



Nicolas Becker

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Nicolas Becker has over 15 years of experience in intellectual property law (IP) and information technology law (ICT).

He has extensive experience in all main IP rights including patent (litigation) and soft IP rights such as copyright, design rights, trademarks, database rights, software and know-how protection. Nicolas' practice includes all aspect of IP and unfair market practice litigation in Belgium, EU Courts or IP Offices. He also advises his clients on the protection, exploitation and transfer of their IP rights.

Nicolas also advises clients in ICT, including contracting work, legal advice, ADR and litigation in relation to all kinds of ICT contracts, including Tech and Sourcing transactions.

## LANGUAGES SPOKEN

- Dutch
- English
- French

- Intellectual Property and Technology

- Technology

Dutch English French

## IP : Contract law - Contractual dispute counseling - Litigation

- Representing a leading global provider of innovative cosmetics in the context of a number of highly aggressive cross-border disputes initiated by a competitor for patent infringement, know-how protection and unfair competition
- Advising a public sector company in all aspects of database and copyright protection and exploitation in relation with the creation of a new EU wide database regarding substances used in packaging of food and pharmaceutical products
- Advising a world leader in ERP solutions in license compliance management and related enforcement actions regarding the use of its software products by public or private companies in Belgium
- Assisting a world's leading manufacturer of planes and trains in relation with potential copyright infringement of technical drawings,

vehicle shape and related equipment designs

- Assisting a world's leading of sport shoes in relation with anti-counterfeiting and IP enforcement actions before civil or criminal courts or customs authorities in Belgium
- Assisting a leading multinational electronics and electrical equipment company in relation with copyright infringement and parallel import of printing cartridges and thermal ribbons in Belgium
- Assisting a world's leading steel and mining company in relation with critical patents and inventions misappropriation by former R&D employees. Our work included significant due diligence investigations in operational and technical documents, interviews of employees and stakeholders, and long lasting and complex litigations before various Court jurisdictions in Belgium
- Assisting a manufacturer of specialized and armored cars in connection with complex trademark, designs and authors rights infringement claim. Our assistance included representation in various proceedings in Belgium and at EU level
- Providing 360° pre-litigation and contractual assistance to a public sector undertaking, in relation with its highly complex and conflicting relationship with its main software and hardware vendor, including legal due diligence and risk assessments, setting up of strategy of communication and defense, drafting and reviewing of main communication and project documents, drafting and negotiating of settlement, contracts and contract amendments, etc
- Advising a public sector undertaking during the upgrade of an IT platform involving the procurement of off-the-shelf software, the leasing of hardware, integration services, support services and software development

#### **ICT : Contract law - Contractual dispute counseling - Litigation**

- Advising a major Belgian ICT service provider in the drafting and negotiation of a multi-year duration large scale IT and Business Process Outsourcing agreement covering IT Infrastructure, End User Computing, communications, managed printing and application development and maintenance services for a leading insurance company. Our assistance includes drafting, reviewing and negotiating the ITO agreement and the related schedules, and well as advising the client on specific procurement and contracting issues all along the negotiation process
- Providing strategic contractual and pre-litigation assistance to European leading company in payment and transaction services in relation with a large scale IT. The project involved multiple stakeholders including banks, payment scheme owner and merchants. Our services included in-depth legal analysis and due diligence of all project documents, pre-litigation support, drafting of legal communications, reviewing and setting up guidelines for the management of the project going forward, etc.
- Advising a Europe leading company in payment and transaction services in the drafting and negotiation of large scale Business Process Outsourcing agreements in relation with payment card Issuing processing services and ATM acquiring processing services and other related transactional services. The project also included an important IT development (build) project of a new IT platform for issuing services
- Providing strategic contractual and pre-litigation assistance to a Belgian bank in relation with a key project for the upgrade its core banking software solution. The project incurred delays, scope evolutions, difficulties with subcontractors, etc. Our assistance included not only reviewing and advising on all contractual relationships, but also reviewing all operational project documents in order to assess risks and liabilities, creating leverage and assisting the client in its discussion with the supplier in view of securing the conditions of a successful completion of the project
- Advising a world's leading consulting company in the framework of a major ERP implementation project by a European Agency
- Assisting various Belgian and International clients in relation with intrusive large scale software audit compliance processes by software vendors
- Advising in Mergers and Acquisitions operations and related due diligence processes with respect to commercial, R&D, Intellectual Property and ICT matters
- Advising a leading Belgian IT and consulting company in all its day-to-day operations and service offering contracting such as cloud services, Business Process Outsourcing services, mainframe services, ERP and software implementations and developments
- Advising a European leading company in payment and transaction services with managing the legal consequences of critical outages. Our services included both emergency support (such as the review of press releases, analysis of insurance policies, and identification of contractual arrangements with third party suppliers) and long-term follow-up of the incidents (including negotiations and settlements with the company's customers)
- Advising and representing a public sector undertaking before the Belgian Courts, in relation with a complex and long lasting judicial disputes in the context of the unilateral termination of a public procurement project for the development of a new bespoke life-critical software. Our assistance included legal due diligence and risk assessments, setting up of strategy of defense with client stakeholders

and technical experts, drafting legal submissions, notes of arguments, assistance during long lasting and complex forensic examinations, pleadings in various parallel proceedings and settlement negotiations.

## CREDENTIALS

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Clients Nicolas has represented in court or in alternative dispute resolution (ADR) procedures include:

- Stakeholders from the EU and US film and music industry
- Computer (games) producers Software and database producers
- Sportswear manufacturers
- Collecting societies
- Anti-piracy federations
- Various high profile clients in other industry sectors

## Professional Qualifications

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

## Education

- University of Namur (FUNDP-CRID), LLM in Law and Management of Information and Communication technologies (*summa cum laude*), 1998
- ULB, Brussels, Law Degree (*cum laude*), 1997

## Memberships

- Member of the French-section Order of the Bar Association of Brussels

## INSIGHTS

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### Publications

Nicolas authors articles on IP and IT law topics.

He is co-responsible for drafting and updating the international publication "*World Intellectual Property Rights and Remedies*" with respect to Belgium, ed. Center for International Legal Studies, Salzburg (Austria), published by Oceana Publications Inc., Dobbs Ferry, New York.

Nicolas is responsible for drafting and updating the French legal publication "*Dossier Internationaux Francis Lefebvre*" regarding Belgium, with respect to the Industrial and intellectual property chapter, ed. F. Lefebvre, France.

### Events

### Previous

#### Data protection litigation in Belgium

7 October 2021  
Webinar

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Nicolas is a regular speaker at conferences, seminars and colloquia in Belgium.