IPOS Mediation

T: **0333 014 4575**
E: **info@mediate.co.uk**
www.mediate.co.uk

Gill Mansfield

"Gill is an excellent mediator who demonstrates a mastery of her subject area, with great client service and superb commercial awareness"



Background

Gill Mansfield is a full-time commercial mediator. She has over 25 years' experience of negotiating deals and successfully dealing with and resolving difficult commercial disputes and complex cross-border and international litigation in the UK, Europe, the USA and across Asia.

Her experience spans a number of different sectors and she mediates a wide range of business, commercial, financial and corporate disputes. She is recognised as a leading mediator in the UK by both Chambers & Partners and Legal 500. Clients consistently praise her as *"very effective", "easy to work with", "highly skilled", "thorough"* and *"well prepared"* and as a mediator who *"understands the commercial dynamics"*. She has a reputation for quickly building rapport with clients *"putting the parties at ease from the start"* and for creating *"a rapport conducive to settlement"*. As one mediation client commented *"Gill has an innate ability to understand what really matters to the parties at a mediation, and to forge a meeting of minds between them"*.

Gill is a Fellow of Civil Mediation Council and a member of several international mediation panels including the CPR Panel of Distinguished Neutrals in New York and the WIPO panel of IP neutrals in Geneva.

Professional Background

Gill is a barrister who spent much of her earlier legal career in General Counsel and Head of Legal roles in major international commercial organisations. She has worked with technology companies, award winning media and entertainment companies, online retailers in the consumer goods sector, multi-national corporations and household name brands. As a result she has a degree of commerciality and boardroom experience that is rare in the mediation profession.

She is recognised as *"a masterful negotiator and a brilliant lawyer"* and as having *"a rare talent for finding practical solutions to problems very quickly"*. She is described as *"pragmatic", "collaborative"* and *"solution-oriented"*. The combination of genuine commercial expertise and business acumen, a sharp legal mind and the ability to rapidly build rapport with people from all walks of life has enabled Gill to effectively mediate a wide range of commercial

disputes.

Gill holds both UK and US mediation accreditations. She has successfully mediated cases on both sides of the Atlantic and is regularly appointed as a mediator in cross-border and international cases. She has experience of working with interpreters and is highly skilled in cross-cultural cases that require an understanding and awareness of cultural differences. She also has experience of online dispute resolution that pre-dates the Covid-19 pandemic and has a very active online mediation practice in addition to her in-person practice.

Gill has held a number of Board roles including over 6 years acting as a board advisor for a Manchester based digital agency in the "tech-for-good", ESG and social impact reporting space that partners with charities and the third sector to combat some of society's biggest issues with innovative digital and technological solutions. She also served two terms as a non-executive director of PRS for Music, the performing rights society for music writers, composers and publishers. She sat on the PRS for Music Board, its Members Council and Audit Committee, and she Chaired the PRS Distribution Committee, and the AI Sub-Committee looking at the impact and application of artificial intelligence.

She is Fellow of the Chartered Institute of Arbitrators and served six years as an elected member of the Committee of the London Branch of the Chartered Institute of Arbitrators (three years as Vice-Chair).

Personal Style

Gill combines a pragmatic commercial approach with a pro-active and energetic style. She is thorough, always well prepared and encourages pre-mediation briefings with the parties to ensure the best use of the mediation day. She is able to quickly get to grips with the facts, figures and legal arguments so that she can help the parties to focus on the key issues that they need to work through.

Clients comment on her ability to quickly put parties at their ease and to build rapport with people from all walks of life. Her straightforward, approachable and engaging manner belies a tenacious mediator who maintains a laser focus on helping clients reach the best outcomes.

Her ability to rapidly build respect and trust together with her many years of commercial and legal experience mean that she is able to effectively reality test and offer constructive challenge to parties (and their advisors) where required to move a mediation forward, or to break an impasse; helping parties to properly evaluate the strengths and weaknesses of their cases whilst maintaining their confidence.

She knows how to maintain momentum and pace during the mediation to keep everyone fully engaged in the process and she works hard to ensure that the parties get the right deal on the day.

Expertise

Commercial Contracts

Company

Shareholder & Directors

Boardroom Disputes

Competition Law

Construction & Engineering

Education Sector

Employment & Workplace

T: **0333 014 4575**
E: **info@mediate.co.uk**
www.mediate.co.uk

Media & Entertainment

Intellectual Property

IT, Technology & Telecoms

Cryptocurrency and Blockchain

Privacy & Data Protection

Professional Negligence

Pharma, Healthcare and Life Sciences

Public Sector

Property

Landlord & Tenant

Neighbour Disputes

Sale of Goods & Services

Legal Directories

"Gill demonstrates excellent emotional intelligence. She is calm, has good rapport with clients, and really listens, instilling confidence. Gill brings a great deal of authority to her mediation approach."

Legal 500

"Gill Mansfield has a broad commercial mediation practice that spans diverse sectors, concerning issues in the UK and further afield. She has particular expertise in disputes relating to the intellectual property, media and entertainment, technology and retail sectors."

Chambers & Partners

"Gill is very helpful and accommodating and she speaks her mind. She is commercially aware and able to advise on risks in a comprehensible way."

Chambers & Partners

"She was very good and to the point. She was very effective in her methods."

Chambers & Partners

"I'll continue working with Gill given her track record of settling cases within the mediation's timeframe."

Chambers & Partners

“Gill is an excellent mediator who demonstrates a mastery of her subject area, with great client service and superb commercial awareness.”

Chambers & Partners

“Very good at managing disparate groups of people with different agendas.”

Legal 500

“Gill has great energy and the skill to keep the momentum in mediations and the ability to focus on what is important.”

Chambers & Partners

"Effective, personable, realistic, practical and firm where needed"

Legal 500

"Gill Mansfield is good at understanding the issues and drawing the parties to a resolution"

Chambers & Partners

"Praised for her attention to detail and the ability to get to the nub of the issue"

Legal 500

"What makes Gill great is that she puts work in both before and after the mediation, and as a result of that she gets good results. Cases you thought wouldn't get resolved do get resolved"

Chambers & Partners

"Gill is excellent - very prepared, organised, a nice person and really engaging"

Chambers & Partners

Dispute Experience / Case Examples

Commercial Contracts

Gill has over 25 years' experience of advising on, negotiating and drafting complex, high value commercial agreements and of managing international commercial and legal disputes worldwide. She has mediated difficult commercial cases across a range of different sectors from small claims to multi-million pound contracts.

