

Matthew Lavy KC

Call: 2004 | Silk: 2023



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Matthew has a broad commercial practice, but with a particular interest in and focus on disputes involving technology (in all industrial, commercial and consumer contexts).

Matthew is regarded as one of the most sought-after silks at the bar for technology disputes, with a focus on IT, IP, telecoms and related disputes (including software copyright, licensing, cyber risk, cloud, blockchain and fintech, AI and the internet). This is demonstrated in the directories, where comments include “Technically brilliant and great with clients”; “Matthew’s depth of knowledge, both relating to the law and also on the technical side, is immense. It feels like he has everything in hand” “An absolute star and a pleasure to work with. He provides excellent client service, is always on top of the facts and is possessed of brilliant analytical and technical skills” (Chambers & Partners 2024 – IT).

Matthew was named Information Technology/Intellectual Property Silk of the Year at the Chambers and Partners UK Bar Awards 2024. He is one of only two barristers ranked as a Global Market Leader in Artificial Intelligence by in the Chambers & Partners Global listings.

His practice areas are:

Technology and Telecoms

Fintech & Blockchain

Intellectual Property

Aviation

General Commercial Litigation & Arbitration

He is co-editor of Hervey & Lavy, *The Law of Artificial Intelligence* (Sweet & Maxwell, 2020; 2nd edition 2024), and he is a

Trustee of the Society for Computers and Law. He is also on the Nominet DRS panel as an Expert for resolving domain name disputes, and is listed in the Blockchain Lawyers' Forum Arbitrator List.

Expertise

Technology, Telecoms and Artificial Intelligence

Matthew acts and advises on a wide range of technology and telecoms-related disputes. He is regularly instructed on behalf of providers, purchasers and users of networks, computer systems, internet and cloud services and software across a variety of industry sectors. In addition to disputes involving mainstream business systems and services of all sizes, Matthew has acted and advised in relation to highly specialised applications such as broadcasting platforms, radio-telecommunication networks, core banking systems, military technology, safety critical software, and industrial control systems (SCADA/PCL). Disputes in which he has been instructed include those arising out of project failures and delays, IP licensing, copyright infringement, breach of confidence, outsourcing agreements, data protection, digital media and digital rights management. He also has expertise and has advised in relation to cyber liability and the insurance of cyber risks, cryptocurrencies, blockchain technologies and ICOs. His clients regularly include tier-one IT suppliers, telecoms giants, and software and equipment suppliers with global reach.

Matthew is a leading expert in the law of AI and machine learning systems. He is co-editor of *The Law of Artificial Intelligence* (Sweet & Maxwell, 2020; 2nd edition 2024). His particular focus within the AI field is on liability risks arising out of the development, deployment, training and use of AI and machine learning systems.

Prior to coming to the bar, Matthew worked as a software developer, system administrator and technical writer. Between 1997 and 2002 he gained extensive software development experience (programming in Java, C, C++, Perl, SQL and VB), provided technical support to an 800-node computer network and wrote two books on systems administration. He was responsible for the design and implementation of a business critical 15-000 user bespoke software application commercially commissioned by a leading university. As a result of this experience, Matthew brings to technology disputes an excellent and deep seated understanding of software, networks, IT systems and development approaches, and first-hand appreciation of the realities of project definition and delivery. He is able to discuss details of a case with experts and clients at the deepest technical level; he can "translate" technical concepts for the benefit of a legal team, arbitral tribunal or the court.

-- Internet, E-Commerce & Cyber Risk

Cases

Advising on a dispute concerning the design and implementation of an intrusion detection system for a cyber watch centre servicing a 75,000 node network.

Advising a major telecommunications provider in relation to liabilities arising out of RIPA interception activity.

Advising on liability for security flaws in software design and adequacy of security measures in the context of EU data protection legislation.

Advising a cloud-based provider of business-critical services in the transport sector as to the responsiveness of its cyber-risk insurance cover to predicted loss scenarios.

Advising a multi-national conglomerate in relation to the negotiation of bespoke elements of a group-wide cyber-risk policy.

Acting in an LCIA arbitration concerning allegations of hacking corporate IT infrastructure.

Advising a cloud service provider in relation to the creation of new standard terms and conditions;

Acting for an Internet trading company in relation to the abusive registration of domain names;

Advising an on-line retailer as to availability of injunctive relief in relation to a dispute with its e-commerce site developer;

Advising a website owner as to its legal rights in relation to traffic generation by alleged unwarranted and abusive robot activity;

Acting for a domestic insurer in a high-value dispute arising out of the poor performance of web channel infrastructure;

Acting for a digital media agency in a dispute with the supplier of its demand-side platform technology over ownership market segmentation data;

Advising a crypto-currency holder on potential routes to recovery of crypto-assets fraudulently transferred from an online wallet;

