



## Alex Charlton QC

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Year of call 1983

Queen's Counsel 2008

Arbitration Chambers Hong Kong

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#### Practice Areas

- Information Technology
- Telecommunications
- All Commercial Disputes involving Technology

KLRCA Arbitrator and Mediator Panels

Member of the HKIAC

Member of LCIA Users' Council

Member of ICC

Adjudicator and Member of ICE Crossrail Adjudication Panel

#### Recommendations

Alex is recommended as a leading Queen's Counsel in both Chambers & Partners and Legal 500. Comments include:

- one of the real big hitters
- omnipresent in this field
- utterly reliable and a prodigiously hard worker
- a real pleasure to work with
- top class advocate
- superb technical knowledge allied to a straight forward manner

#### Practice

Alex has a commercial and technology-based practice with particular expertise and experience in software (including safety critical and safety related developments), networks, IT systems, telecommunications, radio and mobile telephony, RANS, chipset software/protocol stacks, intellectual property licensing (software, patents, games), infrastructure and outsourcing contracts (including transition and transformation projects), delay claims and project management issues, defence contracts.

He also has deep experience in professional negligence, construction and engineering and general commercial work. His approach to all aspects of his work is rooted in an appreciation and understanding of commercial reality, the technical complexities and commonsense.

He is instructed by clients from all over the world. He is highly experienced in international and domestic arbitration as Counsel. He is an arbitrator and a highly experienced adjudicator and mediator (and is qualified in such disciplines).

Examples of Alex's work both internationally and in the United Kingdom for international clients include:

## Licensing and Intellectual Property

- UNCITRAL arbitration about 3G protocol stack development and associated patent licensing and other technology rights.
- Cisco Systems Inc v Comptel Corp - acting for Cisco in relation to a dispute/injunctions concerning the licensing of telecoms provisioning software and LCIA arbitration.
- AAA Arbitration, NY Law of Contract, relating to royalties under a license agreement for software downloads and advertising engines.
- Acting for licensee of online casino games in relation to intellectual property owner's enforcement actions.
- Acting for banks, airlines, retailers and other commercial organisations in relation to software licensing and infringement claims by software owners and licensors.
- Acting for rights owners in relation to unlawful exploitation of films; acting for the owners of a new TV cartoon series against the producers and directors.
- Advising in relation to intellectual property licence rights under a Joint Venture relating to mobile phone technology.
- Kenexa v Alberg – acting for a US Company against a former employee alleged to have hacked into its systems and unlawfully disclosed confidential information to third parties.

## Telecoms and Networks

- ICC arbitration concerning a joint venture for the development and licensing of chipset software for mobile communications. Acting for IP owner against a foreign government institution. The seat of arbitration was South Korea and Korean law applied.
- Acting for MNO in relation to transition and transformation programs and services for mobile business.
- Acting for very large Telco in relation to multiple issues around network upgrade, broadband rollout, supply of services and technology.
- Arqiva v Everything Everywhere Ltd - acting for EE in a series of expedited trials and hearings relating to roaming and network rights, statutory code rights and spectrum licences.
- Mundio Mobile Ltd v Everything Everywhere Ltd - acting for EE in relation to multiple service and technical issues with an MVNO.
- Acting for a Mobile Network Operator in relation to issues concerning LTE rollout.
- Acting for a technology company in relation to 4G RAN network build and roll out in Europe.
- Very large arbitration concerning military systems.
- Cable & Wireless v ETG - acting for ETG, a telecoms company, in a claim by Cable & Wireless for operation and maintenance fees for IRU capacity.
- Acting for the network service provider in relation to claims by an MVNO arising out of a serious service outage in the UK affecting 10m customers.

## Software and IT Disputes

- Acting for BSkyB in its £700 million claim for deceit, negligence and breach of contract relating to the procurement of a Customer Relationship Management System for new state-of-the-art call-centres.

- Ericsson v EADS – acting for Ericsson in relation to the UK Government’s FiReControl project for the development and supply of command and control software for emergency services.
- BGL Group Ltd v Ciboodle Ltd - acting for BGL, a major online insurer, in relation to failed online insurance business portal.
- Domestic & General v Axon - acting for Axon in respect of a failed SAP system implementation for an in insurance business.
- NPIA v QinetiQ - acting for NPIA in its claim for unlawful termination of a contract to supply a web portal for communications to and from the Police throughout the UK.

### **Infrastructure and Outsourcing**

- Westinghouse Rail Systems Ltd v Data Systems & Solutions - acting for DSSL, a subsidiary of Rolls-Royce, in a dispute relating to the development of safety critical software for the next generation of signalling systems for the London underground.
- Advising a Far East government in relation to a high-value dispute arising out of a large-scale IT outsourcing project.
- Tube Lines Ltd v London Underground Ltd – acting as adjudicator in respect of TLL's £327million additional cost claim arising out of the upgrade of signalling systems on the Jubilee and Northern Line.
- Acting for one of the largest companies in the world in relation to a global network outsourcing dispute.
- Ericsson Ltd v Hutchinson 3G - acting for Ericsson in relation to Exit Period obligations and the meaning of an Outsourcing Agreement for H3G’s mobile phone networks.