

Litigation

The Litigation department advises and defends both French and international clients, whether private or public, in both the industrial or service sectors, and assists them in determining strategy and pre-litigation and litigation actions before the State courts and arbitration tribunals.

As far as possible, we tend to find amicable settlement to the disputes with which our clients are confronted before they reach the litigation stage, by advising them on the various options available for dealing with the dispute, by helping them to manage and settle crisis, and by identifying and rating the risk.



The Litigation department lawyers work alongside the operational, legal and financial managers to assist and advise them on the management of issues they can encounter, more particularly with regard to the design, manufacture, market launch, distribution and sales promotion of their goods and services, by providing their expertise in French and Community law for:

- the protection and defence of intangible assets (trade marks, designs, software, domain names, etc.),
- economic regulations (pricing practices, supplier/distributor agreements, commercial cooperation),
- commercial agreements (formalising and securing vertical and horizontal relationships: organisation of distribution networks, management of the BtoB and BtoC relationships),
- civil liability of industrial product manufacturers, whether or not subject to authorisation,
- competition and restrictive practices, unfair and parasitic competition,
- bankruptcy (safeguard and receivership procedures, etc.) and credit and cash management.

The Litigation department also works alongside the firm's other departments on acquisitions or restructuring operations, by analysing commercial agreements, current or future litigation risks, and intangible assets, and by contributing as necessary to the content of asset and liability guarantees.

A few examples

- Assisting a trade mark owner in proceedings against a foreign competitor which had improperly used its trade mark name in one of its domain names,
- Managing the consequences of the sudden termination of established commercial relations with a foreign supplier and its main French distributors,
- Assisting the producers of audio-visual content in managing and protecting their rights,
- Assisting operational departments in the management of court-ordered expert opinions relating to the compliance of an industrial product or the existence of hidden defects,
- Compliance review of contracts between a manufacturer and its distributors, taking account of legal and regulatory requirements, in particular relating to financial advantages and refunds,
- Assisting industrial clients with the implementation of BtoB, BtoC or games-competition and promotional operations.

All our clients are listed

The Litigation department works with clients which are mainly international industrial or service companies, small and medium-sized companies or large groups, whether or not they have establishments in France.

The team has particular expertise in the chemical and pharmaceutical industries, phyto-sanitary products, plastics, industrial products, audio-visual communication and new technologies.

Partners



Pierre-Marie DURADE-REPLAT

Born in 1960

Partner since 1997

DESS in Notarial law

Particular specialisation in commercial law, contract law, civil liability, real estate, bankruptcy Law and rights of recourse.

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Stéphane PERRIN

Born in 1964

Partner since 2011

Graduate of the Paris-XI and Paris-II Law University, Master Degree in Private Law - Paris-XI Law University Post-Graduate (D.E.A) in Copyright Law - Paris-II Law University

Graduate of the Institut d'Etudes Judiciaires - Paris-II Law University.

Particular specialisation in IP/IT Law, competition Law and restrictive practises, commercial and distribution contracts, bankruptcy Law and product liability.

He is fluent in English.

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Our beliefs

Our experience has shown us that operational and legal managers expect risks to be anticipated and prevented or, more mundanely, they wish to avoid being confronted with “judicial uncertainties”. Regardless of the sector however, the regulations have become increasingly complex and the competitive situation so tense that our clients are faced with a number of risks; a dispute invariably leads to a destabilising crisis situation, which could have serious consequences for the budget, which could be politically sensitive and sometimes have a disastrous impact on the company's image.

The Litigation department's role is primarily that of support for general company management, and for its clients' legal, sales and finance departments. Our role is to help them to anticipate potential risk exposure, and to assess this risk in financial terms and over time, in order to give managers the visibility and the information they need to support their decision-making.

Our main objective is to detect potential situations of conflict upstream, to ensure that the necessary resources are available, and to try to find intelligent pre-litigation solutions for these conflicts. The team is then involved in any court action, where this is the best, or only, solution which remains available.

As both a strategic and legal advisor, the Litigation department is able to marshal its ability to anticipate events, and to use its creativity, pedagogical and negotiation skills and its robust approach on behalf of DELSOL Avocats' clients.

Associates

The Litigation department has two partners, six associates and two legal assistants.

The department works closely with the firm's other departments, mainly Company law – Mergers & Acquisitions, the Not-for-profit and Real Estate departments, both on the substantive aspects of private law and on specific problems.

The team is able to work both in French and English.

It is supported by a network of foreign correspondents and partners able to provide additional expertise in crisis management, in particular consultants and specialist communication agencies.

For more information:
www.delsolavocats.com