Advising transport infrastructure operator in relation to the responsiveness of its cyber-insurance policy and liability of IT providers in relation to a hostile cyber-event;

-- Telecoms & Networking

Cases

Acting for an MNO in a claim in excess of £100m involving rights to use of mast sites for 2G and 3G Radio Access Networks across the United Kingdom. The dispute was primarily focused on contractual matters and aspects of telecommunications law, but also involved detailed technical factual and expert evidence in relation to the mechanisms involved in roaming and signal handover;

Acting for a global telecoms provider in relation to a contractual dispute arising out of the implementation of an international high-speed international data network;

Acting for a leading MNO in dispute with a MVNO wholesale customer arising out of allegations of service discrimination and breach of contract;

Advising a major network equipment manufacturer in relation to a dispute arising out of major service outage suffered by an MNO customer;

Acting for a global telecoms provider in relation to a contractual dispute arising out of defective works discovered after expiry of a long-term outsourcing arrangement;

-- Outsourcing

Cases

Advising a Far East government in relation to a high-value dispute arising out of a large-scale, cross-governmental IT outsourcing project, where complex issues of damages arose;

Advising a major insurer in relation to rights and liabilities arising under a long-term back-office outsourcing contract;

Acting for major telecoms provider in relation to an eight-figure dispute with its IT services provider regarding transformation and management of legacy IT infrastructure.

-- Commercial and Regulatory Disputes in the Tech Sector

Cases

Acting for a provider of aviation ground support services in relation to a contractual dispute concerning the installation and supply of a global wide-area network;

Acting in the Fujitsu v IBM litigation, a high-value contractual dispute arising out of a long-term sub-contracting arrangement for a public authority;

Acting for Tier one global IT supplier in relation to a dispute with a UK public authority as to (amongst other things) the operation of a financial incentives/compensation model.

Advising a major communications provider as to its obligations and liability under RIPA and related legislation, and as to the interaction of those regimes with its potential liability under data protection legislation.

Advising a software supplier on the impact of cryptography export controls under the Wassenaar Arrangement on its products.

Advising a global telecoms provider in relation to its regulatory obligations under the General Conditions of entitlement.

Advising a tech startup on the legal risks associated with its blockchain-based technology and Initial Coin Offering.

-- IT Project Failures

Cases

Acting in the BSKyB v EDS litigation, a very substantial 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;

Acting in the Ericsson v EADS litigation, a dispute relating to the development and supply of command and control software for the UK FiReControl project;

Acting in Co-operative Insurance v IBM, a major dispute arising out of the implementation of a new insurance management solution for Co-op.

Acting in TCS v DBS, a dispute relating to the outsourced operation and transformation of the disclosure and barring IT services.

Acting for numerous suppliers and purchasers in relation to failed implementations of SAP and other enterprise resource planning software solutions.

-- Safety-critical Software and Control Systems

Cases

Acting for a specialist software supplier in a multi-million pound dispute concerning project delay and allegations of defective design and implementation of safety critical software for the rail industry;

Acting in a dispute about compliance with specification and fitness for purpose of military-grade communications equipment;

Acting for the developer of SCADA and PCL control systems for heating and ventilation control on one of the world's largest superyachts.

Acting for a manufacturer of wind turbines in a dispute relating to intellectual property rights in its PCL software.

Fintech & Blockchain

Matthew is instructed both domestically and internationally in contentious and non-contentious matters relating to cryptocurrencies, digital tokens, smart contracts and other blockchain-related applications and technology. *"The depth and breadth of Matthew Lavy KC's technical expertise make him a go-to practitioner for disputes involving cryptoassets"* (Chambers & Partners 2024). He was one of the authors of the Legal statement on Cryptoassets and Smart Contracts issued by the LawTech Delivery Panel UK Jurisdiction Taskforce, and speaks regularly on blockchain-related technologies and applications and their legal implications. He is an arbitrator on the Blockchain Lawyer's Forum Arbitrator List.

Cases

Acting in *Toma v Murray*, a widely reported case establishing that the proprietary nature of a Bitcoin would not inevitably lead to interim injunctive relief in the presence of a serious issue to be tried.

Advising a utility token provider on the lawfulness of a proposed Initial Coin Offering.

Acting for a token issuer in relation to a dispute over token allocation rights.

Advising on the obligations owed by participants in a particular blockchain network to users of the network.

Intellectual Property

Matthew regularly acts and advises in relation to copyright infringement, design right infringement, technology licensing (copyright and patent) and breach of confidence. He has a particular focus on intellectual property issues arising out of the use of computer software, where his deep knowledge and understanding of software (see Technology and Telecoms above) is highly valued. Matthew is currently an Expert on the Nominet Domain Name Dispute Resolution panel.

Cases

Acting in a high-value dispute involving allegations of breach of contractual and equitable duties of confidence in relation to design materials, computer software and know-how;

Acting in a high-value UNCITRAL arbitration about the licensing of patents and technology rights relating to 3G access stratum technology.

