IPI Academy

falconbury



Presented by
Falconbury

Drafting Exclusion and Limitation of Liability Clauses

20 May 27
+ 26 October 27

Draft robust limitation of liability and exclusion clauses that allocate risk effectively, withstand legal scrutiny and reduce the likelihood of costly contractual disputes. Balance legal protection with commercial needs and stay ahead of key case law and international best practice.

Format:
Live online

CPD:
3 hours for your records

Certificate of completion

Course overview

Exclusion and limitation of liability clauses are some of the most heavily negotiated provisions in any commercial contract - and among the most difficult to draft effectively.

Get them wrong, and the consequences can be costly. Get them right, and you protect your organisation from significant risk.

Exclusions and limitation clauses are vital for managing liability and protecting your organisation from unforeseen risks, but neither side in a contract will want to be limited for the protections they would wish to put in place. But sometimes the law requires such limitations. This can be problematic because neither side will want to leave themselves open to risk they might otherwise wish to limit or exclude.

This focused, training course will cut through the complexity, giving you a clear, practical understanding of how to draft, negotiate and enforce these critical clauses to safeguard the interest of a business.

The expert trainer will bring you right up to date with all you need to know about the specific issues and potential pitfalls related to these clauses. He will also cover negotiating and drafting issues that can invalidate exclusion and limitation of liability clauses. By sharing his immense experience in this area, you will gain the skills and knowledge to identify and mitigate against the risks and responsibilities related to these specific clauses.

You'll explore:

- Where the legal boundaries lie and how the courts approach enforceability
- How to balance commercial interests with legal protection
- Common drafting pitfalls and how to avoid invalid clauses

The training course combines practical insights with hands-on drafting exercises to help you embed the learning. You'll leave confident in your ability to spot weaknesses, strengthen your contracts and manage liability effectively.

Presenters firm

WESTON LEGAL

Weston Legal is a leading specialist boutique firm specialising in Commercial law, Technology law, Media law, Intellectual Property law, Data law and Regulatory law and practice. From its founding, the firm has always committed to provide a fast and efficient service wherever its clients operate. As its business has grown and diversified, it has recognised the strength and importance of the principles held by its people; putting clients first and operating as one team to realise its goals and share its success. These principles have formed the foundation of its culture and the way its lawyers interact with one another and the firm's clients. They are what distinguish it and are vital to its future.

To find out more about what Weston Legal can do for you, please contact Mark at westonlegal.ltd or see https://uk.linkedin.com/in/markwestonlegal

Mark also operates as a leading consultant to Hill Dickinson LLP, a leading and award-winning international law firm with offices in London, Liverpool, Manchester, Leeds, Birmingham, Piraeus, Singapore, Monaco and Hong Kong. As a full service law firm, it delivers advice and strategic guidance spanning the full legal spectrum from non-contentious advisory and transactional work, to all forms of dispute resolution. The firm is on the panel of a number of national and international organisations and regularly competes against many of the City firms. In recent months, they have been able to win a number of panel reviews against City firms.

To find out more out what Mark can do for you via Hill Dickinson, please contact him via www.hilldickinson.com

Benefits of attending

By attending this training course you will:

- **Sharpen** your drafting and negotiation skills for exclusion and limitation clauses, ensuring contracts are both robust and commercially realistic
- **Understand** international and jurisdictional nuances, including how different legal systems approach enforceability and risk allocation
- **Mitigate** against potential liabilities early, reducing exposure for your organisation
- **Appreciate** the commercial and economic drivers behind these clauses, enabling you to balance legal protection with business priorities
- **Learn** how to apply the ACE principle effectively to strengthen contractual protections
- **Gain** practical drafting techniques through guided exercises, helping you embed learning and improve accuracy
- **Get to grips** with the latest case law and trends shaping this area of commercial law

Who should attend?