Mediation experience includes:

- **Force Majeure / Frustration** – Dispute between a US headquartered marketing and direct sales company and the operator of major conference and exhibition centres in the UK relating to a venue licence agreement, and the inability to hold an international event due to the Covid-19 pandemic. The dispute included arguments relating to force majeure, frustration, unjust enrichment and failure of consideration.
- **Breach of Contract / Latent Damage** – Cross-border mediation between US and Italian manufacturers and suppliers of household electrical goods relating to the manufacture and supply of white label goods bearing the trademark and branding of the purchasing company for sale in the US market. Claims included latent damage, reputational loss and breach of contract with a counterclaim for breach of contract/non-payment.
- **Financial Guarantees / Indemnities** - Dispute concerning contractual terms and financial guarantees and indemnities under a commercial loan agreement between a well-known multi-national brewing and drinks brand and two parties operating numerous high-end licensed premises in London.
- **Breach of Restrictive Covenants / Business and Asset Purchase** –Mediation of a dispute relating to breach of restrictive covenants in a Business and Asset Purchase Agreement between a seller / guarantor and the purchasers of a financial advisory business in a transaction worth over £1.1 million. Issues included the duration and enforceability of non-compete and non-dealing clauses, causation and quantification of damage.
- **Franchise Agreement** – Dispute between the owners of a franchise in the construction industry and a franchisee. The case involved allegations of material breach of contract / repudiatory breach, and expert

evidence relating to the impact of various health and safety regulations and legislation on the ability to operate the franchise.

- **Professional Negligence / Professional Services** (**Accountants/Tax**) – Professional negligence claim between a firm of accountants and a business owner in relation to financial and tax advice services (including corporate tax planning, a pension trust and a company pension scheme which had become the subject of a HMRC tax enquiry). The dispute included claims of acting without authority.
- **Claim for Commission / Professional Services** (**Financial advice and brokerage**) –Dispute between a restaurant owner and a financial adviser and broker in relation to brokerage commissions for professional services provided in respect of a restaurant refinancing / debt refinancing.
- **Claim for Commission / Professional Services** (**Debt Collection**) – contractual dispute relating to commissions payable between an export credit agency of a national government and a company providing debt collection services. Issues included contractual interpretation and validity of a set-off.
- **Claim for Commission / Professional Services** (**Recruitment**) – dispute between a crypto currency / software development business and a recruitment business placing technology and crypto specialists relating to the introduction of a candidate to the business.
- **Termination of Contract / Professional Services** (**Legal**) – Commercial dispute between a firm of solicitors and a client relating to the validity of termination and recovery of unpaid fees following the termination of a conditional fee arrangement. The issues included an allegation of fraud by one party and professional negligence by the other.
- **Interpretation of Contract Terms** (**Arts Funding**) – Dispute relating to the interpretation of a contract providing funding to an Arts Centre by a local council, the use of funds provided during the Covid-19 Pandemic when government regulations prevented the Arts Centre from opening, and the terms of continued provision of public funding. Issues included force majeure.
- **Breach of Contract** (**Sport / Leisure**) – highly contested dispute between an expedition leader and two climbers relating to an alleged breach of contract / professional negligence arising out of an organised mountaineering expedition in the Himalayas.
- **Breach of Contract / Professional Negligence** (**Maritime**) – dispute between a yacht owner and a surveyor in relation to a pre-purchase survey and coding to certify the yacht as a commercial vessel with claims of professional negligence and loss of income. Issues of latent damage, limitation of liability and time barred claims.
- **Breach of Contract / Professional Negligence** (**Automotive**) – commercial dispute between the owner of a collectible classic car and a company engaged to provide specialist restoration services. Claims of breach of contract and professional negligence.
- **Repudiatory Breach** (**Telecoms**) – Commercial dispute relating to the provision of telephony services and products and the hire and maintenance of photocopying equipment between an investment bank and a company providing managed IT and telecommunications services.
- **Energy & Utilities** – Contractual dispute between a utility supplier and a company in the food retail sector relating to the supply of energy to more than 20 commercial premises.
- **Equipment Supply / Leasing** (**Education Sector**) – Contractual dispute between a large education charity and a company supplying printer and copier services relating to the supply, maintenance and servicing of leased equipment across multiple sites.
- **Commercial Agreement** (**Education Sector**) – High value commercial / contractual dispute between a UK University and a higher education provider offering undergraduate and post-graduate programmes validated and leading to degrees from the University following a notice to terminate the agreement.

- **Procurement** (**Social Care Sector**) – Commercial dispute relating to a procurement exercise and contract for supported living between a public authority and a company providing residential care services for individuals with physical and learning disabilities and complex healthcare needs. Issues included contract formation, commencement and enforceability, variation, performance and novation.
- **Equipment Hire** (**Construction**) – Commercial dispute between a company hiring tools and mechanical and electrical equipment to the construction industry and a customer. The dispute related to the terms of a hire contract, non-payment, and the status of personal guarantees provided under the contract.
- **Loan Agreement** – Mediation of a financial dispute in the New York Civil Courts relating to non-payment under various loan agreements including allegations of fraud and forgery.

Various cases relating to breach of contract, failure to pay for goods and services, non-payment of loan and finance agreements, contractual interpretation, breach of implied and express terms, misrepresentation, limitation of liability, claims for damage to third party property, claims for delay and professional negligence.

Company, Shareholder & Directors, Partnership

Gill has wide-ranging commercial experience of advising businesses of all sizes (from private equity backed start-ups and scale-ups, owner run businesses and SME's to multi-national corporations operating worldwide) on company and corporate law matters, director's duties, mergers and acquisitions, disposals, and boardroom disputes. She is accustomed to dealing with senior management teams, directors, C-suite executives, shareholders and boards, and is a company director and sits on various boards herself.

