

–Let’s talk about

Information Technology

The Pitmans’ Perspective on: *Information Technology*

“We extract what really matters and advise on what you really need.”

What we do: Our core competencies are information technology, outsourcing and technology disputes. Within these competencies we provide a wide range of advice and assistance on IT related issues, including: providing strategic level advice; undertaking legal risk assessments and due diligence; reviewing and drafting contract terms; advising on appropriate contract structures; assisting in contract negotiations and re-negotiations; carrying out dispute analysis; and assisting in dispute resolution.

Who we act for: We act for businesses of all shapes and sizes across a diverse range of industry sectors. We act for customers/users of IT services as well as businesses which supply those services.

Our expertise: Highly experienced, knowledgeable and perceptive, we understand the legal, commercial and technical issues which arise in relation to IT contracts, transactions and disputes.

Our service: We are a dedicated team of enthusiastic IT lawyers committed to helping our clients achieve their commercial objectives, whether this is concluding an IT contract, negotiating and completing a technology deal or resolving a technology dispute. We provide an efficient and professional service, and our advice is always pragmatic and focused on the clients’ commercial interests.

How we are different: We like to work closely with our clients as an integral part of their teams. We are passionate about IT issues and have a good understanding of the underlying technology. This means that we can see the legal ‘wood’ for the technical ‘trees’ and are well placed to advise on emerging technologies.



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General IT

For many businesses their IT applications and IT systems play an essential part in enabling them to achieve their strategic goals and objectives. The efficient deployment, management and use of IT can also be critical in helping to make savings in other areas of the business. But IT issues are no longer just for IT professionals, they are (or should be) a key area for discussion and consideration in the boardroom.

Here at Pitmans we understand the legal and commercial issues that arise from the deployment of IT applications and IT systems, whether that involves the licensing of existing software packages, the procurement of new hardware and software, the development and licensing of new software applications, or the integration of new IT systems with legacy systems. We also advise on a range of 'business as usual' IT projects such as website design and use (development and hosting agreements, website terms and conditions, privacy policies, and disclaimers), IT support and maintenance, IT consultancy arrangements and software escrow.

We are a dedicated team with a genuine interest in IT, technology and contract issues who advise a wide range of businesses in different industry sectors. We have a good understanding of the underlying IT, and we are equally comfortable in talking to IT technical experts, senior management or in-house counsel. We act for both customers and suppliers of IT so we can bring different perspectives to IT contract negotiations.

Outsourcing

Many businesses now outsource some or all of their IT functions, particularly if the provision of IT services is not a core part of the business. Likewise, other functions in the business, such as HR and accounts, are increasingly being outsourced. If the outsourcing is done well it can result in significant savings for the customer business. For the service provider, the outsourcing allows it to do what it does best and deliver quality services to meet the customer's requirements.

Our lawyers have been closely involved in many outsourcings, both large and not so large, and in both the private and public sectors, so we understand the legal, commercial and financial issues that often arise and how to deal with them. Sometimes we are involved in outsourcing projects from an early stage, in others we are called in to assist in the contract negotiations and finalisation of the documentation. Consequently our involvement in outsourcing projects covers a wide range of advice and assistance:

- strategic advice during planning and procurement stages;
- advice on appropriate contract structures;
- advice on detailed contract terms;
- undertaking legal risk assessments;
- drafting and amending contract terms; and
- assisting in contract negotiations.

Many existing outsourcing agreements are now being re-negotiated, usually by the customer but sometimes by the supplier, in order to get a better deal. Some agreements are even re-negotiated to bring the arrangements to an earlier end so that the outsourced function can be either brought back 'in-house' or transferred to another supplier. All of the legal and commercial expertise that our lawyers gained in the original outsourcings can now be applied to these second and third generation deals.

Technology Disputes

Unfortunately not all IT arrangements and relationships go according to plan. This could happen for any number of reasons although many disputes involve issues around ownership, delays, changes to scope/specification, fitness for purpose and/or service interruption. It might be that there is a disagreement on the actual terms of the contract or it might be that the contract doesn't actually contain any relevant terms. If this happens in your business, our experienced technology disputes lawyers can advise you on all aspects of resolving the dispute from assessing how likely you are to win a case (should it go to court) to advising you on the best tactics to use and assisting in any negotiations with the other side.

Our lawyers appreciate that most clients want their disputes resolved as quickly as possible. Sometimes formal litigation in the courts is necessary but in our experience even though the issues can be very complex, alternative methods of dispute resolution, such as mediation, are being used increasingly to resolve these issues. Our technology disputes lawyers have the necessary skills and experience to guide you through the relevant procedures and help you to achieve your desired outcome.

We always take a sensible and realistic approach to resolving disputes, recognising that in many cases the parties need to maintain a good working relationship once the dispute has been resolved.

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In Summary

Don't like so many words? Here's a nice diagram which summarises what we do...

