



### Kristof De Vulder

Partner

COUNTRY MANAGING PARTNER, BELGIUM

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#### Brussels

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Kristof De Vulder has over 20 years of experience in the areas of technology contracts, cyber incidents, outsourcing, cloud contracting and complex technology transactions.

Kristof typically advises both users and suppliers of technology and outsourcing services in relation to all aspects of the procurement process, the legal issues arising with the implementation of new technologies and response to cyber incidents. He further assists clients during all stages of litigation, including pre-litigation strategies, mediation, arbitration and government courts.

His work ordinarily involves him on business critical and strategic projects or incidents all over the world. Kristof has received international recognition with respect to his technology sector work.

Kristof heads the Belgian technology team and is also the Country Managing Partner of the Belgian offices.

### LANGUAGES SPOKEN

- Dutch
- French
- English

### EXPERIENCE

During his career, Kristof has advised global technology suppliers, major IT-buyers, software companies and public sector bodies with almost any type of technology and sourcing transaction that exists, ranging from global application management outsourcing, multi-jurisdictional business process outsourcing to the creation of standard suites of agreements and cloud computing advice. Kristof has also assisted clients with major IT-litigation cases.

Examples of typical projects include:

### RELATED SERVICES

- Intellectual Property and Technology

### RELATED SECTORS

- Technology

### LANGUAGES SPOKEN

Dutch French English

- Advising a global technology company in the framework of a major ERP implementation project by a European Institution
- Advising a government company in the framework of the procurement of data centre outsourcing services
- Advising a global life sciences company in connection with five major multi-jurisdictional outsourcing agreements, including an application support outsourcing and an HR business process outsourcing
- Advising clients regarding their cloud strategy, including the review of cloud contracts, the negotiation of such contracts and the drafting of cloud 'overlay' contracts
- Advising on a multi-jurisdictional F&A business process outsourcing between a leading technology company and an international bank
- Drafting and negotiating an offshore application development and maintenance agreement between a payroll service provider and one of the largest offshore service providers in India
- Assisted a world leader in the packaging industry in the preparation and negotiation of a global telecom deal following which all of its sites transferred all of their telecom service requirements (data, fixed and mobile) to a single supplier
- Provided assistance to a Belgian public company on a dispute following termination for cause of a public procurement contract for the major development of customised software. This case is unique both in terms of technical complexity (eg thousands of pages of meeting reports, test reports, etc) and in terms of complexity of the underlying legal issues (eg government contracting terms), particularly regarding the unprecedented termination of a public procurement contract of such value, duration and importance

## CREDENTIALS

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### Professional Qualifications

- Advocaat registered with the Nederlandse Orde van Advocaten bij de Balie te Brussel

### Prior Experience

- 2005 to date, Partner, DLA Piper
- 2003 to 2005, Lawyer, DLA Piper
- 1998 to 2003, Lawyer, Belgian law firm which became DLA Piper, Brussels
- 1997 to 1998, Scientific collaborator, Ghent University

### Education

- Université Libre de Bruxelles, Telecommunications law, 1999
- Université Libre de Bruxelles, Corporate Law, LLM, 1998
- Université Libre de Bruxelles, Master in Law, 1996

### Memberships

- Member of the Brussels Bar
- Active member of the editorial board of several legal journals including Nieuw Juridisch Weekblad

## INSIGHTS

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### Publications

#### **Contract Law: Technology contract exits and disputes: Belgium**

10 April 2020

Global business faces huge, and in some cases potentially existential, challenges as a result of the COVID-19 pandemic sweeping across the world. Many companies are resorting to force majeure in order to potentially avoid liability under their contracts.

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### **Contract Law: Can COVID-19 be considered an event of force majeure in supply agreements in Belgium?**

9 April 2020

As a result of the outbreak of the COVID-19 virus, many companies are currently facing disruptions in the normal supply chain – either from their own suppliers (who are not able to deliver) or from their customers (who no longer need certain deliveries or may be facing liquidity problems). As an economic disruption of this scale is unprecedented, many companies are seeking advice on their legal rights and obligations in these particular circumstances and on ways they could be relieved from their obligations in order to potentially avoid (further) liability and damages. One of the first questions that then arises, is whether the current events qualify as an event of force majeure.

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### **Navigating your business through technology disputes risks**

9 April 2020

Novel coronavirus disease (COVID-19) has completely rocked the business world and changed the operations and responses of companies around the globe. Technology is business critical to every company and sector. Whether you are a supplier or a customer with ongoing tech contracts - our clients are already encountering numerous key issues.

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### **What if the coronavirus leads to an interruption of your company's IT functions? (Belgium)**

25 February 2020

The ongoing global coronavirus COVID-19 outbreak is significantly affecting international business and cross-border commercial operations. Whereas the possible impact of coronavirus COVID-19 on the IT functions of a company active in Belgium might, at first sight, seem limited, the risk of such an impact is real in particular when parts or all of a company's IT functions is outsourced to one or more IT service providers.

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- "Outsourcing: A Practical Guide," *Globe Law and Business*, September 2015
- Co-authored the only book on strategic outsourcing in the Belgian legal market. He also co-authored an article on indirect damages under Belgian law
- Regularly publishes books and articles on ICT-law topics in legal journals and IT-journals. Recent publications include:
  - B. De Groote, K. De Vulder, A European framework for unfair commercial practices, *Journal of Business Law*, Sweet & Maxwell, London, 2007, Issue 1;
  - K. De Vulder, *E-city*, UGA, 2006
  - K. De Vulder, M. Truyens, IT-contracts: always the same discussions?; *Datanews IT Services Guide 2006*

## **Events**

## **Previous**

### **COVID-19: The Age of Viral Outbreaks – Impact on Outsourced Functions and Relationships**

30 March 2020

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- Regular speaker at conferences, seminars, and colloquia, covering mostly IT-law, in general, and outsourcing and SLAs, in particular. Typical examples include:
    - “ICT-contracts & SLAs”, IT-works, Brussels, 7 June 2007
    - “10 golden rules for ICT-contracts”, ADM-Beltug, Brussels, 30 November 2006
    - “Strategic sourcing” , CIO-event, SA,I, 14 March 2006

## NEWS

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### **DLA Piper promotes Brussels lawyer to partner in latest promotions round**

1 May 2020

DLA Piper is pleased to announce that Brussels-based lawyer Orestis Omran has been promoted to partner as part of the firm's annual promotion round, effective 1 May 2020. This promotion brings the total number of partners in Belgium to 22.

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