



HERBERT
SMITH
FREEHILLS




ANDREW MOIR

PARTNER, INTELLECTUAL PROPERTY AND
GLOBAL HEAD OF CYBER & DATA SECURITY

[London](#)

Andrew is Global Head of the firm's Cyber and Data Security practice and a partner in our intellectual property group.

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BACKGROUND

Andrew has a first class honours degree in Physics from Imperial College, London. Before qualifying as a solicitor, he gained hands-on experience in electronics, IT and software engineering.

KEY SERVICES

Patents
Cyber and Data Security

KEY SECTORS

Technology, Media and Telecommunications
Banks

EXPERIENCE

Andrew helps clients in relation to intellectual property, IT and cyber security matters.

In relation to IP/IT, Andrew helps clients with patent entitlement, infringement and validity disputes, software copyright, IT outsourcing and licensing disputes, misuse of confidential information claims, as well as non-contentious transactional and licensing matters.

As head of the firm's global Cyber and Data Security practice, Andrew advises clients on the full cyber security lifecycle, including proactive cyber-readiness and resilience, incident response (including data breach) and cyber related aspects of transactions and projects.

Recent experience includes advising:

Cyber and data security

- a global client who had fallen victim to an advanced persistent threat intrusion into its networks, perpetrated by a sophisticated nation state actor, which had occurred many years earlier without being detected
- a global investment bank in relation to a cyber security attack which saw over \$70 million taken from a number of accounts, and the subsequent litigation and regulatory investigation
- a global company on incident response in relation to a personal data breach in one jurisdiction which required consideration of notification and other legal obligations in over 30 countries in a short timescale
- a global energy company on its Network and Information Security Directive compliance programme, as well as cyber security risks and incidents globally
- a telecoms company in relation to a state-sponsored advanced persistent threat (APT) cyber security incident that was detected during its acquisition of a data centre and subsea cable capacity provider
- a global resources company in relation to its legal and technical incident response planning, including in relation to specific issues arising out of its operational technology and the associated risks
- a rail company in relation to the cyber security aspects of the procurement and roll-out of a digital train control and signalling system

Intellectual property

- an algorithmic trading hedge fund, IKOS, in relation to its successful proceedings against a former director who had covertly copied the company's algorithmic trading source code after he had resigned from the company
- a global insurance advisory and broking company in a software licence audit dispute with a major IT software provider
- Markem on its successful defence of proceedings brought by Zipher for infringement of patents relating to measuring and controlling the tension in the ribbon used in thermal transfer printing
- a mobile telecommunications company on the international licensing of its portfolio of essential 3G W-CDMA and 4G LTE patents under fair, reasonable and non-discriminatory ("FRAND") terms
- Unilever on a unique claim for compensation by a former employee under section 40 of the Patents Act, including the subsequent appeal to the Supreme Court
- a leading technical surveyor on complex back-to-back licensing arrangements in relation to the use of data and proprietary software relating to 3D models

MEMBERSHIPS AND ACCOLADES

A solicitor advocate with rights of audience in all civil proceedings, Andrew is also a member of the International Association for the Protection of Intellectual Property (AIPPI), the Institute of Physics, the Institute of Electrical and Electronics Engineers (IEEE) and an associate member of the Chartered Institute of Patent Attorneys.

"Andrew Moir is an exceptional partner with technical expertise that commands the respect of industry experts and a first-rate legal mind. His advice is commercial and astute. He responds rapidly to queries and is always able to make progress and offer insight even with intractable legal issues. He is absolutely the lawyer you want at your side if you suffer a cyber attack." *Legal 500*, 2020, Data protection, privacy and cybersecurity.

"Andrew Moir is always calm and confident when advising on complex privacy issues, ensuring the strategies consider other regulatory frameworks". *Legal 500*, 2020, Data protection, privacy and cybersecurity.

'Andrew Moir is a technical expert, and able to provide confident, concise legal advice, that is both practical and commercial.' *Legal 500*, 2020, Intellectual Property

'Andrew Moir understands technology, and this enables him to give tailored advice that reflects the real underlying issues', *Legal 500*, 2020, Intellectual Property

"Andrew Moir is impressive as both a leader and a strategic thinker in the technology sector." *Legal 500*, 2020, IT and Telecoms

Andrew "brings a unique blend of deep legal and technical IT expertise", *Legal 500*, Data Protection and Cybersecurity, 2019

Andrew is "a great technical litigator". *IP Stars* 2015, Managing Intellectual Property

One of five "Rising Stars". Andrew is able to "bridge the gap between law and technology". Young Legal Innovator of the Year Awards, *Financial Times Innovative Lawyers* 2015

"Andrew Moir is praised by clients for his 'exceptional' knowledge of software copyright and patents. He is a much sought-after expert on IP litigation concerning all manner of electronics, telecommunications and computing". *Chambers and Partners* 2014 - Intellectual Property

"Andrew impresses with his 'professionalism and excellent results'". *Legal 500*, 2011 - Intellectual Property