

# Jon Lang Mediation

## *IT & Technology (including cyber & licensing) – mediation examples*

a dispute between a prime contractor and sub-contractor over additional costs arising from a software upgrade and hardware project for a major utilities company;

a mediation over 4 days arising out of the implementation of a CRM system (with the amount in dispute being over £1 billion);

a two-day mediation concerning a master software licence and services agreement in the financial services field involving a foreign public corporation;

a mediation in Washington D.C. arising out of a dispute in the insurance sector following a merger and concerning the scope of a licence agreement;

a two-day mediation between a public body and a major service provider in relation to an allegedly failing procurement outsourcing project, with the dispute focusing on level of savings achieved and calculation of the share of those savings between the parties;

a dispute concerning the implementation of IT systems at a pharmaceutical research centre involving allegations concerning compliance with 'The rules governing medicinal products in the European Union' (EudraLex), Volume 4 – Good Manufacturing Practice, Annex 11 (Computerised Systems);

a dispute between technology companies over an 'epidemic' failure of components;

a dispute arising out of the P2B (Platform to Business) Regulations (Regulation (EU) 2019/1150) between an online intermediation services and App developer following withdrawal of an App, the issues focusing, in particular, on Articles 3, 4 and 11 and also the Online Intermediation Services for Business Users (Enforcement) Regulations 2020;

a dispute arising out of the design and manufacture of a vehicle telematics system;

a technology dispute between a foreign public corporation and a major IT supplier (with insurers being separately represented) mediated over two days, the mediation being preceded by one day of meetings with the parties (individually) and several conference calls during the preceding few months;

a dispute concerning the assessment, provision and cost of additional bandwidth under a master services agreement and the representations and assumptions made around network sizing;

a dispute arising out of the supply of an electronics system to manoeuvre safety critical components within a passenger aircraft;

a multi-party mediation concerning ownership of certain enhancements made to software in the course of a defence related project and the scope of pre-existing licences in relation to original software;

a dispute in relation to a dark fibre agreement and co-location agreement, and the proper 'rating' of the co-location site;

a dispute concerning the design and supply of engine control units for racing car engines, raising issues, amongst others, relating to the design and reliability of printed circuit boards;

a dispute arising out of a software licence and master software, services and training agreement in the financial services sector following a takeover;

a two-day mediation concerning a ticketing and CRM system installed at a major football club's ground;

a two-day overseas mediation of a dispute concerning a multinational insurance company arising out of a multi-jurisdictional licensing dispute;

a dispute between a public authority and a technology company concerning the development of smartcard technology for several public sites, the mediation taking place over two days;

a dispute between a technology provider and customer arising out of a ransomware attack with argument focusing on threat detection, the choice, use and implementation of anti-virus software, notification of remediation of the incident and business losses flowing from disruption;

numerous licence agreement disputes over scope, usage etc;

a dispute between an academic institution and a pharmaceutical company over a patent licencing agreement and the scope of revenue to be included in the calculation of milestone payments due under the licence agreement at various

stages of development of a novel pharmaceutical product e.g. FDA/European Commission approvals for particular indications, level of sales etc;

several patent licensing disputes concerning, by way of example, breach of minimum royalty provisions, breach of confidentiality restrictions, exploitation by licensee of 'improvements' to patented articles etc;

a patent entitlement action transferred from the UKIPO to the High Court arising out of a research contract in the avionics sector between an academic institution and a commercial entity, the core issue being whether a particular technology was developed under the research contract, or whether the inventive concept the subject of that technology was based on pre-existing rights of one party (i.e. background IP and therefore excluded from the ownership regime established by the research contract) or was developed alongside, but out-with, the research contract (and therefore also excluded);

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