

# Alex Charlton KC, FCI Arb

Call 1983 Silk 2008



Alex Charlton KC has a commercial and technology-based practice.

He has 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 broader commercial issues including allegations of dishonesty, professional negligence, construction and engineering. 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 blue-chip companies in the UK and multi-national clients from all over the world. He is highly experienced in international and domestic arbitration as Counsel and as Arbitrator. He is also a highly experienced adjudicator and mediator (and qualified in such disciplines). Alex is an active member of Pump Court International in Hong Kong.

Alex has unparalleled experience of heavy trials and arbitrations derived from disputes such as CISGIL v IBM, NHS v Fujitsu, BSkyB v HP and NATS v EDS. He has critical expertise in the preparation and conduct of such cases and the cross-examination of experts and factual witnesses. He has extensive experience of obtaining (and defending) injunctions and other forms of interim relief.

His expertise relates to a wide variety of business and government sectors from telecommunications to air traffic control systems, from national infrastructure to outsourcing.

## International & Domestic Arbitration

### Featured International & Domestic Arbitration cases

Acting for a Chinese tech company defending multiple claims (initially claimed at US \$500) and arbitrations under DIFC-LCIA and LCIA rules (seats in Dubai and London) involving mobile telecommunication projects in Africa. Two arbitrations were heard and awards made (two were withdrawn/discontinued with costs).

Ad hoc arbitration, acting for a Secretary of State in a six week hearing in London to determine the quantum of damage flowing from unlawful termination of a £1 billion plus national infrastructure IT systems contract.

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LCIA arbitration: acting for Middle Eastern client in dispute with US Co over termination of a license agreement for e-market software for the mining, oil and gas industry.

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UNCITRAL arbitration: acting for patent owner in a dispute about 3G protocol stack development and associated patent licensing.

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LCIA arbitration and Chancery Division: Cisco Systems Inc. v Comptel Corp – acting for Cisco in relation to a dispute/injunctions concerning the licensing of telecoms provisioning software.

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AAA arbitration: acting for licensor of advertising engine bundled with peer-to-peer music file-sharing download in royalty dispute. NY law of contract.

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ICC arbitration: acting for IP owner of chipset software in dispute concerning a joint venture with South Korean partner. Korean law of contract.

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Acting for a Secretary of State against a international tech company in an £80 million arbitration concerning military communication and related systems.

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## Arbitral and Other Appointments

- Appointed by the Commercial Court, London as sole arbitrator in a multi-million pound telecommunications software licence dispute involving companies in Mauritius and Iran.
- ICC arbitration: appointed sole arbitrator in a dispute between an Indian software house and a Middle Eastern software defence contractor in relation to licensing and implementation issues.
- Independent Panel member of the Post Office Historical Shortfall Scheme currently dealing with a very large number of claims for compensation by postmasters in relation to Horizon software.
- SIAC arbitration: party-appointed arbitrator in a US \$70m software development dispute between client and international IT consultants.
- Ad hoc, party appointed sole arbitrator in a technology dispute about data centre cabling in Ireland between international parties.
- Appointed adjudicator in TLL's £327million claim against LUL for additional cost claim arising out of the upgrade of signalling systems on the Jubilee and Northern Line.

## Telecoms and Networks

### Featured Telecoms and Networks cases

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Acting for BT in its £72 million claim in the TCC against Tii Technologies Ltd relating to defective network components and their effect on broadband services.

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T-Systems Ltd v EE: Acting for EE in relation to an £86m dispute arising out of transformation of EE's Orange and T-

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Mobile estates. Acting for EE's parent company thereafter in relation to related disputes.

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Acting for one of the largest MNO in relation to transition and transformation programs and services for mobile business.

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Acting for very large Telco in relation to multiple issues around network upgrade, broadband rollout, supply of services and technology.

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Arqiva v Everything Everywhere Ltd: Acting for EE in a series of expedited trials and hearings in the TCC relating to roaming and network rights, statutory code rights and spectrum licences.

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Mundio Mobile Ltd v Everything Everywhere Ltd: Acting for EE in relation to multiple service and technical issues with an MVNO in proceedings in the TCC.

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Acting for a Mobile Network Operator in relation to issues concerning LTE rollout.

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Acting for a technology company in relation to 4G RAN network build and roll out in Europe.

