Estate. Tax and Employment both had four, and there was one in Restructuring.

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### **DLA Piper lawyers named Acritas Stars**

10 March 2020

Acritas has named over 200 DLA Piper lawyers as 2020 Acritas Stars. Now in its fourth year, Acritas Stars highlights the stand-out lawyers in private practice as nominated by clients around the world. More than 3,000 senior in-house counsel feed into the nomination process to give a comprehensive view of highly recommended lawyers across the globe.

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### **DLA Piper advises Little Green Pharma on IPO**

25 February 2020

Global law firm DLA Piper has advised Australian medicinal cannabis producer Little Green Pharma Limited (ASX: LGP) on its Initial Public Offering (IPO) and ASX listing.

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### **DLA Piper advises AirTrunk on new hyperscale data centre in Hong Kong**

23 September 2019

Global law firm DLA Piper has advised hyperscale data centre specialist AirTrunk on the development of its state-of-the-art USD150+ million data centre in Hong Kong.

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### **DLA Piper to advise ITW Global Leaders' Forum on blockchain-based telecoms platform**

2 July 2019

DLA Piper has been appointed to advise the ITW (International Telecoms Week) Global Leaders' Forum (GLF) on the launch of a special purpose vehicle that will develop a live, blockchain-based platform.

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### **DLA Piper announces launch of Artificial Intelligence practice**

14 MAY 2019

DLA Piper announced today the launch of its Artificial Intelligence practice, which will focus on assisting companies as they navigate the legal landscape of emerging and disruptive technologies, while helping them understand the legal and compliance risks arising from the creation and deployment of AI systems.

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## **DLA Piper announces partnership promotions for 2019**

1 APR 2019

DLA Piper is proud to announce that 77 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2019 in the United States and May 1, 2019 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 43 different offices throughout 20 countries.

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## **DLA Piper hosts leading business and diplomacy conference**

14 MAR 2019

DLA Piper's London office has hosted the Annual Conference of the International Diplomatic and Business Exchange (IBDE).

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