



## Litigation, Arbitration and Investigations

DLA Piper's lawyers are skilled in litigation, arbitration, investigations and ADR and will deploy that experience to help you devise the best strategies.

We have the local knowledge to apply the regulatory, economic, political and cultural context to legal issues and develop case strategies. We regularly handle technically challenging and complex multi-jurisdictional matters. Our global reach allows us to provide you with fully integrated teams and consistent quality wherever you do business. We work with you to manage potential risk and implement the most effective solutions to reduce costly escalation. We aim to solve complex business disputes as swiftly and effectively as possible and provide solutions which are aligned with your business objectives.

DLA Piper's global team of disputes and regulatory lawyers is the largest dedicated disputes practice globally as recognized by *The Lawyer's Top 50 Litigation* survey.

In an environment where regulation and its enforcement will only increase, we recognize that effective compliance and avoidance of regulatory intervention are business critical issues.

Globalization of world markets has brought limitless commercial opportunities. However, it has also increased the potential for legal liability by exposing corporations around the world to financial and reputational risk across multiple jurisdictions. Mitigation of those risks requires early engagement with experienced lawyers who understand the cultural as well as the legal and regulatory landscapes but who will also drive relentlessly to deliver results for their clients when a dispute or regulatory intervention is unavoidable.

### CAPABILITIES

We manage every type of dispute or contentious problem, quickly marshalling national and international teams.

- Antitrust and competition
- Banking and finance litigation
- Class Actions
- Contentious M&A
- Commercial contract disputes
- Cross-border litigation
- Employment litigation and dispute resolution
- Energy disputes

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### RELATED SERVICES

- Corporate
- Employment
- Finance
- Intellectual Property and Technology
- International Trade, Regulatory and Government Affairs
- Projects, Energy and Infrastructure
- Real Estate
- Tax
- International Corporate Reorganizations

### RELATED SECTORS

- Energy and Natural Resources
- Financial Services
- Insurance

- Environmental, health and safety disputes
- Infrastructure and construction disputes
- Insurance and reinsurance disputes
- International arbitration
- IT and telecoms disputes
- Marine and aviation disputes
- Patent and IP litigation
- Product Liability, Mass Torts and Product Stewardship
- Public international law
- Administrative law
- Real estate litigation and planning disputes
- Securities and enforcement litigation
- Tax disputes
- White collar and corporate crime

- Life Sciences
- Industrials
- Technology
- Infrastructure,  
Construction and  
Transport

## AKTUELLES

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### Publikationen

#### The ICC's 2020 Dispute Resolution Statistics

22 September 2021

The International Chamber of Commerce has recently published its annual Dispute Resolution Statistics for 2020. This article offers a summary of the key takeaways despite challenges posed by COVID-19.

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#### Virtual Hearings 2021

21 September 2021

#### VIRTUAL HEARINGS

In this latest report in the Virtual Hearings series we set out a summary of data-driven conclusions and personal observations from clients and litigators from around the globe.

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#### Chambers International Arbitration 2021 Global Practice Guide – Trends and Development in China

15 September 2021

China encompasses a number of arbitral jurisdictions, the most popular of which are in Hong Kong and China. In the past year, we continued to see a significant rise in the number of arbitration cases seated in Mainland China and Hong Kong and strong development of the arbitration market despite the pandemic.

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## Learning the lessons on excessive pricing from Aspen

7 September 2021

### ANTITRUST MATTERS

Back in April 2017, The *Times* ran a story detailing how a drug giant had a “secret plan” to destroy a cancer medicine unless large price rises were agreed to by national purchasing authorities. A month later, the European Commission opened an investigation into Aspen.

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## Pleading with care: the limits of a tribunal’s jurisdiction

31 August 2021

A recent Singapore High Court decision in *CIZ v CJA* is a useful reminder that the primary instruments for demarcating matters in dispute in an arbitration are the parties’ own written submissions. Tribunals must decide cases that parties put before them, not cases that parties could (or should) have made.

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## Insights from the US: will knowledge, recklessness or negligence in Australian securities class actions actually change anything?

16 August 2021

Last week the Federal Government introduced permanent reforms to the continuous disclosure regime and misleading and deceptive conduct provisions in the *Corporations Act 2001* and *ASIC Act 2001* which provide that companies and their officers will not be exposed to civil liability unless they had a requisite mental element, being *knowledge, recklessness or negligence*. This change is in line with the recommendations of the Parliamentary Joint Committee for Corporations and Financial Services and also extends the temporary measures originally introduced at the height of the COVID-19 pandemic.

This change brings Australia’s continuous disclosure regime closer to that of its counterparts in the United States and the United Kingdom, and there is much we can learn from our international colleagues.

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## High Court criticises claimant law firm for seeking to load a compensation claim for a data breach with multiple heads of claim that are not appropriate

2 August 2021

As the data protection compensation claim landscape develops in the UK, the High Court in the case of *Warren -v- DGS Retail Limited [2021] EWHC 2168 (QB)* has given useful guidance as to the appropriate heads of claim.

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## Das deutsche Lieferkettengesetz – neuer Standard für menschenrechtliche und umweltbezogene Sorgfaltspflichten globaler Lieferketten

23. Juli 2021

Im globalisierten Handel erstrecken sich die Wertschöpfungs- und Lieferketten über die gesamte Welt. Internationale Konzerne, die sich nicht freiwillig an Menschenrechts- und Umweltstandards entlang ihrer Lieferkette halten, stehen in der Kritik, schwache Regelungen in Schwellen- und Entwicklungsländern auszunutzen.

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## Third time lucky: Triple Point in the Supreme Court

20 July 2021

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The Supreme Court has handed down its long awaited decision on the question of whether delay liquidated damages (LD) provisions survive termination. The case related to a dispute between the parties as to how delay LD provisions apply where an English law contract is terminated prior to its completion, and the interpretation of contractual wording seeking to limit liability.

