



## IT and Telecoms Disputes

IT and telecommunication services are business critical. It is of paramount importance for businesses to have at their disposal lawyers who understand the IT and telecoms sector, are experienced in handling large-scale commercial, regulatory and competition disputes and who can deliver value for money.

We have a large and dedicated international team of lawyers who work to resolve telecommunications and technology disputes and cover the complete range of cases in the sector worldwide.

We are fully experienced in all methods of dispute resolution including litigation, international arbitration, mediation and expert determination. All of our lawyers are trained in alternative dispute resolution and are skilled at identifying all available opportunities to resolve disputes.

### CAPABILITIES

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We advise clients on the complete range of cases in the IT and telecommunications sector including:

- Large scale contractual disputes
- Disputes over performance issues on major projects
- Interconnection and pricing disputes
- Litigation arising out of the termination of telecommunications and IT contracts
- Regulatory and competition disputes
- Freezing injunctions and search orders
- Outsourcing and public procurement disputes
- Major software disputes
- Insurance disputes
- Disputes involving the Internet and the conduct of e-business

### EXPERIENCE

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- Acting in one of the largest pieces of IT litigation before the Technology & Construction Court involving claims and counterclaims totalling in excess of £400m.
- Providing a bespoke litigation managed service to a global telecoms company around the world including resolving disputes in Egypt, Nigeria, Australia, Singapore, Taiwan and Venezuela.
- Advising a Government body in connection with a failure of a business critical IT System and resolving by mediation.
- Advising an Israeli telecoms company in respect of the failed launch of a satellite over Africa.
- Advising an international telecoms company in Denmark against a company in the US (allegations included premium rate and long firm

### KEY CONTACTS

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fraud) by way of International Arbitration

- Acting for a global IT supplier regarding a failed implementation of IT services and telecoms equipment in the Congo.
- Advising several telecoms companies by way of simultaneous consolidated action against a telecoms group suspected of fraud (including proceedings in Ireland, Switzerland and Madeira).
- Acting for a global technology company against a provider of subsea cables in Asia following an outage affecting a significant part of its network.
- Advising NHS Connecting for Health on various contractual disputes relating to the implementation for the NHS of the £12.8 billion National Programme for IT including advising on the termination of a £1.4 billion contract and the subsequent on-going arbitration proceedings.
- Advising a Government Department concerning a significant IT programme in relation to contracts with a number of major international IT suppliers engaged on the program.
- Acting for a major telecoms operator in a claim against an Isle of Man telecoms company for in excess of £6 million for the payment of Operation and Maintenance fees payable under a 20 year contract for the provision of circuits across Europe and advising on the termination of the contract.
- Acting on behalf of a distributor for the incumbent national telecommunications services provider in bringing claims for several million UK pounds in relation to commission payments which were being withheld on the basis of retrospective amendments to the terms of business and what we argued was anticompetitive behaviour.
- Acting for a multinational telecom company in a stream of regulatory and competition disputes for alleged discriminatory pricing and margin squeeze in the market for fixed-to-mobile interconnection services.
- Assisting a telecom company in several disputes in Italy before the National Regulatory Authority regarding numbering, calls and SMS origination and termination services, and pricing.

## INSIGHTS

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### Publications

#### **WIN Wise: Top Tips for contract governance and change control**

5 August 2020

This note gives practical tips to assist parties to understand and be familiar with their digital transformation and outsourcing contracts, to help ensure that the parties follow the terms of the contract and that any changes are carefully considered and documented.

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#### **WIN Wise: Top tips for making the most of your IT contracts**

20 July 2020

There can sometimes be a disconnect between lawyers who draft contracts, and those with primary responsibility for implementing them. Through smart collaboration, effective communication and shared vision, in-house lawyers and their commercial counterparts can work together to maximize value and generate extra revenue.

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#### **Global Class Actions Briefing: Major developments in European consumer protection laws: Product safety and consumer class actions in Europe**

15 July 2020

The EU's proposals for a revised EU General Product Safety Directive (the GPSD) and the EU's deal for a Collective Redress Directive (the CRD) point the way to a future of heightened novel risk in Europe of collective redress or, as these claims are popularly known, "class actions".

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#### **WIN Wise: Liquidated damages for delay in tech disputes**

30 June 2020

The current COVID-19 pandemic is wreaking havoc on businesses and their operations across sectors and geographies. The unprecedented

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spread of the virus has had, and will continue to have, a profound impact upon both suppliers and customers in delivering technology projects on time and to budget.

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### **WIN WISE: IT Projects and dispute avoidance**

14 May 2020

Underestimated costs, unexpected delays and poor governance are just a few of the reasons why some IT projects fail. COVID-19 has now potentially created the perfect storm. This dispute-avoidance checklist highlights what parties can do during the lifetime of an IT project to minimise the risk of disputes.