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Cable & Wireless v ETG: acting for ETG, a telecoms company, in a claim by Cable & Wireless for operation and maintenance fees for IRU capacity.

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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.

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## Software & IT Disputes

### Featured Software & IT Disputes cases

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Acting for Co-op Insurance Services against IBM in its £132 million claim in the TCC involving allegations of willful default in relation to a failed project for a new insurance system (judgment awaited).

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Acting for an NHS Foundation Trust against IT supplier in relation to a claim in the TCC in relation to a failed patient record system, termination and damages claim.

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Acting for a Government owned company in relation to a failed IT system for energy contract settlements.

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Acting for the government of a country in the Far East in relation to termination of a contract with an international IT consultant in respect of a new customs, import and export systems.

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Acting for a Big Data Software Company in relation to termination of a services agreement by a household retailer.

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Acting for a specialist insurance and reinsurance software house in relation to breach and termination of a contract with an insurance and reinsurance broker.

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BSkyB v HP (formerly EDS): Acting for BSKyB in its £700 million claim (one year trial in the TCC) 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.

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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.

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BGL Group Ltd v Ciboodle Ltd: Acting for BGL, a major online insurer, in relation to failed online insurance business portal.

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Domestic & General v Axon: Acting for Axon in respect of a failed SAP system implementation for an insurance business.

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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.

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## Infrastructure & Outsourcing

### Featured Infrastructure & Outsourcing cases

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Advising major UK outsourcer in relation to systems introduced to Northern Ireland and whether political events amounted to force majeure.

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Appointed adjudicator in a complex dispute around emergency lighting works at around 100 sites in the Greater London area.

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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.

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Advising a Far East government in relation to a high-value critical disputes arising out of the outsourcing of all government systems.

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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.

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Acting for one of the largest companies in the world in relation to a global network outsourcing dispute.

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Ericsson Ltd v Hutchison 3G: Acting for Ericsson in relation to Exit Period obligations and the meaning of an Outsourcing Agreement for H3G's mobile phone networks.

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## Licensing, Intellectual Property & Confidential Information

### Featured Licensing, Intellectual Property & Confidential Information cases

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Semtech EMEA Ltd v HiLight Semiconductor Ltd & Others: Acting for defendants in claims in the chancery division for copyright infringement, misuse of confidential information and patent claims in respect of integrated circuits for optical

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electronics including transimpedance amplifiers.

Acting for patent licensee in the trial of patent owner's claims for licence fees on phase III trials of new drugs for pancreatic cancer. Claim discontinued days before trial and indemnity costs argued and ordered.

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.

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.

Northrop Grumman v BAE: Acting for Northrop Grumman in relation to software licence dispute arising out of the Al Diriyah project.

## Commercial Litigation

### Featured Commercial Litigation cases

Acting for a defendant pharma company in relation to disputed payments claimed under a drug development contract for new cancer treatments.

Appointed sole arbitrator in an international arbitration about the supply of cabling and the contractual effect of termination on the supply of the same.

SouthWestOne Ltd v Somerset County Council: Acting for SouthWestOne (an IBM Joint Venture company): in relation to the meaning, effect and operation of procurement services.

Instructed by global beer making company in relation to a 10 year supply chain outsourcing agreement.

Instructed by a major UK telecommunications company to defend a very large claim relating to call centre services (inbound and outbound campaigns) rendered in India.

Acting for a national breakdown service provider in a £27m dispute concerning the ownership of a roadside assistance fund for owners of Volvo motor cars.

Acting for claimant in relation to the ownership of bunkers on termination of a charterparty.

## Appointments

- Independent Panel for Post Office's Historical Shortfall Scheme concerned with Horizon computer system failings

- Cross-Rail adjudication panel

## Awards

- Awarded IT/IP Silk of year 2021

## Memberships

- AIAC
- FCI Arb
- LCIA
- ICC
- HKIAC

## Education

- Dip Law, City University
- MA (Hons) English, University of St Andrews

## Recommendations

Alex is regularly nominated as a leading Silk in both Chambers & Partners and the Legal 500. He was awarded IT/IP Silk of year 2021 at the Chambers Bar Awards.

Comments include:

- top class advocate
- omnipresent in this field
- a real pleasure to work with
- enthusiastic and extrovert; has an incredible appetite for detail
- superb technical knowledge allied to a straight forward manner