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## **ICC-Schiedsgerichtsordnung 2021 – Änderungen und Neuerungen**

7. Juli 2021

Mit 851 neuen Schiedsverfahren im Jahr 2019 konnte die Internationale Handelskammer („ICC“) ihre Position als führende internationale Schiedsinstitution behaupten.

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## **Between a Rock and a hard place: Singapore Courts decline to follow English precedent on ‘No Oral Modification’ clauses**

5 July 2021

The Singapore Court of Appeal has decided against strict enforcement of no oral modification clauses, taking a different approach to the English Supreme Court. We summarise the contrasting cases and what this means for businesses operating in either of these jurisdictions.

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## **The DLA Piper Project Simulator – one year on**

2 July 2021

Over the past year, we have delivered The DLA Piper Project Simulator to many of our construction, engineering and infrastructure clients, over a virtual platform, and client feedback has been overwhelmingly positive.

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## **The UK Bribery Act: A Perfect 10 or an uninspired 5/10?**

1 July 2021

From its conception, the UK Bribery Act 2010, which came into force on 1 July 2011, presented itself as a radical and comprehensive overhaul of UK anti-bribery and corruption law. So, a decade on, what does the score card look like?

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## **The LCIA 2020 Annual Casework Report**

21 June 2021

The LCIA published its annual casework report for 2020, the report showed that during the COVID-19 pandemic the LCIA has continued to thrive, with more disputes being referred to the LCIA in 2020 than in any previous year. We have summarised below some of the key trends which emerge from the Report.

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## **GAR guide to challenging and enforcing arbitration awards – Second edition**

15 June 2021

The Global Arbitration Review's Guide to Challenging and Enforcing Arbitration Awards addresses the applicable standards for challenging and enforcing awards globally. We have authored a chapter outlining the challenges that may arise when trying to secure the awards.

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## **Investment Arbitration in Africa**

15 June 2021

Working with the Global Arbitration Review, we have published a new chapter on Investment Arbitration in Africa. Providing an overview of recent trends and developments in investment arbitration, the rise of investment disputes and the various initiatives to reform the ISDS system.

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## **Reforms in the energy legal framework in Mexico and challenge mechanisms**

4 June 2021

The Energy Counter-Reform includes variations which aim to restore the monopoly power of CFE and Pemex.

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## **Whistleblowing Laws in Europe: An international guide**

June 2021

On September 25, 2019, the EU formally adopted the new EU Whistleblower Protection Directive (the Directive) designed to enhance protection for whistleblowers within the EU. The Directive is designed to provide common minimum standards across the Union and requires Member States to transpose it into national law by October 2021.

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## **Queen's Speech 2021 – Judicial review reform**

24 May 2021

The UK Government appears intent on reforming judicial review (the means by which the High Court, pursuant to its supervisory jurisdiction, exercises control over administrative action).

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## **Cayman Islands Court of Appeal confirms availability of Norwich Pharmacal relief in foreign proceedings in *Arcelormittal USA LLC v Essar Global Fund Limited & ors***

18 May 2021

The Cayman Islands Court of Appeal has confirmed that the Norwich Pharmacal relief is available in the Cayman Islands in aid of foreign proceedings, a matter on which there was some doubt in light of recent English High Court decisions .

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## **Human rights and environmental due diligence legislation in Europe – Implications for global supply chains**

17 May 2021

This article highlights how companies with global supply chains can maintain/achieve compliance with human rights and environmental standards and safely navigate this new hard law regulatory landscape in the EU Member States France, the Netherlands, Germany and at EU level.

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## **Litigation funding: a financial solution to the pandemic**

14 May 2021

Third-party funding is not new; however, it is about to enter a period of unprecedented global growth – notably in Spain and Latin America

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## **Drastic Extension of Germany's Foreign Direct Investment Control Regime**

5 May 2021

As expected, Germany's extended foreign direct investment control regime (FDI regime) took effect with the 17<sup>th</sup> Amendment of the Foreign Trade and Payments Act on 1 May 2021.

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### **The Revised New 2021 ICC Arbitration Rules**

15 April 2021

With 851 new cases in 2019, the International Chamber of Commerce (ICC) maintained its position as a leading international arbitration institution. The ICC arbitration rules thus represent the "gold standard" of the international arbitration practice.

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### **Paris Court of Appeal finds PCA lacked power to intervene in OIC investor-state arbitration**

6 April 2021

The decision of the Paris Court of Appeal casts uncertainty on arbitrations under the OIC Agreement for which the PCA Secretary-General has agreed to act as appointing authority.

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### **Digitalisation of public administration: State aid considerations of the Recovery and Resilience Facility**

1 April 2021

The modernisation of the public sector with the adoption of new technologies aims at increasing efficiencies in the sector's activities and as such has been a priority for a number of EU Member States. What are the State Aid considerations of the Recovery and Resilience Facility?

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### **China's Expanding Economic Sanctions Regime**

31 March 2021

On March 22, 2021, the European Union (EU) and the governments of the US, Canada, and the UK concurrently imposed sanctions on individual Chinese officials and a Chinese entity based on findings of human rights violations in Xinjiang.

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### **Representing individuals in interviews – the US perspective**

30 March 2021

Determining whether to consent to an interview, and any interview itself, can be pivotal.

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### **Russia Insolvency and Arbitration Toolkit**

31 March 2021

The Toolkit on Insolvency and Arbitration covers 19 jurisdictions and provides guidance to parties, counsel and arbitrators in situations where a party to arbitration proceedings is also subject to insolvency proceedings in one or more jurisdictions.

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### **Das Hinweisgeberschutzgesetz kommt – Hinweisgebersysteme jetzt einrichten und an die neuen Anforderungen anpassen**

29. März 2021

Anfang Dezember 2020 hat das Bundesministerium der Justiz und für Verbraucherschutz den Entwurf eines Hinweisgeberschutzgesetzes zur Abstimmung an die beteiligten Ministerien geleitet. Hintergrund ist die EU-Whistleblowing-Richtlinie, die bis zum 17. Dezember 2021 umgesetzt werden muss.