Mediation experience includes:

- **Company and Shareholder Dispute** – Dispute between the founders/shareholders of a US construction company concerning the management and control of the company and the potential separation of their interests including the terms on which the majority shareholder might acquire the minority shareholder's shares, and share valuation.
- **Director's Duties and Share Ownership** – Multi-party dispute between the current company directors and a former director of a film production and financing company. The case involved claims of breach of statutory and fiduciary duty, breach of duty in tort and the misuse and misappropriation of company funds and property, and a counterclaim that a transfer of share ownership was invalid and that the shares were held on a bare trust.
- **Company and Shareholder Dispute** – Dispute between the shareholders/directors of a company offering surveying and property valuation services relating to knowledge of and authority for various payments and financial transactions. The case included claims of unfair prejudice and the breakdown of the relationship of trust and confidence, and issues relating to a potential sale or acquisition of one or both of the directors' shareholdings, and share valuation.
- **Company / Sale & Acquisition** – Multi-million pound dispute between a FTSE 250 listed company and the former shareholders of a company acquired by it relating to the terms of the Sale & Purchase Agreement, an alleged breach of a supply agreement with a related company and the status of funds held in escrow.
- **Company / Shareholders & Director's Dispute** – Dispute between the shareholders and directors of a business that they had jointly acquired in the aviation sector. The case involved claims of breach of fiduciary duty and other director's duties, breach of the shareholder agreement, and allegations of impropriety relating to various legal charges and debentures on business assets.
- **Company / Shareholders & Director's Dispute** – dispute in the energy sector between the shareholders of companies in the UK and Singapore following the removal of two shareholders as directors of the company that they had previously managed. The case involved claims of breach of fiduciary duties and

unfair prejudice. There was also a linked IP dispute.

- **Company** – Multi-party mediation between two founders and the managing director of an IT services company arising out of the decision of one of the founders to leave the business.
- **Partnership** – Mediation involving 16 partners in a London law firm relating to the breakdown in the relationship between some of the partners impacting on the day to day running of the firm.
- **Company / Partnership** – Dispute between two former business partners in New York (USA) in relation to a loan agreement.
- **Director's Duties** - Dispute between a company in administration, a former director, and a family member of the director relating to the sale of a residential property in the USA. Claims included breach of fiduciary duties, transfer of an asset at under value and knowing receipt.
- **Partnership** – Dispute between parties in a crypto-currency trading business in relation to whether the business relationship constituted a partnership and whether code developed to trade cryptocurrency was partnership property, with monetary claims and counterclaims.
- **Company / Shareholder** – Dispute between the shareholders in a cyber security software company in relation to the running of the business, the valuation of the company, ownership of the IP in software licensed to the business and the shareholder's roles and relationship.
- **Company / Shareholder** – Long running dispute between the executors of an estate and the remaining shareholders in a company in the defence sector raising issues of unfair prejudice, entitlement to dividends and the status of various corporate documents.
- **Company / Shareholder** – dispute between a shareholder / former senior employee and the shareholders of a company following the establishment of a competing business in the same sector and location. There were claims of breach of directors duties, a threatened claim of unfair prejudice, and ongoing IP litigation in the IPEC and employment law claims in the ET.
- **Company / Sale & Acquisition** – Dispute between the founders of a well-being technology start-up and an e-health software company relating to the terms of a share purchase agreement and multi-million pound earn out triggers. There were related allegations of breach of fiduciary duties.
- **Company / Business & Asset Purchase** – Dispute relating to alleged breach of restrictive covenants (non-compete and non-dealing) between a seller / guarantor and the purchasers of a financial advisory business in a transaction worth over £1.1 million.
- **Company / Business & Asset Purchase** – business dispute relating to an asset purchase agreement for the acquisition of a children's day-care nursery between the seller and the purchaser. Claims included breach of warranties and indemnities, and issues relating to pre-sale disclosure and regulatory compliance.

Competition law / Anti-trust

During her legal career and as a Board member Gill has advised on a range of competition law issues, allegations of breach of competition law, and competition law litigation and is well placed to mediate cases with a competition law / anti-trust dimension. She holds a Master's degree which includes UK and EU Competition Law, and a post-graduate certificate in Competition Law and Policy gained whilst she was employed at the UK competition authority. In addition to her experience at the UK competition authority she has also spent time working at the EU Commission in Brussels with a focus on competition law, state aids, subsidies and anti-dumping. She also has experience of Competition Appeal Tribunal claims (including the first proposed collective proceedings to be struck out / summarily dismissed).

T: **0333 014 4575**
E: **info@mediate.co.uk**
www.mediate.co.uk

Mediated cases have included issues relating to exhaustion of IP rights, refusal to supply, access to essential facilities, and allegations of abuse of dominance and anti-competitive agreements and conduct in breach of Chapter I and II of the Competition Act 1998.

Construction & Engineering

- **Technology, Design & Engineering** – Breach of contract claim against an Indian division of a multinational engineering company relating to the engineering, design and prototyping of a new medical device.
- **Design, Engineering & Manufacturing** (**Natural Resources**) – Highly technical multi-million pound contractual dispute relating to fabrication services to the oil and gas industries between a company designing process systems for produced water and sand management and a company contracted to complete the design, fabrication and assembly of a number of units for the separation of sand, solids and oil from produced water.
- **Breach of Contract / Professional Negligence** – A £2.5 million professional negligence claim by a major bank against a well-known estate agent/commercial property consultancy that was engaged to provide a valuation report and quantity surveying and monitoring surveying services in relation to a loan facility for the purchase and redevelopment of agricultural land and property.
- **Construction / Professional Negligence** – High Court dispute involving significant expert advice and expert reports relating to proposed remedial work to properties located in a marina as a result of corrosion to the concrete columns supporting the deck on which the properties were built.
- **Construction / Professional Negligence** – Breach of contract & negligence claim in the High Court between a school and its agent relation to a building dispute under a JCT Design and Build Contract for the development and building of school premises.
- **Construction** – Dispute between a company developing residential properties and the construction company they engaged to build a block of nine flats. Claims included professional negligence, breach of contract and claims for delay.
- **Construction** – Dispute between a public authority and a firm of construction consultants engaged to provide quantity surveying services in relation to two large infrastructure projects and the work of various building contractors and architects engaged on the projects.
- **Construction** – Dispute between a home owner and a building contractor. Claims included professional negligence, breach of contract, failure to deliver goods and failure to comply with building regulations.

