

Commercial and IP Disputes

Capability Statement



Are commercial disputes causing you problems?

Disputes are an unwelcome distraction for most organisations, but inevitable in an increasingly litigious and regulated business environment. They can adversely impact a company's public reputation and brand image, can distract senior management from their core business objectives, and are costly.

The Manches dispute resolution team is expert in handling commercial and IP disputes of all kinds. We offer the full range of dispute resolution techniques, backed up by extensive skills and in-depth experience. Our clients value our ability to direct this experience towards achieving results, very often without the need for court proceedings.

Our objective in every case is to achieve a commercial, cost-effective solution as quickly and as painlessly as possible.

Why use Manches?

Recognised expertise

At Manches we are recognised experts in all forms of dispute management - including negotiation, mediation, arbitration, adjudication and litigation - in all tribunals. We are consistently instructed in high value, high profile cases.

Our litigation and trial experience, however, represents only one aspect of the service we provide. We also assist with risk-management and prevention, and are often asked to provide strategic advice or support the decision-making process on a particular course of action.

Business-focused approach

Whilst we have a reputation for being formidable adversaries, we know that the method used is less important than the outcome. We are business advisers first and foremost and will always advise with the commercial background in mind.

We not only have in-depth expertise in general commerce, but also in a number of specialist business sectors, including **life sciences, IT, publishing and media, education, housing, transport and oil and gas**. Our strong sector focus gives our clients confidence that we truly understand their industry. Whatever the business sector, our goal is to find creative and practical solutions.

Cost-focused

Businesses often worry about the open-ended nature of litigation costs. We are very sensitive to this and recommend that clients involve us at the outset of a dispute - before positions have hardened or tactical mistakes are made.

You can call us for an initial word without necessarily incurring a charge. Please do so if you feel there is trouble brewing - we can point you in the right direction and we will always tell you whether, and if so how, we can help.

The right tactics may include legal risk assessment, early case evaluation (providing an up-front cost/benefit analysis) and business negotiations to help solve problems.

Accurate analysis is often the key to successful dispute resolution. Our skills and experience mean that we are able to assimilate facts and explain your options quickly, take an aggressive or measured approach as appropriate, and keep you up to date on the progress and cost of the dispute.

Added-value

We listen to you. We actively seek input from our clients and industry contacts to improve our knowledge and experience. We provide training and seminars across the many areas in which we provide advice. Our professional team regularly undertakes secondments and many of our lawyers have worked in other industries. We also encourage our lawyers to visit our clients' premises in order to understand their day-to-day operations better.



We'll help you keep the wheels turning

Our specialist areas

Intellectual property and media disputes

- Copyright, design and database disputes
- Trade mark infringement and passing off
- Misuse of confidential information
- Defamation and trade libel
- Domain name disputes
- IT contract cases
- Pharmaceutical and clinical trial issues

Commercial disputes

- Breach of contract
- Corporate disputes
- Fraud
- Insolvency / business recovery
- Property litigation
- Contentious trusts and estates
- Competition law

Risk management and regulatory advice

- Health and Safety
- Fire safety
- Planning and environmental
- Corporate manslaughter
- Licensing
- Asbestos
- Disability discrimination

"Manches is commended for successfully combining traditional values with a forward-looking, innovative approach... the lawyers elicit considerable praise for their representation of clients in contractual claims and regulatory expertise... the team frequently advises clients on issues relating to risk management. a fabulous team."
Chambers & Partners UK

"A very experienced team at Manches LLP is highly recommended for its proactive, preventative advice."
The Legal 500

Recent examples of our work

Intellectual property and media disputes

- Acting for a major UK publisher in a libel claim by a US official in Baghdad.
- Acting for a New York fashion designer in a design right claim against a major UK high street chain.
- Acting for The JRR Tolkien Estate in a claim against New Line Cinema Corporation for \$150m in unpaid royalties.
- Acting for a multi-national pharmaceutical company in claims for trade mark infringement against various parallel import companies.

- Advising the charity Against Breast Cancer on a claim against a former commercial partner for misuse of the charity's copyright materials.
- Acting for Oxford University Press in a claim against a software developer for breach of a covenant not to develop a similar product for a competing publisher.
- Advising a US publisher on claims for passing off and copyright infringement concerning the use of a well-known catch-phrase.
- Advising a US trade publisher on various trade mark issues.
- Acting for the rights owner in 'Lassie' in a cross-border copyright infringement claim.
- Advising the Institute for Animal Health on claims for libel and breach of confidence concerning allegations published in local newspapers about the causes of the 2007 Foot and Mouth outbreak.

Commercial disputes

- Defending the Institute for Animal Health in a class action brought by members of the NFU following the Foot and Mouth Disease outbreak in 2007.
- Advising a pharmaceutical company on claims for judicial review and trade libel arising out of a product technology review by the National Institute for Health and Clinical Excellence.
- Advising a client in the meat-packing industry on a breach of contract claim for non-payment of £2m.
- Representing a fresh foods distributor on liabilities to compensate their former sales agent under the Commercial Agents (Council Directive) Regulations 1993.
- Representing a global pharmaceuticals company in a multi-million pound damages claim for abuse of a dominant market position.
- Defending a scientific institution in class-action litigation involving allegations of professional negligence.
- Advising a veterinary group on the recovery of assets to the value of approximately £1m following a major fraud.
- Representing a property investment company in a multi-million pound claim by a leading financial institution concerning a commercial lease termination.
- Advising a leading global technology business in connection with confidential pre-action negotiations to settle a potential contractual claim.

Risk management and regulatory advice

- Negotiations with four regulatory authorities for a FTSE listed client resulting in all matters being resolved by agreement.

- Advising a public sector organisation on the proper disposal of incinerator waste, under the Environmental Protection Act 1990 and the Hazardous Waste Regulations 2005.
- Advising an energy generator on potential liabilities arising from the demolition of an industrial plant at one of its power stations.
- Advising numerous clients on the management of employees driving to work in the light of legislation including the Corporate Manslaughter and Corporate Homicide Act 2007.
- Advising a scientific institution in connection with a potential prosecution following the failure of a ventilation system in a Category 3 High Containment Laboratory.
- Advising a scientific institution in connection with a governmental enquiry into regulatory governance and compliance.
- Advising educational establishments on legislation concerning houses in multiple occupation, fire safety and energy performance certificates.
- Advising an Arms Length Management Organisation on its mobility scooter policy including fire safety, storage access, electric charging, insurance, disability discrimination and health and safety issues.

Our clients include:

- British Energy Group
- City & Guilds of London Institute
- Classic Media
- DAF Trucks
- Doctors.net.uk
- Egmont UK
- Genzyme
- Harcourt Education
- Henry Schein
- London Underground
- Macmillan Publishers
- Magnum Photographic Agency
- Marvel Entertainment
- Miss Universe Organization
- Mixed Media Group
- OPP
- Oxford Analytica
- Oxford colleges
- Oxford Psychologists' Press
- Oxford University Press
- Siemens Real Estate
- Simon & Schuster
- SunGard Availability Services (UK)
- Tatum
- Thames Valley University
- The Institute for Animal Health
- The JRR Tolkien Estate
- The London School of Music
- The National Trust
- The Sunlight Service Group
- The University of Sussex
- UCB Pharma

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Manches is a leading law firm in Oxford, Reading and London. We advise clients on all areas of business law, including commercial and IP litigation and dispute resolution, banking and asset finance, property, corporate, employment, intellectual property and technology law.

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