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Lawyers at LKS routinely advise clients on the commercial, contractual, financial, regulatory and transactional aspects of the aviation sector.

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### **A. Aircraft purchase, aircraft finance and aircraft leasing**

We assist in all aspects of aircraft ownership, finance and management, from buying or selling new and used passenger, cargo or corporate aircraft or setting up ownership and financing arrangements, like –

- Buying and selling aircraft and engines
- Structuring of aircraft ownership and financing
- Financing of new and used aircraft and engines
- Leasing of aircraft and engines, both finance and operating, on long, medium and short-term basis
- Wet leasing and charter of commercial and corporate aircraft

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### **B. Aviation commercial agreements**

We draft, advice and negotiate aviation-related commercial agreements and arrangements:

- Aircraft engine and component maintenance, overhaul, repair and support contracts
- Airport services agreements
- Aircraft servicing and maintenance agreements
- Code and time sharing arrangements
- IT and communications contracts
- Intellectual property licensing and protection of rights
- Joint operating ventures and alliances and airline franchise arrangements
- Ground handling and ground support arrangements

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### **C. Corporate & advisory**

Our aviation team includes lawyers with great experience of corporate transactions and corporate compliances and renders services, including:

- Choice of entity, incorporation thereof, investments, divestments and exit mechanism
- Securing corporate finance and venture capital or private equity investment
- M&As and due diligences
- JVs
- Re-structuring
- Opinions on aviation safety and security regulations, airport infrastructure restrictions and airport user fees
- Advisory on structuring investments in the transportation sector
- Compliance issues under various Indian legislations
- Opinion on schemes for passenger benefits and on flight sale of products

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### **D. Intellectual property**

Our group has members from scientific backgrounds with the ability to understand the technologies used within the aviation sector and operates at the forefront of legal developments in IP from both a contentious and non-contentious perspective and advises on:

- Critical IP issues and providing their solutions in aircraft and avionics systems
- Management of IP portfolios
- Transfer of technology
- Licensing and assignment of IP
- Drafting and negotiation of R&D agreements, IP sharing, IP protection
- E-sale of tickets, data protection, transfer of passenger data and privacy

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### **E. MRO**

MRO services include engine overhaul, airframe maintenance, heavy checks and line maintenance, component overhaul and major airframe modifications and we advise on:

- All legal and commercial issues that arise in the MRO sector, acting for airlines, manufacturers, leasing companies, financiers, MRO organizations and fixed-base operators
- Drafting of all documentation to ensure our clients' contractual arrangements are commercially sound and provide appropriate protection.
- Drafting Master Technical Services Contracts
- Negotiating complex issues of IPR relating to ingrained IT systems and third party rights
- Drafting a Full Support Contract where the MRO organization takes full technical and engineering responsibility for the operator's aircraft

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### **F. Regulatory**

- International trade matters and administrative proceedings before national, international agencies like aviation authorities
- Regulatory regime applicable to maintenance of aircraft
- Requirements for certification of maintenance providers and the impact of outsourcing of maintenance functions on that certification
- Procuring mandatory certifications for airline start-ups
- Procedural assistance in issues relating to setting up of Greenfield airport



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## G. Insurance

- Aviation insurance coverage and their renewals
- Re-insurance
- D&O liability and professional liability insurance
- Product liability insurance
- Initial review of insurance claims made by or on behalf of insured
- Risk management analysis and counseling on applicable insurance regulations

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## H. Dispute Resolution

- All aviation related contractual matters and disputes arising out of it
- Pursuing and defending product liability claims
- International arbitrations and other alternative dispute resolution mechanisms
- Litigation in any court in India like, seizure of airplanes, air carrier involving slot allocation, transfer & trading

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## I. Labour and Employment

- Organizational structuring and re-structuring
- Applicability of benefits regulations
- Termination
- Non-compete and non-poaching issues
- Compliances with respect to labour legislations
- Departmental interface

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## J. Tax

The team comprises of lawyers, including personnel who have held regulatory and enforcement positions in government and counsel clients on:

- Aviation related customs issues
- State and local tax issues
- Dealing with tax officials and proceedings before the tax authorities at all levels and also in courts
- Taxes applicable to aircraft and ancillary industry

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## K. Environment

- Emission trading and carbon trading schemes
- Compliances under various environment related legislations
- Opinions on the implications of international environmental treaties on the existing arrangements

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## L. Competition

The team comprises of lawyers who have had prior experience in aviation sector. The lawyers have advised and represented clients before the Competition Commission of India, both on enforcement and merger control.