Employment & Workplace

Gill has over 25 years' experience of dealing with employment and workplace disputes. She has represented clients (claimants and defendants) both as a barrister and as in-house counsel in the Employment Tribunal and Employment Appeals Tribunal and has advised on all forms of workplace and employment disputes including: unfair and wrongful dismissal, breach of contract, redundancy related claims, TUPE, employment status (employee vs. contractor), restrictive covenants, disciplinary issues & disciplinary processes, and allegations of bullying, harassment and discrimination.

Examples of her work as a mediator in this area include:

- **Mediation of a workplace and employment dispute** between an employee (senior consultant) and an employer (a public sector healthcare organisation) that was having a negative impact on team dynamics

and relationships.

- **Mediation of a workplace dispute** within a public sector healthcare organisation between two very senior colleagues arising out of a grievance (including an allegation of bullying) that was not upheld by the employer.
- **Mediation of an Employment Tribunal claim of unfair dismissal, wrongful dismissal and redundancy** that resulted from the dismissal of a long serving employee with no prior disciplinary issues from a role as a security guard following an alleged failure to detect a break in at commercial premises that the employee was employed to patrol.
- **Mediation of an employment dispute in the digital publishing sector** involving strongly disputed claims of religious discrimination, pregnancy related dismissal and infringement of employment rights arising out of the termination of employment in the US.
- **Mediation of a dispute in the educational sector** which included claims under the Equality Act, failure to make reasonable adjustments for disability, disability discrimination and harassment.
- **Mediation of a dispute in the care sector** between a public authority and an employee relating to an allegation of negligent misstatement in the provision of an employment reference.

Media & Entertainment

Gill has extensive experience as a highly respected commercial lawyer in the media, entertainment, creative and digital sectors. She has held General Counsel and Head of Legal positions in some of the world's best-known international media and entertainment companies: from BAFTA award winning TV production companies to renowned international publishing companies, from online platforms for music and audio distribution to multi-media brands. Her cross-sector media experience covers TV and broadcasting, film, theatre, publishing, interactive entertainment and gaming, music, and all forms of digital media and digital distribution.

Gill's mediation experience includes:

- **Music:** A commercial and copyright dispute between a subsidiary of a leading record label and the heir/assignee of a record producer, relating to the exploitation and ownership of rights in the recordings of two catalogues of music (comprising thousands of tracks). Issues included alleged repudiatory breach / affirmation by conduct, estoppel, and copyright infringement.
- **Film:** A claim for breach of contract in the film industry between a US producer and director of documentary films and a Spanish freelance professional relating to non-payment of fees for post-production services for an independent documentary film.
- **Film:** Multi-party dispute in the film industry between two parties in London and one in L.A. relating to directors' duties, company directors' loans and Executive Producer fees for various motion pictures. The dispute included a claim for repayment under various loan agreements relating to Executive Producer fees and third-party litigation costs and a counterclaim for unpaid Executive Producer fees and film production bonuses from various multi-million pound film financing arrangements. The dispute also raised issues of undue influence and misrepresentation in the signing of a loan guarantee.
- **Gaming:** A dispute between a company that develops and publishes multi-player online role-playing games and a company that developed and marketed a bot (automation software) to users of an online game that has over 300 million users worldwide. The dispute involved issues of copyright infringement, breach of contract, procuring breach of contract, and waiver.
- **TV:** A commercial and intellectual property law dispute in the TV industry between a TV production company and an independent TV producer relating to a failure to obtain permission to transmit copyright content and provide a credit.

- **Publishing:** A multi-party copyright infringement claim in the publishing industry between a professional photographer and two international publishing companies in relation to the unauthorised publication of an image. The case raised issues of copyright infringement and fair use / fair dealing.
- **Media:** Commercial and intellectual property dispute between a UK head-quartered international media company and a US multi-national media company arising out of an action for copyright and trade mark infringement and passing off in the US (New York) relating to a well-known children's brand.
- **Publishing:** Mediation of a commercial dispute being litigated in the US (California) in relation to the provision of professional services (legal services) between an international publishing company and a US law firm arising out of the conduct of copyright and trade mark infringement litigation concerning the unauthorised production, sale and distribution of branded products in Taiwan.
- **TV / Broadcasting / Sport:** Commercial dispute between a leading international sports broadcaster and a technology company providing customer management services and technology solutions in relation to customer management services for pay-per-view sporting events and subscription TV services for digital satellite and digital terrestrial TV channels.
- **TV Production:** Dispute between an independent TV production company and a former employee relating to the rights in the idea behind a TV series produced for a major broadcaster, and onscreen credits relating to the show.
- **Gaming / Broadcasting:** Commercial dispute concerning the development, licensing and distribution of games applications for digital satellite and mobile TV channels between a developer and owner of software applications for gaming and a company providing interactive games and content.
- **Gaming / Apps:** Dispute between two Russian nationals resident in the EU in relation to a loan agreement and funding under an agreement for the development of a gaming application.

Intellectual Property

Gill also has extensive expertise in the area of intellectual property law. Her experience includes: copyright, trademarks, design rights, patents, passing-off, confidential information and know how. Having spent much of her in-house legal career in IP rich industries she has managed trade mark portfolios and negotiated, drafted and advised on a wide range of IP transactions and deals. She has also advised on and managed IP disputes, and the litigation and settlement of cases throughout the UK, Europe, the USA and Asia.

