

Product Liability & Technology Disputes

The rapid advancement of cutting-edge technologies, expansion of digital services, growing adoption of AI and software, and increasing complexity of global supply chains have made product liability (PL) and technology-related disputes more sophisticated and high-stakes. Potential liabilities now extend beyond traditional product design, manufacturing, and labeling defects to include AI and software failures, system implementation and performance issues, and the safety of medical devices, pharmaceuticals, and biotechnology products. These issues can result in product recalls, regulatory investigations, substantial damage claims, and large-scale collective actions. Therefore, prompt and strategic responses are essential from the earliest stages of an incident.

Shin & Kim's Intellectual Property Practice Group draws on extensive technical and industry knowledge to handle a broad range of product liability and technology disputes. These disputes involve manufacturing defects, industrial facilities and machinery, automotive defects, system implementation and software development, medical devices, pharmaceuticals and biotechnology products, product safety, and product recalls. The IP Group has represented clients in some of Korea's most significant product liability cases, including the country's first tobacco litigation, the National Health Insurance Service's tobacco litigation, and the Agent Orange mass tort actions. The IP Group has also advised and represented clients in complex technology disputes involving software as a service (SaaS) platforms, enterprise resource planning (ERP) system implementation projects, and other technically sophisticated matters.

Shin & Kim provides comprehensive legal support throughout every stage of a PL or technology dispute, from early-stage incident response and root cause analysis to evidence preservation, defense strategy development, regulatory investigations, technical assessments, litigation, and arbitration. Shin & Kim aims to minimize clients' business risks while providing practical and effective solutions to complex product liability and technology disputes.

Key Services

Shin & Kim provides comprehensive legal services in product liability and technology disputes, including:

- Product defect and product recall response
- Technology defect and performance-related disputes
- Liability disputes involving medical devices, pharmaceuticals, and biotechnology products
- Liability disputes relating to AI, software, and digital services

- Supply agreement and warranty-related disputes
- Large-scale damages claims and mass tort actions
- Regulatory investigations and incident response strategy development
- Technical assessments and management of expert evidence

Experience

- Korea's first tobacco litigation filed by tobacco users against a Korean tobacco company
- Tobacco litigation proceedings on behalf of the National Health Insurance Service
- Agent Orange mass tort litigation brought by approximately 17,000 Korean Vietnam War veterans against a U.S. Agent Orange manufacturer
- Product liability lawsuit arising from an automobile accident involving alleged defects in a vehicle's yoke system
- Product liability lawsuit relating to an automobile rollover accident
- Damages lawsuit arising from a fire caused by a dust explosion involving an impact modifier in Durham, the United Kingdom
- Dispute relating to defects in a SaaS-based platform development project
- Dispute involving defects in a laser punching machine and alleged misappropriation of technology
- Dispute relating to the implementation of a next-generation ERP system by a Korean power generation company
- Dispute relating to the implementation of a next-generation system by a Korean department store
- Litigation concerning alleged violations of the Unfair Competition Prevention Act arising from the imitation of an online marketplace sales system

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