This interactive training course has been specifically designed for:

- In-house lawyers
- Private practice lawyers
- Legal professionals and advisors
- Commercial and contracts directors and managers
- Procurement personnel
- Business development managers
- Project managers
- Others whose work brings them into contact with contracts

Programme

Understanding exclusion and limitation clauses

- International applicability and different practices
- Myths about liability clauses
- Internationally accepted practice
- Economic rationale for this area of law
- The liability protection spectrum
- Jurisdictional differences
- Factors affecting which do and factors which do not affect liability
- A roadmap to drafting a clause:
  - Evaluating risk
  - 3 solutions to reduce risk before you get anywhere near a limitation or exclusion clause
  - The ACE principle
    - Acceptance of risk
    - Capping of risk
    - Exclusion of risk
  - Drafting a clause
  - The 4 **I.I.IC.S** questions
  - 15 drafting guidelines

Negotiating liability clauses: risks and responsibilities

- Arguments used by each side when negotiating
- Indirect and consequential loss
- A suggested approach
- When you do your job but someone messes it up
- UCTA, CRA

Drafting a liability clause: tips, tricks and techniques

- Exercises in drafting
- Latest changes

Final questions

Presenter



Mark Weston

Mark Weston has run his own law firm, Weston Legal, since 1 January 2024. He is also a consultant at Hill Dickinson LLP where he joined in February 2016 as a partner and Head of its Commercial, TMT & IP Practice. Before that, he was a partner and Head of the Commercial/IP/IT Team at Matthew Arnold & Baldwin LLP and before that, he spent several years at Baker & McKenzie in London and Chicago and has also previously been seconded to Hewlett Packard and other technology businesses. He changed role to become a consultant in Hill Dickinson's London office in January 2024.

Expertise: Mark's practice covers both non-contentious and contentious matters in all areas of commercial law, intellectual property law, information technology law, Internet, electronic commerce and on-line services law. He specialises in commercial and Tech issues. Mark is used as a 'trusted adviser' by many clients in all sorts of businesses and often acts as 'private practice in-house counsel' for many clients. He specialises in tech and internet businesses.

Clients: Just some of Mark's more well-known clients include Elstree Film Studios, RTL Group S.A., Sykes Cottages, Retailcorp Brands LLC, The Gulf Marketing Group, Moneynetint Limited and the BBC.

Some detail: Mark has extensive experience in advising clients on all manner of commercial matters (such as business planning and solutions, franchising, distribution, agency and marketing) through branding and intellectual property exploitation and licensing, to advice and documentation regarding hardware and software issues (such as development, licensing, maintenance and distribution, SaaS and cloud, Internet transactional solutioning, B2B, B2C and B2G electronic commerce, S-commerce and M-Commerce, social media, outsourcing, facilities management, procurement, IT policies, data protection (privacy), GDPR and freedom of information issues as well as artificial intelligence (AI)). He has a particular expertise in new digital business and revenue streams. He is also experienced in dealing with software disputes and IT litigation. The increasingly extensive media side of his practice relates primarily to publishing (both real world and digital content), to games and gaming platforms (and particularly transmedia technologies), advising companies about their advertising onscreen, online and in print and managing their public communications strategies generally (dealing with the CMA and ASA in the process) – and also a smattering of television, film and music exploitation. Recently he has been very active in AI advice.

More unusual:

Mark has previously spent several months on secondment to Hewlett Packard and he has also been seconded to assist in the legal problems arising in new technology companies such as Symbian. From 2000 to 2001, Mark was resident in the Chicago office of Baker & McKenzie advising US clients on European and UK aspects of IT and electronic commerce law and practice.