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## Human Rights Due Diligence Legislation in Europe – Implications for Supply Chains to India and South Asia

26 March 2021

For several decades, there have been increasing demands that multinational corporations should strive to increase the positive effects of their activities and minimize their negative impact in India and South Asia.

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## Revised IBA Rules on the Taking of Evidence in International Arbitration

17 March 2021

The International Bar Association has released its revised Rules on the Taking of Evidence in International Arbitration (**2020 IBA Rules**). The 2020 IBA Rules were formally adopted on 17 December 2020 and mark the first update to the rules since the 2010 edition (**2010 IBA Rules**). The revisions to the rules reflect developments in global arbitration practice, including the emergence of remote hearings and the growing need for data protection and confidentiality.

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## Mindeststandards in der Lieferkette

16 März 2021

Mit einem sogenannten „Lieferkettengesetz“ kommen auf deutsche Unternehmen erhöhte Anforderungen mit Blick auf die Einhaltung von Menschenrechts- und Umweltstandards in internationalen Lieferketten zu. Der Entwurf der Bundesregierung zum „Gesetz über die unternehmerischen Sorgfaltspflichten in Lieferketten“ vom 3. März 2021 bietet nun erste Konkretisierungen dieser Anforderungen.

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## Away with anonymous shell companies for good?

12 March 2021

On 24 February 2021, Transparency International submitted a global petition to the UN General Assembly preparing for the United Nation's first ever Special Session against Corruption, UNGASS 2021, which will take place in June 2021.

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## Court of Appeal agrees it is arguable that a duty of care may arise in relation to end-of-life asset disposal

12 March 2021

On 10 March 2021, the English Court of Appeal handed down its decision in Hamad Begum (on behalf of MD Khalil Mollah) v Maran (UK) Limited.

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## Reform to the Electric Industry Law: a new risk for energy projects in Mexico

10 March 2021

Foreign investors involved in energy projects in Mexico may wish to consider their rights and potential remedies under applicable investment treaties.

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## Building and Construction security of payment regime

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15 February 2021

In the recent decision of *Civil Contractors (Aust) Pty Ltd v Galaxy Developments Pty Ltd*, the Queensland Court of Appeal has provided important guidance to principals, contractors and adjudicators on the strict requirements of the security of payment regime, including the strict time limit that applies to the delivery of adjudicators' decisions. The decision may have serious practical consequences for adjudicators where decisions given late can be void on the basis of being out of time and therefore without jurisdiction, and in those instances adjudicators will not be entitled to their fees. The decision also serves as a useful reminder to contractors to be appropriately licenced and to understand the potential payment implications for licencing issues.

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## Compulsory Document Production Notices – Normal Service Resumed

11 February 2021

The UK Supreme Court has handed down a judgment in *R (on the application of KBR, Inc) (Appellant) v Director of the Serious Fraud Office (Respondent)* [2021] UKSC 2 that now states the SFO will not be able to cut corners in obtaining evidence located overseas nor make it any easier to prosecute companies.

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## Corruption Perceptions Index 2020 - a regional perspective

11 February 2021

Last week Transparency International launched the 2020 edition of its Corruption Perceptions Index (CPI), which ranks 180 countries and territories by their perceived levels of public sector corruption, according to experts and business people, using a scale of zero to 100 (100 being very clean and zero being highly corrupt).

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## France Investment Treaty Arbitration

8 February 2020

The latest France chapter of the investment Treaty Arbitration presents key information needed to assess the feasibility and potential advantages of investment treaty claims against different states around the world.

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## Rowe & ors v Ingenious Media Holdings: the importance of capitalised funders

1 February 2021

The recent decision in *Rowe & ors v Ingenious Media Holdings* provides some important clarification of aspects of the UK adverse costs regime applicable to third party funders, an area which poses particular risks and challenges to the market.

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## Disputes, Issue 2

28 January 2021

### DISPUTES

In this issue, we look at the split among the federal circuits over what it means to "exceed authorized access" in violation of the Computer Fraud and Abuse Act; the ways in which the federal courts apply the Supreme Court's recent limitations on equitable disgorgement; ways to mitigate liability risk in unauthorized financial transfers; considerations for employers as they develop policies regarding use of cannabis in their workforce; and the critical importance of escalation protocols in corporate whistleblower programs.

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## **No firing for lighting up? Cannabis in the workplace**

28 January 2021

Appropriately addressing cannabis usage in the workplace while navigating anti-discrimination protections for workers.

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## **Six months after *Liu*: The SEC and disgorgement**

28 January 2021

In the wake of *Liu*, several open questions are only now starting to work their way through the courts.

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## **Supreme Court dives into circuit split over the Computer Fraud and Abuse Act**

28 January 2021

What does it mean to "exceed authorized access" to an Internet-connected device?

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## **The missing link in whistleblower programs – the escalation protocols**

28 January 2021

A fixed set of escalation protocols helps ensure that a whistleblower program functions efficiently.

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## **Trial attorney Buffy Mims joins DLA Piper in Washington, DC**

28 January 2021

Buffy Mims has joined DLA Piper's Litigation and Regulatory practice as a partner in Washington, DC.

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## **Unauthorized financial transaction fraud: Mitigating liability risks**

28 January 2021

Prudent financial institutions are seeking to protect themselves against liability for third-party fraud and accountholder carelessness.

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## **Enforcing arbitral awards: where does the tribunal's jurisdiction end, and the Court's begin?**

27 January 2021

The judgment in *A v B (Rev 1)* [2020] EWHC 2790 (Comm) serves as a useful reminder that, while there may occasionally be an overlap between the jurisdiction of the courts and arbitral tribunals, the final decision regarding enforcement of arbitral awards lies with the relevant court.

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## **Germany Foreign Direct Investment (FDI) Control: Massive Extension of Scope**

25 January 2021

For the forth time within one year, Germany will broaden the reach of its foreign direct investment control system.

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## **Fatal air pollution: A subject for group actions in the UK?**

21 January 2021

It has long been recognised that air pollution, in the form of particulates, and sulphur and nitrogen oxides, has an extremely detrimental effect on health – particularly in heavily populated urban areas with high traffic densities.