Examples of her IP dispute mediation experience include:

- **Trade Marks** (**Telecommunications Sector**) – International / cross-border trade mark dispute between an IT and telecommunications company and a private equity backed global telecommunications infrastructure company in relation to the use of a trademark in the UK and the EU. The dispute related to multiple trademark registrations, applications and oppositions in the UK and the EU, and raised questions of prior rights, risk of confusion and co-existence.
- **Trade Marks / Trade Dress / Passing Off** (**Restaurant Sector**)– Dispute between the US owners of two high profile restaurant franchises and related intellectual property (three companies) and three UK parties which owned and managed commercial property and venues in London. Claims included trade mark infringement, passing off, unauthorised use of trade dress / trade get-up, conversion of property and undue enrichment.
- **Trade Marks** (**Energy Sector**) – Cross-jurisdictional case with on-going litigation in Singapore and claims in England relating to the registration, ownership and use of various trademarks between companies in the UK and Singapore that were former trading partners.

- **Trade Marks** (**Gaming Sector**) – International trademark dispute between a UK gaming and betting brand and a US headquartered company with interests in blockchain development and blockchain based gaming, NFT's, cryptocurrency, web 3.0 and digital and interactive media. Claims for trademark infringement with a counterclaim for cancellation based on non-use. Concurrent processes at the EUIPO and trademark oppositions.

- **Trademarks** (**Education Sector**) – mediation between two organisations in the education sector relating to allegations of trade mark infringement and passing off.

- **IP / Brands** (**Training Sector**) – Dispute between two former trading partners relating to brand and IP ownership, rights in trade names, domain names and database ownership and alleged reputational damage. Related commercial claim for breach of restrictive covenants and misuse of a consumer database arising out of a partnership agreement.

- **Copyright / Database Rights / Confidential Information** (**Education Technology**)- Mediation between two competitors in the Ed Tech sector with allegations of copyright infringement in relation to source code, infringement of database rights, misuse of confidential information and unlawful means conspiracy. Related claims of breach of contract and inducement to breach in respect of two former employees.

- **Commercial / IP** (**Fashion**) – Commercial dispute in the fashion industry between an Italian fashion brand and a UK based designer / licensor relating to a licence agreement for the commercial exploitation of the intellectual property (design rights and trademarks) in a footwear brand.

- **Commercial / IP** (**Fashion / Online retail**) - Trademark dispute between a designer / distributor of branded headwear and accessories and an e-commerce retailer / reseller. The dispute related to the advertising and sale of headwear via an online marketplace, the attribution of a trademark to unbranded third party goods supplied to consumers, and a claim for reputational damage.

- **Commercial / IP** (**Fashion / Online retail**) – Dispute between an international own-brand online fashion retailer and an international online retailer in relation to the design and sale of fashion products, exclusivity / sourcing arrangements for those products and claimed infringement of copyright in the use of commissioned photography for those products. Associated competition law claim.

- **Copyright / Trademark Infringement** (**Brands**) - Various copyright and trade mark infringement and passing off disputes relating to character and brand licensing, and well-known consumer brands.

- **Copyright** (**Fair use / Fair dealing**) – Various copyright infringement cases in the UK and US raising issues of fair use and fair dealing.

- **Copyright** (**Construction Industry**) – Copyright infringement claim in relation to various proprietary designs with related claims for breach of confidentiality following the establishment of a new business by a former director and employee. Additional employment law and company law claims.

- **Copyright** (**Travel Industry**) – Copyright infringement claim relating to the alleged unauthorised use of a large volume of artistic works without licence, payment or attribution. Associated claims for violation of moral rights and the right to be identified as the author of the works.

- **Confidential Information / Data Breach / IP Infringement** (**Online Training Sector**) – High Court dispute between competing suppliers of online training in the professional services market relating to IP infringement, infringement of database rights, data breach, reputational damage, and the use of confidential business information and data arising from an alleged hack of an IT system.

- **Confidential Information / Reputation** (**Fintech Sector**) – Dispute between a FinTech company (and its CEO) and a FinTech platform (and its founder) following the termination of a contract for services. Issues of breach of confidentiality, use of confidential information, defamation and potential damage to reputation, and procuring a breach of contract.

- **Patents** (**Technology**) – A complex multi-party patent dispute involving a number of international technology companies relating to the use of underlying technology in an automatic content recognition (ACR) and content management system.

See also **Media & Entertainment** above.

IT, Technology & Telecommunications

As General Counsel in two technology companies and having guided a number of media companies through business critical digital transformation projects Gill has comprehensive knowledge of and expertise in relation to IT, digital and technology contracts and disputes. Her experience includes large-scale digital innovation and transformation projects and IT infrastructure deals; IT and technology procurement (including public procurement); the supply and installation of IT hardware; IT support and maintenance agreements; apps and app development; website design and development; software design, development and implementation; software licensing; SAAS agreements; systems development and integration; hosting agreements; data warehousing; cyber security; IOT; cloud computing agreements.

Gill's mediation experience in this area includes:

- **Hardware supply** – Commercial dispute between two IT companies with a long trading history relating to the supply and installation of IT hardware and software and related services. Arguments relating to the supply of counterfeit goods, whether hardware was licensed for EU use, parallel imports / "grey" imports, competition law, and reputational damage were raised.
- **Software Development Contract** – Commercial dispute relating to the design, development and implementation of a replacement IT system (a bespoke software solution for accounting and stock control) developed for a company in the drinks industry. The case raised issues around representations and warranties, misrepresentation, collateral contracts, an alleged failure to meet service levels and failure to mitigate loss.
- **CRM Software Development** – Dispute between a software developer and a major broadcaster in relation to the supply of a CRM system to manage customer contacts and customer services for high value international sports events.
- **Website Development** – Contractual dispute relating to the design and building of a website for a leading professional body between an IT company specialising in eCommerce and a technology services company. The claims included breach of contract, defects, restitution / failure of consideration, and damages.
- **Software Supply and Services** – Dispute between one of the UK's largest suppliers of business software and services and a company in the legal services industry relating to the supply of practice and case-management software and supply services. Issues included fitness for purpose and validity of a notice to terminate.
- **eCommerce** – Breach of contract claim between a digital marketing agency and a company specialising in selling surplus goods arising out of the development of an online retail business, the building of an eCommerce website and various associated marketing services (including SEO and social media).
- **eCommerce / Digital Marketing** – Dispute between a provider of eCommerce and digital marketing services and an online retailer of personalized drinks gifts and packages relating to the development of an eCommerce website and provision of digital marketing services. Issues included non-payment, breach of contract, delay, defects, causation and quantification of damages.

