Tech Disputes Timeline

Based on a classic IT implementation project

Bird&Bird

1. Procurement

a. Project risk assessment
b. Advice on RFPs

2. Pre-Contract engagement

a. Parties' statements
b. Scoping

3. Contract drafting

a. Customer / supplier obligations
b. IP protection and assignment
c. Data privacy and security
d. Audit rights
e. Jurisdiction / Governing Law / Escalation
f. Liability caps and exclusions
g. Termination
h. Notices
i. Change control

4. Contract signed

5. Pre-go live issues

a. Scope change
b. Delay
c. Testing issues / failure of acceptance procedure
d. Implementation
e. Project governance

6. Post go live issues

a. Performance
b. Maintenance / upgrade
c. Service credits

7. Project rescue

a. Re-baselining
b. Project pause/suspension
c. Escalation, settlement, and preserving claims
d. Interim dispute resolution

8. Project termination

9. Dispute Resolution

a. ADR
b. Expert determination
c. Litigation or Arbitration

Technology Disputes

Whether you're a customer or supplier involved in implementing technological change, it's important to understand the different stages typically involved in a technology project including the areas of risk to be mitigated to avoid potential disputes. Our Tech Disputes Timeline sets out those stages and highlights areas of risk from tender through implementation and beyond. We advise on all aspects of the timeline with a particular focus on risk mitigation and "in life" dispute resolution.

Our team of experts can help you manage risks and resolve disputes including those related to project failures, licensing, procurement challenges, or supply chain disruptions. Minimising risk at the contracting stage is crucial. To prevent escalation, we help you allocate risk effectively and resolve in-project disputes early. Our expertise includes risk assessment, negotiated settlement as well as dispute resolution through alternative options like expert determination, mediation, arbitration, and litigation.

We provide commercial, straightforward advice thanks to our understanding of both traditional and emerging technologies, helping you navigate the complexity of this space. We cover disruptive innovations such as AI, machine learning, blockchain, smart contracts, and the Internet of Things, as well as bespoke software solutions, data, Cloud, and SaaS services.

Our team's blend of legal expertise and thorough industry knowledge allow you to turn challenges into opportunities - enabling you to resolve disputes and gain business advantage with confidence.

This timeline is designed to help organisations navigate the complex landscape of technology disputes to stay ahead of potential issues and ensure smooth project execution. Whether you're dealing with scope changes, governance challenges, or enforcement of contractual obligations, this resource will help you understand the key steps in resolving tech-related conflicts efficiently.

Find out more about Technology Disputes here

Get in touch

Jeremy Sharman
Partner, UK

T +44 20 7905 6214
E jeremy.sharman@twobirds.com

Jonathon Ellis
Partner, Australia

T +61 2 9226 9819
E jonathon.ellis@twobirds.com

Anne-Sophie Lampe
Partner, France

T +33 14 268 6333
E anne-sophie.lampe@twobirds.com

Jonathan Speed
Partner, UK

T +44 20 7415 6012
E jonathan.speed@twobirds.com

Rachel Glass
Senior Associate, UK

T +44 20 7415 6733
E rachel.glass@twobirds.com