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### **Die GWB-Novelle kommt – Was lange währt, wird endlich...**

19. Januar 2021

Bald 15 Monate nach Bekanntwerden des Referentenentwurfs tritt die 10. GWB-Novelle heute in Kraft.

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### **Data Subject Access Requests - High Court dismisses claim where DSAR regime abused**

18 January 2021

The High Court of England and Wales dismissed a claim against a bank for allegedly failing to provide an adequate response to the Claimant's data subject access request, highlighting the robust approach that the court is willing to take where it suspects the tactical deployment (or abuse) of the DSAR regime.

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### **Boardroom Brexit: What the deal means for dispute resolution**

31 December 2020

#### **BOARDROOM BREXIT**

This was one of the most contentious areas in the negotiations as both sides wanted assurances that the other party would honour the commitments contained in the TCA in the future.

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### **Boardroom Brexit: What the deal means for state aid and competition**

31 December 2020

#### **BOARDROOM BREXIT**

EU state aid law applies to assistance from state resources that is selective in its application and that has a potential effect on trade between EU member states and competition.

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### **The Pharmaceutical Corner**

22 December 2020

A precedential decision with potentially far-reaching impacts for future Hatch-Waxman litigation and generic-product launches.

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### **COVID-19: Verjährungsverzicht und Insolvenz**

21 December 2020

Die COVID-19 (Coronavirus) Pandemie löste die schwerste Wirtschaftskrise seit dem Zweiten Weltkrieg aus und führt für viele deutsche Unternehmen – insbesondere in den Sektoren Tourismus, Gastronomie, Luftfahrt, Hotellerie, Kultur und in der Veranstaltungsbranche – zu finanziellen Schwierigkeiten.

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### **'Parent company' liability: from Vedanta to BHP**

18 December 2020

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On 9 November 2020, the English High Court handed down its decision in *Municipio De Mariana & Ors v BHP Group Plc & Anor* [2020] EWHC 2930 (BHP), striking out for abuse of process what would have been the largest mass tort claim in English legal history.

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### **Brexit: The end for 261?**

17 December 2020

Currently, passengers travelling on flights into and out of an EU Member State with EU carriers, or out of an EU Member State with non-EU carriers, are afforded certain protections and rights including the right to fixed compensation in the event of cancellation, long delay, or denied boarding pursuant to Regulation 261/2004.

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### **Securing evidence during the COVID-19 pandemic (*Koldyreva v Motylev*)**

15 December 2020

The English High Court has recently handed down two separate judgments in *Koldyreva v Motylev & others*, spanning a number of applications aimed at tracing funds in support of a Russian bankruptcy order: a worldwide freezing order, a passport surrender order, Norwich Pharmacal orders, and search orders.

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### **Cyberfrauds and Cyberattacks: Remote Working Posing Increased Risks and How to Stay Protected**

14 December 2020

Cybercriminals are becoming more sophisticated in the ways they facilitate cyberfrauds, with the increasing use of personalised messages on instant messaging platforms such as WeChat or WhatsApp and socially engineered phishing emails to deceive recipients to transfer funds, disclose sensitive information or click on malicious links.

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### **Spain Investment Treaty Arbitration**

14 December 2020

This guide presents all the key information needed to assess the feasibility and potential advantages of investment treaty claims against different states around the world.

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### **REACH 2.0 – New EU Chemicals Strategy for Sustainability**

10 December 2020

Chemicals are omnipresent in our everyday life and play a fundamental role as building blocks in technologies, materials and products. However, chemicals with hazardous components can also cause damage to human and animal health and the environment.

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### **Coronavirus: The Second Wave and Force Majeure**

9 December 2020

The resurgence of COVID-19 (Coronavirus) cases has been observed in countries around the world after COVID-19 outbreaks were successfully curbed earlier this year. To flatten the curve of the second wave of the COVID-19 pandemic governments again closed non-essential businesses, restricted travel and imposed lockdowns and stay-at-home orders.

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### **Practical Compliance**

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8 December 2020

## PRACTICAL COMPLIANCE

Q4 2020: Spotlight on real estate COVID-19 compliance.

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### China's First Measures Under New Export Control Law Target Encryption Products

7 December 2020

China's new Export Control Law took effect on December 1, 2020. The next day, the Ministry of Commerce, together with the State Cryptography Administration and the General Administration of Customs, released a circular that includes the first list of products and technologies focusing on commercial encryption products and technologies.

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### Green light for Prudential and Rothesay's transfer

4 December 2020

## INSURANCE HORIZONS

In what is a significant decision for the insurance sector the Court of Appeal has overturned the High Court's refusal to sanction the transfer of a portfolio of annuity policies from Prudential Assurance Company Ltd ("Prudential") to Rothesay Life Plc ("Rothesay") under Part VII of the Financial Services and Markets Act 2000 ("Part VII").

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### Applying two principles of Islamic finance to create meaningful ESG initiatives

2 December 2020

Environmental, social and governance matters are a burgeoning issue on the agenda for businesses, governments and individuals alike. Companies are under increasing pressure to shift their focus from maximising profits and shareholder value to maximising value for all stakeholders.

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### Running the orange light: Halliburton v Chubb

2 December 2020

## INSURANCE HORIZONS

On Friday, 27 November 2020, the Supreme Court handed down a long awaited judgment in Halliburton v Chubb that concerned the issue of when an arbitrator should make disclosure of circumstances which may give rise to justifiable doubts as to his/her impartiality.

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### Ireland - Global bribery offenses guide

1 December 2020

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### Brexit: Choice of Law, Jurisdiction, Enforcement, and Service

27 November 2020

This article looks at the impact of reaching the end of the Brexit transition period (at 11pm on 31 December 2020) on governing law, jurisdiction, enforcement, and service in contracts between UK entities and EU member state entities.

