



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

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

- 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.

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- Telecom

- Advising an international telecoms company in Denmark against a company in the US (allegations included premium rate and long firm 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

Publications

Artificial Intelligence and how the courts approach the legal implications

16 September 2021

Through an analysis of significant cases, this article takes a close look at the contractual implications of artificial intelligence and how it can give rise to legal liability by exposing businesses to financial and representational risk.

Protecting Your Company's Competitive and Technological Advantage through Enforcing Restrictive Covenants Against Former Employees in China: Update on Recent Cases and Legislative Developments

26 January 2021

In this article, we discuss whether and how companies may enforce restrictive covenants and protect their confidential information and trade secrets by looking at some recent cases and legislative developments.

Disputes & Distributed Ledger Technology: A contract, no matter how smart, still needs to be legal and enforceable in the real world

21 December 2020

In September 2020, the Law Society of England & Wales published "Blockchain: Legal & Regulatory Guidance", providing technical guidance and suggestions on practice for legal practitioners dealing with blockchain and distributed ledger technology.

Current trends in investor state disputes in the telecommunications sector

9 November 2020

The telecommunications sector is one of the fastest growing sectors globally, and has played a critical role during the on-going Covid-19

pandemic in keeping the world interconnected. The high levels of activity in this sector have given rise to a corresponding increase in telecoms-related #disputes, including under investment treaties.

The Law Commission's review of the law on digital assets and smart contracts:

9 November 2020

On 21 September 2020, the Law Commission announced that it had begun work on two projects aimed at ensuring that "English law can accommodate two emerging technologies that could revolutionise commerce: smart contracts and digital assets."

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.

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.

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".

In New Zealand

DLA Piper New Zealand advises leading telecommunications organisations on key and sometimes controversial matters.

We provide capability on licensing, interconnection, regulation and infrastructure.

Our expert team provides invaluable insight on managing contracts with suppliers, customers and partners. Our lawyers have a detailed understanding of the latest telecommunications technology and trends.

DLA Piper New Zealand has depth of experience advising on operations and regulation under the Telecommunications Act and the Commerce Act. This extends to advice on network billing systems, wireless and broadband services, and the establishment of call centres.

DLA Piper New Zealand can tap into international resources to give New Zealand clients the edge.

CAPABILITIES

- Telecommunications regulatory support
- Licensing, interconnection, fibre, numbering, infrastructure issues in telecommunications

- Content and data
- Data service agreements
- Cable access agreements
- Cable purchase and deployment
- Facilities access agreements
- Cell site licences and negotiations; RMA

EXPERIENCE

Agilent Technologies Limited

The firm provided advice on a significant contract for this client, to complete the delivery of the Network Management System for the Southern Cross Cable.

New Zealand Defence Force

DLA Piper New Zealand advised on the procurement of mobile and landline services. The firm assisted in the negotiations with both TelstraClear and Vodafone.

TOWER Limited

DLA Piper New Zealand advised on telecommunications contracts with Telecom and Vodafone.

Capital & Coast District Health Board

DLA Piper New Zealand assisted the client with their Telecommunications RFP, and the negotiations of standard terms of service with Telecom, Vodafone and TelstraClear.