- **Telecoms / SAAS Agreement** – Dispute arising out of the supply, installation and use of a telephony system and SAAS software across multiple sites between a wholesale retailer and a company supplying telecommunications services. The case involved arguments of breach of contract, fitness for purpose, validity of termination and early termination fees.
- **IT / Telecoms** – £1 million+ dispute between a major UK telecommunications company and a FTSE listed technology company engaged by them to provide loan management software and associated implementation services and hosting. Claims related to a software licence and costs for project delivery, hosting and implementation.
- **Telecoms**: Mediation in the telecommunications sector between a virtual network operator and distributor of telecommunication products and services relating to the terms of a distribution agreement, alleged non-payment of fees and commissions, and a significant counterclaim for the value of stock.
- **Public procurement / Technology** – Contractual dispute in relation to a multi-million pound IT and digital infrastructure project which was part of a large scale ongoing digital, data and technology investment programme in the public sector. Issues included interpretation of scope / extent of scope, acceptance criteria, third party dependencies, alleged delay, and project governance.
- **SAAS Contract** – Dispute between an Australian IT business solutions provider and a global business specialising in contract and vendor management software relating to the terms of the renewal of a SAAS contract.
- **Software Consultancy Services / IT Transformation Programme** -Mediation of a multi-million pound claim by one party for breach of contract and professional negligence in relation to IT consultancy services and the implementation of software as part of a warehousing solution in a large scale IT transformation project, with a claim by the other party for in excess £1million unpaid project fees.
- **Software Development and Licensing** – Cross-border dispute between a US company providing services in the pharmaceutical and life sciences sector and a UK company providing software development services relating to the terms and interpretation of various software licenses, IP ownership and the status of a consultancy agreement.

See also **Media & Entertainment** and **Intellectual Property** above.

Pharma, Healthcare and Life Sciences

- **Healthcare / Technology** - Commercial dispute between a healthcare trust and a supplier of healthcare technology and software in relation to various contracts for the supply of systems for radiology and medical imaging and managed IT services in acute medicine settings.
- **Healthcare Technology / Commercial** - Contractual dispute between a Spanish company supporting companies to secure grant funding and a Luxembourg based medical technology company in connection with an application for European Investment Council (EIC) Accelerator funding for an augmented reality technology product and software for use by surgeons.
- **Healthcare / Commercial** - Contractual dispute between a subsidiary of a healthcare trust and a specialist supplier of Magnetic Resonance Imaging (MRI) Scanners in relation to the supply, delivery and installation of a number of scanners. Breach of contract / delay claim where there was an ongoing relationship.
- **Pharma / Commercial** - Multi-million pound breach of contract claim between UK and German companies in the pharmaceuticals / life sciences sector relating to a preferred access / manufacturing collaboration agreement for various therapeutic drugs in development and the status and availability of a manufacturing facility.

T: **0333 014 4575**
E: **info@mediate.co.uk**
www.mediate.co.uk

Property

- **Commercial Property / Agency** – Dispute between a property developer and company providing specialist agency, consultancy and property management services. The dispute related to the quantification and payment of commission in respect of a commercial property for development.
- **Planning** - Dispute relating a claim of £2.4 million for undue enrichment resulting from the levying of sewerage charges over a number of years against a manufacturing company in the automotive industry by a water authority.
- **Breach of Statutory Duty / Professional Negligence** - Mediation of a case referred by the Court of Appeal. The claim related to breach of statutory duty in relation to the implementation of a parking scheme and the appointment of sub-contractors to administer the scheme by a housing management company.
- **Agricultural Land and Property** - A dispute relating to personal, residential and agricultural land and property resulting from the breakdown of an 18 year relationship. The case involved questions of beneficial ownership and claims of undue influence and breach of trust.
- **Commercial Property Development** (**Loan Agreements**) – Multi-million pound dispute between a US entrepreneur and two UK-based property developers relating to loans for multiple land and commercial property acquisition and development schemes in the UK. The High Court litigation included allegations of misuse of funds, inducement to breach contract, fraudulent and negligent misrepresentation and conspiracy.
- **Property / Land** – Dispute arising out of an unsigned agreement to buy a holiday home and adjoining land in Italy. The claim related to the occupation of the property and costs incurred by the seller in making a planning application on behalf of the prospective purchaser to extend the property.
- **Commercial Property** (**Leisure / Entertainment Sector**) – High-value commercial property dispute between an entertainment venue and various companies within a leisure group relating to rent arrears, service charges, insurance and other amounts unpaid as a result of government regulations during the Covid-19 pandemic that required the closure of entertainment venues. The litigation raised issues of failure of basis / failure of consideration, and implied terms in leases during periods when it was illegal / unviable for premises to operate for the purpose envisaged in the lease.
- **Investment Property** (**Residential Property**)- Dispute between an EU national and a Chinese national resident in the UK relating to the purchase of investment property in London using non-resident tax status, and related financial transactions. The claims related to the beneficial ownership of the properties, and status of monies used to fund the purchase of the properties and other transactions.
- **Residential Property** - Financial claim between a homeowner and the board of a Manhattan condominium in relation to the use of the homeowner's terrace over an extended period to enable work to the common areas of the condominium. Claim for inconvenience and lack of use, and property damage.
- **Rental Property** – Commercial dispute between a provider of high-end London holiday property rentals and a US client in relation to alleged breaches of a contract relating to the condition of the property and an offer to pay for alternative accommodation.

Landlord & Tenant

Gill has mediated various Landlord & Tenant disputes including:

- **Disrepair** - Claim for loss and damage due to disrepair, breach of covenant and misrepresentation arising out of the rental of a high-end residential property in London.