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## Case Law Update: COVID-19, Force Majeure, and Aircraft Leases

27 November 2020

As we enter the coronavirus (COVID-19) pandemic's "second wave" and aspirations for a "back to normal levels" rebound in 2021 for the aviation industry look less likely, the financial pressure point is quickly spreading from airlines to those up and down their vertical supply chain, notably aviation lessors.

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## Issue 5

23 November 2020

### ENERGY AND NATURAL RESOURCES CASE LAW UPDATE

As the world adjusts to a new normal, businesses across all sectors will be anticipating significant changes to their operations and priorities. Continued disruption across the Energy and Natural Resources (E&NR) sector may, for example, see participants seek to re-visit long-term contracts, with subsequent disputes being played out in court.

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## Regulation 261/04 continues to evolve during 2020 with consequences for airlines – what has the Court of Justice of the European Union decided so far?

16 November 2020

In 2020, the Court of Justice of the European Union (CJEU) addressed several cases on the interpretation of Regulation 261/2004 (EC261/04) most notably on the rights of passengers in the event of cancellation or long delay.

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## Mindeststandards in der Lieferkette – Auswirkungen des „Lieferkettengesetzes“ für deutsche Unternehmen

12 November 2020

Für international tätige Unternehmen rücken neue Anforderungen an ihre internationalen Lieferketten in den Blickpunkt. In Deutschland konkretisiert sich die politische Diskussion um ein sogenanntes „Lieferkettengesetz“.

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## Current trends in investor state disputes in the telecommunications sector

9 November 2020

The telecommunications sector is one of the fastest growing sectors globally, and has played a critical role during the on-going Covid-19 pandemic in keeping the world interconnected. The high levels of activity in this sector have given rise to a corresponding increase in telecoms-related #disputes, including under investment treaties.

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## **Italian Supreme Court no. 20104 of 24 September 2020**

9 November 2020

By Andrea Salvemini

According to the First Division of the Italian Supreme Court, the issue concerning the beginning of the “long time-limit” for challenging arbitration awards is open interpretation and represents an issue of particular significance worthy of submission to the Joint Division of the Italian Supreme Court, pursuant to Article 374, paragraph 2, of the Italian Code of Civil Procedure. This was stated in the order of the Supreme Court no. 20104 of 24 September 2020.

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## **Milan Chamber of Arbitration Simplified Arbitration procedure**

9 November 2020

By Nicola Naccari

On July 1, 2020, the Simplified Arbitration procedure introduced by the Milan Chamber of Arbitration (CAM) came into force with the aim of “offering companies and citizens a leaner and faster procedure to solve disputes, with a cheaper price list.” Nicola Naccari

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## **New ICSID arbitration registered against 'Bel Paese' for presumed breaches of Energy Charter Treaty's obligations in the context of the solar energy industry: “Chronicle of a Death Foretold”?**

9 November 2020

By Federica Bocci

On 6 October 2020, another case against the Republic of Italy was registered at ICSID. In the wake of the Achmea Decision and of the latest release on 29 October 2020 of the EU Advocate General's opinion within the preliminary ruling of the CJEU sought by the Court of Lazio, is this new case a “Chronicle of a Death Foretold ?

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## **Newsletter dell'Arbitration Team**

9 November 2020

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## **The Law Commission's review of the law on digital assets and smart contracts:**

9 November 2020

On 21 September 2020, the Law Commission announced that it had begun work on two projects aimed at ensuring that "English law can accommodate two emerging technologies that could revolutionise commerce: smart contracts and digital assets."

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## **A timely intervention: A drafter's perspective on the Protocol on Virtual Hearings in Africa**

4 November 2020

[AFRICA CONNECTED](#)

[VIRTUAL HEARINGS](#)

Concerned about the effects if the COVID-19 pandemic on Africa's dispute resolution landscape, the Association of Young

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Arbitrators (AYA), bringing together arbitration practitioners in Africa under 40 years of age, launched its Protocol on Virtual Hearings in Africa (the Protocol) in April 2020.

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## **Africa Connected: COVID-19 and the evolution of dispute resolution**

4 November 2020

### **AFRICA CONNECTED**

#### **ISSUE 5**

COVID-19 and the evolution of dispute resolution in Africa is the theme of this edition of Africa Connected. We have articles on issues ranging from third party funding and its implications in African disputes, to the use of virtual hearing platforms across the continent. Jurisdiction-specific articles cover how the pandemic has affected legal practitioners - and the court system - in Burundi, Kenya, Nigeria and Tanzania.

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## **Africa rising: Virtual hearings in international arbitration**

4 November 2020

### **AFRICA CONNECTED**

Before the COVID-19 pandemic, the legal community was dabbling in the use of virtual hearings in certain parts of the world. However, the imposition of national lockdowns, strict social distancing measures and travel restrictions has forced lawyers to move away from the comfort of traditional, in-person hearings, towards new-age virtual hearings held on electronic platforms.

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## **COVID-19: The effects on dispute resolution in Nigeria**

4 November 2020

### **AFRICA CONNECTED**

Limited hearings, long adjournments, and restricted access to the courtrooms are some of the major effects of the COVID-19 pandemic on the delivery of justice in Nigeria. These issues have changed judges' and lawyers' attitudes towards the use of technology.

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## **Civil lawsuits in Burundi during COVID-19**

4 November 2020

### **AFRICA CONNECTED**

The outbreak of the COVID-19 pandemic is unprecedented. COVID-19 has spread worldwide, and the Republic of Burundi has adopted preventive measures that have affected institutions' activities in different ways.

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## **Embracing electronic court case management systems: Lessons from the Kenyan experience during COVID-19**

4 November 2020

### **AFRICA CONNECTED**

The Kenyan court system is anchored in common law, which is characterized by paper-based procedures and physical court appearances. The disruptions caused by the COVID-19 pandemic have shaken the very foundation of the system, forcing the judiciary to come up with measures to mitigate the effects and assure litigants of their right to a fair trial and access to courts.