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### **New era for privacy and data breach Class Actions in the UK**

12 May 2020

The recent decision in the Morrisons case and the judgment in Lloyd v Google have significant implications for the growth of privacy and data protection Class Actions in the UK. If this type of Class Action can progress, the risks for organisations who commit a data breach will be unprecedented.

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### **Issue 2: The governance of IT systems - a board level issue**

6 April 2020

#### **[LESSONS LEARNED FROM \*BATES V POST OFFICE\* IN AN INCREASINGLY SOFTWARE DEPENDENT WORLD: "BUGS, ERRORS AND DEFECTS"](#)**

In the latest judgment in the legal dispute Bates v Post Office, the judge was tasked with determining both the extent to which the 'operation' of the system employed by the Post Office across its post-master network was robust, and the effective cause of the electronic accounting shortfalls that had affected a number of Post Office branches.

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### **Issue 1: The need for "robustness" and what this means**

30 March 2020

#### **[LESSONS LEARNED FROM \*BATES V POST OFFICE\* IN AN INCREASINGLY SOFTWARE DEPENDENT WORLD: "BUGS, ERRORS AND DEFECTS"](#)**

As businesses process and store increasingly vast volumes of data, so the reliability and robustness of their IT infrastructure becomes increasingly critical. The recent decision in Bates and others v Post Office Ltd is a salutary reminder that IT the systems in place can be far from infallible.

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### **Corporations need to remain vigilant amidst the rise of cyberattacks and cyberfrauds**

2 December 2019

Recent figures show that Hong Kong and China remain the top destinations of fraudulent funds, most of which are the result of cyberfrauds. Read our article which gives helpful tips on how to avoid falling victim to these attacks.

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### **Recent Landmark Case on Comparative Advertising in Hong Kong**

12 OCT 2018

On 5 September 2018, the Hong Kong Court of First Instance handed down a significant win to Hong Kong Broadband Network Limited (HKBN) in dismissing a trade mark infringement claim brought against it by the PCCW-HKT group (PCCW). The case is the first decision the Hong Kong Court has made on section 21 of the Trade Mark Ordinance (Cap. 559) (TMO) and provided important guidance on the use

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of trademarks in the context of comparative advertising.

HKBN was represented by the legal team from DLA Piper Hong Kong led by May Ng, Partner, assisted by Queenie Chan, Associate.

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## NEWS

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### Three partners recognised in Jeune Afrique's Top 100 lawyers in Francophone Africa

30 July 2020

DLA Piper is delighted to announce that Litigation & Regulatory partners Michael Ostrove and Alexander Brabant and Finance, Projects and Restructuring partner Eric Villateau, have again been nominated in Jeune Afrique's top 100 lawyers in Francophone Africa 2020.

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### DLA Piper arbitration practice recognized as world leading by Global Arbitration Review

14 July 2020

DLA Piper has been recognized once again as having one of the world's leading international arbitration practices.

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### Law firms collaborate on industry first to accelerate tech adoption in international arbitration

2 July 2020

DLA Piper is amongst six international law firms which have developed a Protocol to help deliver a globally consistent approach to the use of online case management platforms in international arbitration.

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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 appoints Head of Global Government Affairs team

6 March 2020

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DLA Piper announces the strengthening of its Global Government Affairs team with the appointment of Richard Sterneberg who will head up the team in its Brussels office. Richard brings with him over 20 years of experience working in Brussels as a global government affairs expert.

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### **DLA Piper launches its Global Litigation Guide**

3 December 2019

DLA Piper has launched its 'Global Litigation Guide', which covers aspects of civil litigation in 30 jurisdictions worldwide.

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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 announces launch of Blockchain and Digital Assets practice**

26 FEB 2019

DLA Piper announced today the launch of its Blockchain and Digital Assets practice, which will offer strategic advice on a global basis to address the needs of companies implementing blockchain technology solutions and creating and deploying digital assets.

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### **Legal 500 names four DLA Piper lawyers as leading Africa specialists on the Private Practice Powerlist**

11 FEB 2019

The Legal 500 has named four DLA Piper lawyers on its 2019 "Private Practice Powerlist, Africa Specialists".

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### **Kate Brown de Vejar joins DLA Piper as global co-chair of International Arbitration**

22 JAN 2019

DLA Piper announced today that Kate Brown de Vejar has joined the firm's Litigation practice as a partner in Mexico City and New York.

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### **DLA Piper and IKM Advocates secure victory for the Republic of Kenya defeating a US\$2 billion ICSID claim**

24 OCT 2018

In a decisive victory for the Republic of Kenya, DLA Piper and DLA Piper Africa member firm, IKM Advocates, have successfully defeated the claim estimated to be worth US\$2 billion in arbitration proceedings brought by a mining investor, Cortec Mining Kenya Limited.

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The claim was brought under the bilateral investment treaty (BIT) between the UK and Kenya dated 13 September 1999. The arbitration took place under the auspices of the World Bank's International Centre for Settlement of Investment Disputes (ICSID), with the hearing taking place in Dubai in January 2018. The Tribunal issued its award on 22 October 2018.

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