

Terence Bergin KC

Call 1985 Silk 2016



Terry is ranked as a leading silk in both Chambers and Partners and Legal 500. He is renowned as being “a real star in court” (Legal 500) and commended by Chambers & Partners as being “compelling as an advocate and excellent at focusing on the points most damaging to the other side”.

Terence Bergin KC is a highly regarded commercial barrister with over 30 years specialist experience acting and advising in commercial disputes. His broad commercial practice encompasses all aspects of contractual disputes across multiple industry sectors. His practice includes technology and telecoms, with blockchain, crypto-assets, e-commerce and fintech. His cases are often high value and involve technically complex points of law.

Commercial

Terence has a notable commercial practice. He has expertise in all aspects of the interpretation of contracts (with particular reference to limitation of liability, exclusion clauses, Unfair Contract Terms Act), the issues arising out of delay and disruption claims, contractual and informal variations, scope creep and outsourcing. He regularly advises on termination issues including the obtaining or resisting of injunctive relief.

Terence has extensive experience of all aspects of commercial contractual disputes, involving for example breach of warranty, guarantees, supply of goods and services, agency, and franchising. This also includes the protection of confidential information and employee / director civil fraud

Featured Commercial cases

- Representing a pharmaceuticals company re debts involving multiple issues concerning incorporation of terms and accounting.
- Representing a Government department in relation to a series of outsourcing/infrastructure contract disputes.

- Acting for an international communications company in connection with the provision of an emergency services radio network system and harmful spiking of frequency to hardware.
- Advising a provider of travel services concerning termination of a joint venture agreement with an airline.
- Acting for the Claimant seeking payment under a Packaged Network Services Agreement in the airline industry.
- Acting for a major telecoms provider in relation to a contractual dispute and the implementation of an international high-speed data broadcasting network.
- Acting for Hutchinson 3G in its dispute with Ericsson over the termination of a £700m outsourcing contract.
- Representing BT Plc in a dispute over significant consultancy fees.
- Representing a US provider in a dispute with providers of ground handling services as to the termination of a network agreement.
- Defending a claim for breach of a big value garment supply agreement.
- Representing a broadcast organisation in a dispute arising out agreements for the satellite broadcast of television programmes.
- Representing the Defendant in a dispute about the construction of a telecommunications master agreement.

Injunctive Relief

Featured Injunctive Relief cases

- Obtaining a worldwide freezing injunction to freeze wallets in a complex multi-million-pound cryptocurrency fraud.
- Advising a soft drinks manufacturer in relation to an application for a mandatory injunction to preserve its business-critical software.
- Representing a mobile 'phone services provider seeking injunctive relief against another telecoms provider.
- Representing a bank resisting an injunction in relation to entries on the Credit Industry Fraud Avoidance System database.

- Obtaining a freezing injunction on behalf of a car manufacturer against a former employee.
-
- Obtaining Freezing Injunctions on behalf of a bank against a former employee.
-
- Representing the Defendant resisting an injunction where the issue was whether damages were adequate remedy having regard to a provision limiting liability.
-

Technology & Telecoms

Terence has extensive specialist experience and expertise in Tech and Telecoms. He is increasingly instructed on disputes in the blockchain / cryptocurrency space, particularly involving fraud, E-commerce and Fintech matters.

He is frequently instructed in relation to the obtaining or resisting of injunctive relief, often mandatory. He advises and appears in complex applications for pre-action and specific disclosure.

He has appeared in many of the most important cases relating to the supply of computer and related systems, some of which have established or clarified the principles which underpin this branch of the law.

He works for suppliers and users. His clients have included major and international IT suppliers, Government departments, major software houses, national retailers, public transport providers, local authorities, leading and international telecoms providers.

His cases have involved many different types of technology and software, such as e-Government; flight booking; metals trading front and back-office; telecoms network management; web-crawling; vehicle tracking; benefits administration; and stock-broking transaction settlement.

He has very good technical understanding and maintains a keen interest in developments in technology, allowing him to understand the complexities of all manner of systems. He gets quickly and efficiently to the heart of complex factual and legal disputes and seeks always to provide a commercial rather than purely legal analysis.

In addition to supply disputes, he has also acted or advised in many matters involving communications (regulatory, contractual and wayleave disputes), the licensing of software, and various aspects of e-commerce and internet publishing, including domain name disputes and data protection.

Featured Technology & Telecoms cases

- Representing a German software house producing a visualisation and configurator system for Rolls Royce.
-
- Advising a SaaS supplier in relation to the data protection issues of employee network data scraping and enhancement.
-

- Defending a substantial claim for alleged breach of a licensing agreement in relation to the IPR in audio-visual equipment used to create composite systems for sale worldwide.
- Advising an international automotive business concerning termination of a software development contract for a data system for the full life-cycle management of a vehicle, from product conception through to product planning, launch of the vehicle and thereafter the management of that vehicle in the marketplace.
- Advising a Local Authority purchasing organisation as to the termination of a software development contract.
- Representing a software house in a dispute in relation to its ATM software.
- Working with the NHS on its Connecting for Health program with different suppliers; then the largest-ever civilian IT procurement.
- Advising an online games provider as to a dispute with its ISP.
- Acting for software house in dispute relating to the development of a computerised telephone network management system.
- Acting for software house alleged to have failed to provide effective £3m database driven IT system, but blaming its local authority clients for failing in their contractual obligations to cleanse pre-existing data for use in the system.
- Resisting on behalf of the Council an application to restrain the Council from terminating for poor performance by the applicant the contract under which the Council had outsourced IT and other functions.
- Acting for the Cabinet Office in a case concerning e-Government software.
- Acting for the Claimant claiming damages for defective vehicle tracking software.

Blockchain / Cryptocurrency / E-commerce / Fintech

Featured Blockchain / Cryptocurrency / E-commerce / Fintech cases

- Representing an individual seeking to establish that he is the pseudonymous Satoshi Nakamoto, the creator of Bitcoin.
- Obtaining a worldwide freezing injunction to freeze wallets in a complex multi-million-pound cryptocurrency

fraud.

-
- Advising in relation to the regulatory issues applicable to an innovative banking app.
-
- Advising an individual in relation to a licensing and usage dispute with Facebook.
-
- Defending a claim in relation to a cryptocurrency to FIAT software system.
-
- Defending a substantial breach of copyright claim relating to address look-up software.
-
- Acting for claimants seeking to recover expenditure on the development of web-crawling and affiliate sign-up software.
-

Education

- BA (Cantab)

Recommendations

- A first rate advocate
- Highly robust and effective performances at hearings; the person to use if you want beefy cross-examination
- A highly gifted lawyer who is also very user-friendly
- Terry is an excellent advocate. In particular, he is quick on his feet dealing with a new legal arguments
- He has a very keen eye for the fundamentals of a case – he reads the case well and understands it well. He’s a fighter but also a nice guy
- Always knows a great deal about the technical side of cases