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## Litigation funding in Africa: Maximizing opportunities

4 November 2020

### [AFRICA CONNECTED](#)

The measures implemented by governments in response to COVID-19, coupled with the rapid economic downturn and ongoing uncertainty arising from the pandemic, have created the perfect storm. The outlook may seem bleak, but third-party funding offers a ray of hope for beleaguered boardrooms looking to maximize cashflow in this unpredictable period.

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## Opportunities of big data in law

4 November 2020

### [AFRICA CONNECTED](#)

Across many industries, big data is being used to drive more informed and better decision-making. But despite the willingness to adopt new technologies, Africa has been slow to tap into its benefits.

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## SFO clarifies guidance on DPAs: Is the DPA model ready for take-off?

4 November 2020

On 23 October 2020, the Serious Fraud Office published a new chapter from its Operational Handbook which provides further guidance on the SFO's approach to Deferred Prosecution Agreements. Whilst the guidance does not introduce any major changes, it does provide clarity on the SFO's expectations of companies wishing to avoid prosecution.

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## Technology and the future of dispute resolution

4 November 2020

### [AFRICA CONNECTED](#)

Technology affects the way we interact with one another, including regarding dispute resolution: it either generates new kinds of disputes which arise out of the new capabilities it offers, or it can help in the resolution of disputes. In this article we focus on how technology can assist in the resolution of disputes and how it can be leveraged in terms of promptness and efficiency.

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## The time is now for continental unity in African dispute settlement

4 November 2020

### [AFRICA CONNECTED](#)

Africa is on the cusp of what could be a break in a decades-long cycle of poverty and economic shortcomings. Whether this cycle will be broken depends on the ability of African nations to put in place policies that attract and protect foreign and intra-African investment.

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## Zimbabwean courts: Catching up to the future

4 November 2020

### [AFRICA CONNECTED](#)

The COVID-19 pandemic has caused a global shift in the way people work all over the world. There has been greater emphasis on virtual working, putting immense pressure on countries that were not prepared to shift to working virtually in important areas of the economy, with a big spotlight being on the courts.

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## Assessing ESG factors in the energy sector

27 October 2020

### ESG HANDBOOKS AND GUIDES

A reference tool for energy companies as they discuss and refine their ESG programs.

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## Haftung von Leitungspersonen bei Compliance-Verstößen

27. Oktober 2020

Compliance-Verstöße von Mitarbeitern, insbesondere von Managern und sonstigen leitenden Angestellten können zu erheblichen Konsequenzen für die Handelnden selbst haben, etwa in Form von Bußgeldern bzw. gegebenenfalls auch strafrechtlichen Sanktionen.

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## Argentina: The year in review

26 October 2020

The last year has been a time of significant change in Argentina, including for international arbitration.

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## Brazil: Will COVID-19 mean more arbitrations against public entities?

26 October 2020

Recent legislative initiatives have created greater certainty for potential and existing parties looking to do business with Brazilian states or their instrumentalities.

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## Canada: Third-party litigation funding, enforcement of arbitral awards, admissibility of fresh evidence during court review

26 October 2020

Three recent decisions.

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## Chile: Drafting arbitration clauses in international contracts – practical aspects

26 October 2020

International arbitration has expanded considerably in recent years in Chile.

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## Peru: Top developments in international arbitration

26 October 2020

Major arbitration-related developments and cases recently decided in Peru.

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## Puerto Rico: Legal and practical aspects of international arbitration

26 October 2020

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Parties benefit from this legal framework to solve their disputes when conducting business in Puerto Rico.

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## **Replacing NAFTA: What the USMCA means for the future of North American trade and investment – a Q&A**

26 October 2020

Contributors from the US, Mexico and Canada discuss several key considerations.

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## **US: Four significant developments in arbitration case law**

26 October 2020

US-style discovery; compelling arbitration on the basis of equitable estoppel; class-wide arbitration when the arbitration agreement is ambiguous; ongoing use of the US DDCC for ICSID award enforcement.

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## **USMCA investor-state dispute settlement provisions: Key differences for Mexico**

26 October 2020

For ISDS claims, only after the local litigation requirement is fulfilled or 30 months have elapsed may certain substantive claims be brought against a state.

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## **Venezuela: Recent, significant commercial arbitration developments include several Supreme Tribunal cases**

26 October 2020

Recent significant developments in Venezuela's arbitration landscape.

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## **China's New Export Control Law**

19 October 2020

On October 17, 2020, the Standing Committee of China's National People's Congress passed the Export Control Law (the ECL), which will take effect on December 1, 2020. The ECL establishes China's first comprehensive framework for restricting exports of military and dual-use products and technology for national security and public policy reasons.

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## **Germany's New Foreign Direct Investments (FDI) Act took effect on 11 October 2020**

19 October 2020

In addition to the intended amendments to the Foreign Trade and Payments Act Germany's Federal Government on 20 May 2020 has decided on a bill that broadens the scope and the scrutiny with regard to foreign investments.

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## **The ICC Publishes Revised Rules for 2021**

19 October 2020

The International Chamber of Commerce (the ICC) has revised its Arbitration Rules with the new set of rules set to enter into force on 1 January 2021.[1] The 2021 Rules, currently in draft form, will apply to all cases submitted to the International Court of Arbitration of the ICC from that date on (unless the arbitration agreement provides otherwise).

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## Regulatory Enforcement and Privilege – Waiver, Content, Cherry-Picking

7 October 2020

Disclosing privileged documents under a limited waiver to regulators has the potential to attract cooperation credit when regulators decide on level of penalty or, indeed, whether to undertake enforcement proceedings or prosecution. There may also be benefits in relying on privileged material in any defence to regulatory enforcement or prosecution.

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## The gathering storm: COVID-19-related disputes in the financial services sector – A transatlantic perspective

5 October 2020

COVID-19 has caused the largest shock to the global economy in living memory. Whilst economic uncertainty, financial distress and market turmoil usually trigger increased levels of commercial litigation, the extreme conditions created by COVID-19 have primed the landscape for a pan-sector surge in financial services-related disputes.