T: **0333 014 4575**
E: **info@mediate.co.uk**
www.mediate.co.uk

- **Property Management** – dispute between a UK local authority and a private owner in a block of flats of architectural significance relating to modifications to the visual appearance of the building and issues of disrepair.
- **Breach of Covenant** – Dispute between a commercial property landlord and the tenant of retail premises in relation to changes to the external façade of a building and internal sub-division of the property in breach of the lease and without planning consent.
- **Right to Quiet Enjoyment** – A financial claim against a landlord for breach of a tenancy agreement due to disturbance from other tenants smoking in a non-smoking apartment block and failure to return of security deposit. (New York, USA)
- **Right of access** – Dispute relating to the granting of access to the property to check for and to undertake remedial work in relation to suspected lead paint, and the instruction of professionals to perform investigations and undertake necessary remedial work. (New York, USA).
- **Property Damage** – money claim relating to alleged damage to a residential property and the non-return of a security deposit (New York, USA).
- **Restrictive Covenants and Property Damage** – Dispute arising out of the breach of the restrictive covenants in a residential lease as a result of a tenant keeping a large number of pets in contravention of the terms of the lease, and a claim for water damage in relation to the property below after a large aquatic tank cracked and flooded the property (New York, USA).
- **Withholding of Security Deposit** – mediation relating to the withholding of a security deposit on a rental property and allegations of damage (New York, USA).

Neighbour Disputes

- Long running dispute between two neighbouring families in East London that related to noise disturbance with allegations of anti-social behaviour.
- Dispute relating to noise and allegations of intentional harassment made to the NYPD between upstairs and downstairs neighbours in a Lower East Side apartment block in Manhattan.
- Dispute relating to noise between neighbours in a block of flats in London including allegations of anti-social and aggressive behaviour.
- Dispute relating to privacy and the installation of outdoor light fittings at a home in Brooklyn resulting in light pollution and sleep disturbance.
- Dispute relating to noise disturbance between a shift worker and his elderly mother and a family with young children living in Brooklyn.
- Noise dispute between neighbours in a Manhattan apartment block resulting in repeated calls to the police and allegations of harassment and intimidation.

Sale of Goods & Services

See also **Commercial Mediation** above.

- Mediation of various cases concerning the provision of professional services and non-payment, including in relation to legal services, accountancy and tax planning services, and financial advice and brokerage services.

T: **0333 014 4575**
E: **info@mediate.co.uk**
www.mediate.co.uk

- **Sale of Goods & Services** - mediation between a customer and a garage owner of a claim for damage and a claim for non-payment relating to car repairs and the supply of automobile parts.
- **Breach of Contract / Services** - Mediation between a customer and a professional tailoring and dress making service involving claims of breach contract, failure to complete work on time and relating to the quality of the workmanship.
- **Breach of Contract / Services** - Mediation of a claim by a health insurance company against a former patient for non-payment of hospital bills and the cost of private medical treatment in a US hospital.
- **Breach of Contract** - Mediation relating to the breach of a written loan agreement between family members and failure to make agreed loan repayments (USA).

Professional qualifications and affiliations

Fellow of the Civil Mediation Council

CMC Registered Civil and Commercial Mediator

Fellow of the Chartered Institute of Arbitrators

Member of the Honourable Society of Lincoln's Inn

Panel of Mediators, Centre for Effective Dispute Resolution (CEDR), London

Panel of IP Neutrals, World Intellectual Property Organisation (WIPO), Geneva

Domain Name Dispute Panel, World Intellectual Property Organisation (WIPO) Geneva

Panel of Distinguished Neutrals, International Institute for Conflict Prevention and Resolution (CPR), New York

Career history

1994: Barrister (called to the Bar of Lincolns Inn)

1997: LLM International, Commercial and European Law, Sheffield University

Courses: Intellectual Property, UK and EU Competition Law, EU Law, International Law, International Human Rights Law

2000: Post-Graduate Certificate in Competition Law and Policy

2006: CEDR Accredited Commercial Mediator

2015: Approved Mediator, New York, USA

2018: Fellow of the Chartered Institute of Arbitrators (FCIArb)

Advanced Mediation and Arbitration Training

Dealing with High Emotion in Mediation (CEDR, London 2009)

Workshop for Mediators in Intellectual Property Disputes (World Intellectual Property Organisation (WIPO), Geneva 2011)

Advanced Mediation Techniques (CDR/JAMS Washington DC, USA 2012)

Workshop for Mediators in Art and Cultural Heritage Disputes (International Council of Museums (ICOM) / WIPO, Geneva 2012)

Comprehensive Course on International Arbitration (Columbia Law School, New York and CIArb New York Branch)

WIPO Advanced Workshop on Domain Name Dispute Resolution (WIPO, Geneva)

Client Feedback

"Gill was very helpful in bringing the parties to a mutually agreeable settlement. She explained the process clearly to the clients on both sides, in a way that would be understood by people without legal training or experience. There were some difficult and emotional matters raised during the course of the mediation, which Gill handled tactfully. Gill was kind and understanding, but also when required, firm but fair to assist the parties in reaching a settlement."

Solicitor, Law Firm

"I was impressed with the way Gill anticipated and tackled certain points coming from the other side that would have been counterproductive had they been aired in front of my client. It was heartening to see that level of proactivity."

Partner, London Law Firm

"Gill was everything you would want from a mediator: prepared, creative, hard-working, and adaptable".

Partner, London Law Firm

"Gill is excellent at identifying the key issues in the litigation and the risks of continuing litigation, which enables effective settlement discussions."

Counsel

"Gill's grasp of the detail of this complex mediation coupled with a high degree of emotional intelligence helped the parties to reach a settlement which had not proved possible through direct negotiations during the previous 12 months."

Legal Consultant

"Impressive command of the issues, clear neutrality and a forceful but positive approach to bridging the gap between the parties – both commercially and from a hearts and minds perspective. Gill is a great choice, particularly for disputes where there is a continuing relationship between parties post-mediation."

In-house Counsel

"Excellent communication and preparation prior to the mediation, clear understanding of the issues and position taken by both sides during the day and a commanding steer towards a mutually acceptable resolution. Leaving a mediation with a signed settlement, a shake of hands and smiling faces is the best possible outcome."

In-house Counsel

"As it was my first time in mediation, I was unclear on what to expect but Gill set out the process and expectations clearly an helped us navigate our way through the mediation process. She was impartial, diligent and clearly focused on achieving an outcome acceptable to all."