Advising a telecoms services company in relation to alleged copyright infringement of open source software and violations of the GNU Public Licence.

Acting for a software development house in a claim against former employees for copyright infringement and breach of confidence.

Acting for major network equipment manufacturer in licensing and copyright infringement arbitration (LCIA) arising out of the sale and license back of service provisioning software.

Acting for well-known software house in relation to a licensing dispute arising out of the use of its software on virtualized and partitioned environments.

Advising and acting for numerous users and suppliers of software in relation to the scope and effect of their licence agreements.

Acting for equipment manufacturer accused of authorizing infringement of design rights by reverse engineering printed circuit boards.

Acting for fabless IC designers in relation to a claim for breach of confidence and of non-compete covenants arising out of the sale of a semiconductor business.

Acting for industry organization against a manufacturer and distributor of set-top boxes that circumvent Digital Rights Management technology.

Advising on resale rights in relation to “used” licences for commodity software.

Advising in relation to the application of EU *sui generis* database rights to online services.

Aviation

Matthew acts and advises in relation to commercial and technical aspects of aviation and the business of aviation. He has been instructed by aircraft owners and operators, equipment manufacturers, maintenance organisations and ground handling agents. Matthew holds European and US commercial pilot’s licences, and maintains a current instrument rating on both (EASA CPL ME/IR; FAA CPL SE/IR), which he uses regularly to fly throughout Europe VFR and IFR in controlled and uncontrolled airspace. Consequently, he has a detailed practical understanding of aircraft operation and maintenance, air traffic control, airport and airspace operation and the regulations that underpin them, particularly in a GA context.

Cases

Acting for a designer of aerodynamic performance enhancements in a \$1 billion ICC arbitration concerning the alleged misuse of confidential information by the manufacturer of large transport aircraft.

Acting for an owner and lien-holder resisting the repossession of a King Air 250 and Cessna Citation 2 by a mortgagee.

Advising maintenance organization in relation to an allegedly negligent pre-purchase inspection of a Piper Chieftan.

Acting for an aircraft owner in relation to a dispute as to the contractual basis and scope of certain build works undertaken in relation to an RV7 assembly project.

Acting for a major ground handling agent in relation to a dispute relating to the installation and management of a trans-continental data transmission network.

Acting for the owner of a B737 in relation to a dispute with lessee airline over holdover rent, maintenance reserves and redelivery.

Acting for the owner of a B767 in relation to a dispute with lessee airline over redelivery compensation for life-limited parts.

Advising lessor of a fleet of large transport aircraft as to its security enforcement rights as against a defaulting airline.

General Commercial Litigation & Arbitration

Matthew acts in a wide range of commercial and contractual disputes in a variety of industry sectors, including the fields of banking, energy, financial services, insurance and the sale of goods. He was instructed by the Treasury Solicitor in relation to an action brought by Lloyd's Names against HM Government and by the Inland Revenue in relation to an action brought against it by a major cross-channel ferry operator.

Cases

Acting for a major insurer in relation to a substantial portfolio of property damage and business interruption claims arising out of the Buncefield explosion;

Advising an equipment supplier in relation to the effect and scope of a restrictive covenant.

Advising a major fuel supplier in relation to the Compulsory Stock Obligation regime.

Instructed in an ICSID arbitration concerning the procurement and implementation of revenue collection software.

Advising a television format owner in relation to a dispute arising out of the audit provisions of a global licensing and distribution agreement.

Acting for the Defendant in Comau UK Limited v Lotus Lightweight Structures Limited, where a widely-reported summary judgment considered the effect of termination for convenience provisions on damages flowing from a repudiatory breach.

Acting for the Defendant in Jomast Accommodation Limited v G4S Care and Justice Services (UK) Limited, a case involving multiple allegations of fraudulent misrepresentation.

Acting for the liquidator of an insolvent hedge fund in relation to a dispute concerning the proper approach to determining a close-out amount under the 2002 ISDA Master Agreement.

Acting for the Defendant in Motortrak Ltd v FCA Australia Pty Ltd [2018] EWHC 990 (Comm), where the counterclaim involving bribery by the claimant IT supplier of the defendant's CEO.

Acting for a major energy provider in relation to a portfolio of claims related to allegedly unlawful commissions paid to brokers.

Publications

- Co-editor (and contributor to the chapter on Liability for Economic Harm) to Hervey & Lavy, The Law of Artificial Intelligence (published by Sweet & Maxwell, 2020; 2nd edition 2024)
- Contributor to Walker, Financial Technology and Digital Commercial Law (2025, Oxford University Press).
- Contributor to Computers and Information Technology chapter of Bullen & Leake & Jacob's Precedents of Pleadings and Precedents, 18th edition.

Education

- MA (Cantab) Music
- PhD (Cantab) Musicology
- PgDL (BPP)