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## Constitutional challenges to inter partes review – *Arthrex, Inc. v. Smith & Nephew, Inc.*

30 September 2020

This Appointments Clause challenge to the IPR process appears to have staying power.

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## The Pharmaceutical Corner

30 September 2020

In this inaugural column, we look at the implications of IPR and PGR proceedings in Hatch Waxman litigation.

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## Disputes arising “under” a construction contract: An adjudicator’s jurisdiction

28 September 2020

Most of the analysis of *Bresco Electrical Services Ltd (In Liquidation) v Michael J Lonsdale (Electrical) Ltd* [2020] UKSC 25 has deservedly been on how the UK Supreme Court reconciled the statutory regimes for construction adjudication and insolvency set-off.

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## Online Arbitration Hearings: A review of key developments in response to COVID-19

28 September 2020

### [VIRTUAL HEARINGS](#)

In this second report, we focus on arbitration and look at how arbitral institutions have adapted in response to COVID-19. We draw out some of the key legal as well as practical challenges faced, and we offer some observations on what the future may look like.

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## The landscape after *Bresco*: *John Doyle Construction Ltd v Erith Contractors Ltd*

21 September 2020

The Supreme Court’s decision in *Bresco v Lonsdale* has been hailed by some as opening the floodgates to adjudications by insolvent companies. But as a series of recent judgments show, there remain a number of obstacles that will need to be overcome by insolvent entities seeking to enforce an adjudication award.

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## **English High Court allows rare appeal of arbitral award on point of law**

21 August 2020

The recent decision of *Tricon Energy Ltd v MTM Trading LLC* [2020] EWHC provides a rare example of the English High Court allowing an appeal against the decision of an arbitral tribunal on a point of law.

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## **New Rules for a New Normal: The LCIA announces changes to its Arbitration Rules and Mediation Rules**

14 August 2020

On 11 August 2020, the LCIA released an update to its LCIA Arbitration Rules and LCIA Mediation Rules (the "Rules"). The updates to the Rules will become effective on 1 October 2020, marking six years since the arbitration rules currently in force came into effect.

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## **The end of Intra-EU BITs. Now what?**

4 August 2020

In this second article, we will explore in more detail the fate of pending intra-EU arbitrations affected by the termination treaty and how States and claimants should deal with these arbitrations.

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## **Class actions make it easier than ever to seek redress**

28 July 2020

Businesses should note that they are at risk of increased exposure to claims once group proceedings are permitted in Scottish courts, write Alistair Drummond and Jen Talbot.

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## **Newsletter dell'Arbitration Team**

24 July 2020

This article looks at the codification of lawyers' duties in international arbitration. It covers the reasons for codification, how the duties coexist with the general obligation to defend client interests and how useful codification is.

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## **The duties of lawyers under the Code of Best Practices in Arbitration of the Spanish Arbitration Club**

24 July 2020

On June 4, 2020, I had the honor of speaking at a webinar organized by the Italian Chapter of the Club Español de Arbitraje (CEA) for the launch in Italy of the Code of Best Practices in Arbitration of the Spanish Arbitration Club (the Code) published in May 2019, of which my team and I contributed to the Italian translation.

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## **The new framework of the Italian dispute board**

24 July 2020

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To face the dramatic financial consequences of the COVID-19 pandemic, the Italian government is now in the process of enacting a series of measures aimed at stimulating the recovery of the national economy. The so-called law decree *Semplificazioni* (literally *simplifications*) is one of those measures and, as the name suggests, it is aimed at simplifying the administrative procedures concerning public procurement and construction works.

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### **Commission launches inquiry into the Internet of Things**

22 July 2020

On 16 July, the European Commission launched an antitrust competition inquiry into the Internet of Things for consumer-related products and services in the EU.

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### **WIN Wise: Top tips for making the most of your IT contracts**

20 July 2020

There can sometimes be a disconnect between lawyers who draft contracts, and those with primary responsibility for implementing them. Through smart collaboration, effective communication and shared vision, in-house lawyers and their commercial counterparts can work together to maximize value and generate extra revenue.

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### **Court of Appeal confirms mining company is not liable for human rights abuses in Sierra Leone**

17 July 2020

Earlier this year, the Court of Appeal handed down its judgment in the case of *Kalma v (1) African Minerals Limited, (2) African Minerals (SL) Limited and (3) Tonkolili Iron Ore (SL) Limited*. In this case review, we consider the Court's findings in relation to (i) accessory liability and (ii) companies' duty of care when operating abroad.

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### **Reputation management during investigations: ZXC v Bloomberg LP**

16 July 2020

The Court of Appeal has upheld the decision of *Nicklin J* which found that Bloomberg had breached the privacy rights of a US businessman when it published an article containing confidential details about a UK criminal investigation which he was subject to.

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### **Global Class Actions Briefing: Major developments in European consumer protection laws: Product safety and consumer class actions in Europe**

15 July 2020

The EU's proposals for a revised EU General Product Safety Directive (the GPSD) and the EU's deal for a Collective Redress Directive (the CRD) point the way to a future of heightened novel risk in Europe of collective redress or, as these claims are popularly known, "class actions".

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### **One less gadget in the arbitration toolbox: International and offshore arbitrations are not entitled to US discovery in aid of foreign proceedings**

13 July 2020

A ruling that is highly relevant to the private funds and offshore dispute practice areas.

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## **Procurement Law Reform - Let's start a discussion**

9 July 2020

DLA Piper's panel discussion webinar held on 1 July 2020 had a lively debate on the merits of potential options for reform and which changes might produce a better model for procurement regulation in the UK post Brexit. This is the first of a series of bitesize summary reports providing feedback from the debate.

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## **A successful s67 challenge: Silence did not confer authority to enter into an arbitration agreement**

7 July 2020

The case *MVV Environment Devonport Ltd v NTO Shipping GmbH & Co. KG MS 'MV Nortrader'* was one of the few successful challenges to an arbitral award which we have seen before the English courts in recent years.

