



Knowledge is power

Technology-related disputes, IP and the digitisation of old industries will keep litigators busy in a changing global economy.

With intellectual property becoming even more central to knowledge-driven companies, the online push of traditional industries and the monopolistic power of global technology giants leading to conflict, a rapidly expanding digital economy will trigger substantial litigation through the 2020s. “Technology will continue to be a source of disputes because of the increase in the digitalisation of businesses – not least because Covid-19 has forced companies to think more about their digital strategies,” reflects KPMG UK legal chief Jeremy Barton.

Many companies that typically seek to avoid litigation are ready to robustly defend valuable IP, while the levels of investment pouring into the technology, media and telecoms sector are further expanding the spoils to be fought over. Nestlé UK and Ireland GC Mark Maurice-Jones says: “We don’t litigate a lot. Disputes tend to get resolved at a commercial level. But Nestlé is a very brand-driven company, so if anyone starts to infringe our brands, we are willing to fight where required.” Antonio Suarez-Martinez, head of UK litigation at GSK, strikes a similar tone: “Over recent years, GSK has been willing to take a position that’s firmer on disputes and has been willing to litigate if we feel we have a strong case. GSK is very prepared to defend its products and rights.”

Further stoking activity, the struggle for legislators to keep up with information technology means legal uncertainty is inevitable in many sectors. Glancing at the largest cases to hit the UK courts gives an indication of how central technology issues are already in high-end disputes. Recent headline-grabbing cases include patent disputes like *Huawei v Conversant* and *IPCom v Vodafone*, not to mention the closely watched group action *Lloyd v Google*, which focuses on the US technology giant’s controversial handling of privacy.

The disruptive power of technology is sure to be reverberating through commercial courts for years to come.

This is an excerpt from an HFW report on the future of dispute resolution. To read the rest of the report, which includes a series of 30 interviews with senior in-house counsel and other leading figures from across the global disputes industry, as well as insights from our expert litigators, visit: www.hfw.com/litigation

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