Mark is the author of the *Legal Practice Companion*, a parallel text book used at several law schools, the editor of the *IP and Media Law Companion* as well as the rest of the Companion series of books published by Bloomsbury Professional, Tottels, Cavendish Publishing and Oxford University Press. He has noted numerous reports for the *IT Law Reports* and is widely published in *Computing, Computers & Law, Computer Law & Security Report, IT Law Today, Intellectual Property World, Solicitors Journal* and many other journals both online and offline. Mark has also authored articles syndicated in the national and trade press and is regularly quoted in national newspapers and is heard on radio as an expert in his fields. Mark is the author of the *Business Names on the Internet* chapter in the *PLC Ecommerce Manual as* well as numerous other articles on various Commercial & IT law topics.

Mark lectures regularly on all Commercial, IP and IT law topics, including at the IBC IT 'Summer School' Programme in Cambridge, England; the Falconbury and MBL two-day and three-day Commercial Contracts seminars (run several times a year) and IT Contracts seminars (run three times a year) in London; and he has previously lectured at the Annual On-line & Internet Commerce Law Institute seminar in Chicago and tutored at University College London. He also runs a programme of bespoke training schemes on commercial law, IP law, IT law, AI law and data law as well as soft skills programmes such as negotiation skills and presentation skills.

Finally, you may have seen that Mark likes blogging and writing books, which are available at all good bookshops! He also appears regularly on BBC1 (usually providing advice on-screen to BBC Watchdog) and also on Sky News as a legal commentator, as well as trying to avoid the huge quantity of pink powder the TV make-up girls want to apply to his increasingly receding hairline.

Course dates

20 May 27	**Live online** 13:30-17:00 **UK (London)** (UTC+01) *Course code 17080*	GBP **350** ~~400~~ EUR **490** ~~560~~ USD **562** ~~640~~ **Until 25 Mar**
26 October 27	**Live online** 13:30-17:00 **UK (London)** (UTC+01) *Course code 17394*	GBP **350** ~~400~~ EUR **490** ~~560~~ USD **562** ~~640~~ **Until 31 Aug**

How to book

Online:
ipi.academy/2805

Alternatively contact us to book, or if you have any queries:

Email:
info@ipiacademy.com

Phone:
+44 (0)20 7749 4749

Discounts

- Booking more than one delegate on any one date qualifies for a **30% discount** on the second and subsequent places.
- Most events qualify for an **early booking discount** prior to 6 weeks before the course date. Be sure to check on our website, where the latest discounts will be shown.

Further information

Fee
The fee includes all meals and refreshments for the duration of the course (for venue-based courses) and a complete set of course materials (provided electronically). If you have any particular requirements, please advise customer services when booking.

Please note
IPI Academy (and our training partners) reserve the right to change the content and timing of the programme, the speakers, the date and venue due to reasons beyond their control. In the unlikely event that the course is cancelled, we will refund the registration fee and disclaim any further liability.

Terms and conditions
The rest of the our terms, the event cancellation policy and the terms and conditions are on our website, please visit ipi.academy/content/terms-and-conditions

Reviews

★★★★☆

Wanted to gain a better understanding surrounding the draft of liability and exclusion course to supplement my existing knowledge, and yes I did accomplish this. Very good and worthwhile attending.

David Clark
Contract Risk Manager
DHL UK
Apr 14 2026

★★★★☆

I feel more confident in this area now. Very good [course] - I would like to see this as a classroom option.

Darren Haynes
Project Procurement Manager
Yunex Traffic
Nov 4 2024

Run this programme in-house for your whole team

Coming to IPI Academy for your in-house training provides an all-inclusive service which gives you access to a wide variety of content, learning platforms and delivery mechanisms as well as your own personal training adviser who will work with you from the initial enquiry through to feedback and follow-up after the programme.

With over 600 trainers, all practitioners and experts across a huge range of fields, we can provide the training you need, where you need it, when you need it, and at a price which suits your budget. Our approach to tailored learning and development consists of designing and delivering the appropriate solution for each client.

For your FREE consultation and to find out more about how we can work with you to solve your training needs, please contact our training advisers:



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IPI Academy

IPI Academy is a training initiative of Falconbury and Management Forum; leading providers of industry training for over 30 years, based in the UK.

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