Client

"She is a great advert for this service and skillset."

Client

"I was convinced before going into the mediation that the matter would not settle given that the parties had been fighting for several years. From the outset you demonstrated that you knew not only the facts and legal issues at play in detail, but somehow understood the true motivations driving the parties. I have been involved in hundreds of mediations and I am still trying to work out how you were able to bring about a resolution. Thank you for doing so."

Dispute Resolution Partner, London law Firm

"I wasn't expecting much from mediation, as both sides had already spent a fortune on legal bills and the expectation was that the matter was going to have to be settled extremely expensively in court. But Gill proved me wrong. She is calm, persuasive and determined, and she also has a really good understanding of how the TV industry works, which was very helpful in resolving the dispute. Finally! Without hesitation I would recommend Gill, and mediation".

Party to a mediation

"Gill provided a very thorough overview of how the day would hopefully run. She communicated with us well throughout the process on the day and we were able to reach an agreement. Thank you for your calming influence!"

Party to a mediation

"Our positions were poles apart, however Gill achieved what I thought was impossible, and stayed to ensure a document was signed. Extremely good communicator: empathetic, and warm. Thank you so much, Gill."

Party to a mediation

"Gill is always on the ball when it comes to understanding the case, communicating with the client to understand their position and successful in achieving a settlement on the day of Mediation."

Commercial Litigation Solicitor / Head of Commercial Recoveries, Law firm

"Gill was a great mediator at our mediation, she got to grips with the facts of the case and so was well informed when it came to party discussions, which enabled us to get a result on the day, highly recommended."

Partner, Regional law firm

"Gill is a mediator who "understands the commercial dynamics"

In-House Lawyer, party to a mediation.

"Having never been in a mediation before, I was nervous, and unsure how it would go. Gill was clear, calm and concise in explaining our positions and our options. I genuinely thought the differences between our two parties were irreconcilable, but apparently not! Gill mediated an agreement, that both parties felt work for them, and we wish we'd instructed her sooner!"

Party to a mediation

"Gill was fantastic at guiding us through the process and she used her skill and expertise to manage the session constructively and effectively. She structured the day which really helped to move things forward."

Party to a mediation

"Gill... achieved a settlement result when it seemed extremely unlikely at the start of the meeting."

Union Rep (representing a Party in a mediation)

"This was little short of a masterclass in how an effective mediation session should be conducted. Gill was very well prepared. She arranged a pre-session Zoom conference so that we all knew what to expect. Gill's interpersonal skills ensured that my client was very much at ease… I would have no hesitation in highly recommending Gill as a very effective, professional and personable mediator."

Counsel in an online mediation.

"Clear communication about the process, effective management of the session the time. Good energy and positivity"

Party to a mediation

"Very impressed with the mediator who had to deal with difficult and at times emotional parties. A positive outcome was achieved for both parties as a result of the mediation process."

Solicitor, National law firm

"It took great skill and experience to not only keep the mediation on track but to conclude with a successful outcome."

Solicitor, National law firm

"Gill was very professional and communicated well. The mediation via Zoom worked seamlessly and I would recommend this method for future mediations…"

Party in an online mediation

"This is the second time I have worked with Gill, and I found her to be very professional and easy to work with whilst maintaining her impartiality throughout the mediation. She was well prepared, thorough, built up a good rapport with the client and worked hard to ensure that the parties reached the right deal. I would strongly recommend her and would certainly use her services again."

Partner, London law firm

"Gill expertly handled the mediation and managed to facilitate a resolution that looked unlikely at the commencement of the day."

Partner, London law firm

"Very well prepared. Excellent communication."

Commercial Advisor representing a party at mediation

"We selected Gill from a short-list of highly skilled mediators and she was a delight to work with. The mediation was quite technical as well as emotional for the parties involved. Gill handled it beautifully, putting the parties at ease from the start. She was professional and good-humoured, and it was easy to trust her and her skills. She brought the parties to a fair conclusion by around 6 pm on the day. I would highly recommend Gill and would select her as a mediator again."

Partner, London law firm

"Gill got to the heart of the dispute and created a rapport between the parties that was conducive to settlement"

Media & Entertainment Lawyer, London law firm

"A highly skilled, patient and engaging mediator"

"Gill has an innate ability to understand what really matters to the parties at a mediation, and to forge a meeting of minds between them. She is also able to bring to the mediation, given her legal experience, an insight into risk."

Senior Partner, London law firm

"We couldn't be happier with how Gill conducted our recent mediation. She explained each stage of the process in detail, facilitated flexibility on the day and made the client feel reassured."

IP Solicitor, London law firm

"Very organised before the mediation. Explained the process well to the client."

Litigation lawyer, regional law firm

"I would just like to let you know how much I really appreciated all of the effort and energy you put into the mediation process… Thank you for your sensitivity, flexibility and maintaining the momentum of progress to an acceptable conclusion. If I hear or know of anyone else in a difficult situation and requiring mediation I will have absolutely no hesitation in pointing them in your direction."

Managing Director in the IT industry, party to the mediation

"Very impressed with Ms Mansfield."

Solicitor, Regional law firm

"We are really happy with Gill's skills in leading the mediation and seeking avenues for commercial resolution".

"I was in awe of how professional Gill remained throughout the week of discussions. Her genuine love of helping people work through problems was evident the whole way through. She was brilliant. Thank you."

Party to a week-long multi-party workplace mediation

"I really enjoyed seeing how you built common ground, and brought the parties together; very impressive."

T: **0333 014 4575**
E: **info@mediate.co.uk**
www.mediate.co.uk

Associate, London law firm

"Honestly, I cannot think of anything that you could have done better. It was a difficult issue to mediate, and I am grateful that you "hung-on" to enable my clients to reach decision."

Senior Partner, Regional law firm

"The mediator Gill Mansfield was extremely professional. She was always kind, neutral and calm… it was lovely talking to her. She helped us to clear a big emotional issue. A big thank you for all of that!"

Party in an online mediation

"She was excellent."

Partner in an accountancy firm, party to the mediation