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## **DC Circuit issues opinion on sovereign immunity defenses to the enforcement of arbitration award against foreign states**

1 July 2020

Foreign states might not only be able to rely on the doctrine of sovereign immunity to protect themselves from final judgments, but also to avoid the burdens of litigation itself.

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## ***Allen v. Cooper*: Supreme Court affirms state sovereign immunity in copyright case**

30 June 2020

Under current copyright law, any effort by a state to provide alternate remedies for copyright infringement would be nullified by copyright preemption.

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## **Hatch-Waxman Litigation 101: The Orange Book and the Paragraph IV Notice Letter**

30 June 2020

A few of the key issues that must be addressed before a Hatch-Waxman suit is filed.

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## **WIN Wise: Liquidated damages for delay in tech disputes**

30 June 2020

The current COVID-19 pandemic is wreaking havoc on businesses and their operations across sectors and geographies. The unprecedented spread of the virus has had, and will continue to have, a profound impact upon both suppliers and customers in delivering technology projects on time and to budget.

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## **A jurisdiction too far: The English Commercial Court declines to continue freezing injunctions in support of foreign and English seated arbitrations**

26 June 2020

In *Petrochemical Logistics Ltd & Axel Krueger v PSB Alpha AG & Konstantinos Ghertsos*, the English Commercial Court declined to continue two freezing injunctions against the Defendants in support of both a London-seated LCIA arbitration and a Swiss-seated arbitration.

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## **Protecting the attorney-client privilege while under quarantine: Five tips for protecting attorney-client privilege when using online collaboration tools**

22 June 2020

With the increase in remote working comes an increased opportunity for attorney-client privilege issues to surface.

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## **COVID-19 and Aviation in Africa: An Insight**

18 June 2020

As a consequence of COVID-19 the aviation sector is experiencing a catalyst for enormous change [...] In Africa, airlines and the aviation sector must be supported if aviation is to continue to be the lynchpin that brings the world to its doorstep and with it the benefits that such an opportunity brings to the continent's economies.

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## **Diary note of a remote mediation**

16 June 2020

A colleague and I recently took part in a remote mediation over Skype. Given that there are likely to be many other litigating parties seriously contemplating the use of remote mediation (some with reservations), we thought that it might be helpful to share our own candid experience of a recent remote mediation.

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## **Non-damage business interruption test case in the English Courts**

11 June 2020

Significantly in the UK, the Financial Conduct Authority (FCA) is bringing a test action, in order to seek a declaratory judgment on a number of policy coverage questions arising from non-damage cover under business interruption (BI) policies, using the Financial Markets Test Case Scheme.

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## **A law on disputes with entities and individuals subject to sanctions or due to sanction issues has been adopted**

8 June 2020

On 8 June 2020, the Russian President signed law introducing to the Russian Arbitrazh Procedure Code provisions that have an effect on disputes.

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## **Top five factors for firms to consider when conducting remote investigations: new realities?**

8 June 2020

The COVID-19 pandemic has forced many businesses to overhaul their working practices, as normal modes of working once taken for granted. These new modes of working raise novel practical issues with traditional investigative methods such as document collection/review and interviewing witnesses.

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## **COVID-19 et protectionnisme : Quelles protections pour les investisseurs étrangers.**

28 May 2020

Face au défi de la relance économique, des mesures d'aide sont prises par certains Etats en soutien à leurs nationaux et aux entreprises locales. Une attention particulière devra être apportée par les Etats sur toute mise en place non équitable ou discriminatoire de telles mesures, ou ayant pour effet de faire perdre toute valeur à un investissement.

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## **Preparing for global class actions arising from COVID-19**

28 May 2020

The risk to companies of global and cross-border class action and collective redress proceedings is rising.

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## **Referentenentwurf eines Gesetzes zur Stärkung der Integrität in der Wirtschaft des BMJV**

26 May 2020

Bereits im September 2019 hatte das Bundesministerium der Justiz und für Verbraucherschutz („BMJV“) einen (inoffiziellen) Entwurf des Gesetzes zur Sanktionierung von verbandsbezogenen Straftaten (Verbandssanktionengesetz – „VerSanG“) vorgelegt.

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## **COVID 19 | Legal Task Force Spain: Updated publications**

25 May 2020

The coronavirus COVID-19 crisis has no similar precedent in recent times in Europe. The Spanish authorities are doing their best to approve new laws and regulations addressing the challenges created by the crisis. This summary shall not as legal advice, but only as an informative document. Stay attentive to new updates.

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## **LCIA annual casework report shows continued growth and diversity in both its caseload and its choice of arbitrators in 2019**

25 May 2020

On 19 May 2020 the LCIA published its annual casework report for 2019. The report provides a useful summary of trends in the LCIA caseload during last year, and demonstrates the global nature and variety of disputes referred to the LCIA, in particular the continued increase in the international appeal of the LCIA.

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## **Conflicts for Experts: Issues Consultancy Firms Need to Consider**

22 May 2020

A recent decision of the English courts has raised an important issue of conflict of interests for expert consultancy firms, by confirming that in certain circumstances firms will owe a fiduciary duty of loyalty to a client.

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## **Top five UK anti-bribery and corruption risks to be aware of during the COVID-19 pandemic**

22 May 2020

COVID-19 has created an unprecedented business landscape at a local, national and international level. Few businesses, if any, will escape unscathed. As with any economic crisis, the current situation presents an opportunity for bribery and corruption to thrive.

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## Top ten UK frauds to be aware of during the COVID-19 pandemic

22 May 2020

The COVID-19 outbreak has had an unprecedented effect on the world economy. The UK government has quadrupled its borrowing plans over the next three months with HM Treasury seeking to raise GBP180 billion in order to meet its spending needs as tax revenues plunge.

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## COVID-19 Litigation and Regulatory Q&A: France

20 May 2020

What is the status of the major courts or arbitral institutions in France? Are they operating as usual, and if not what alternative procedures are in place? Am I required to attend a hearing in person at this time in France? Given there are significant local movement restrictions, are there any new or alternate procedures in place?

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## COVID-19 and investment claims under NAFTA

15 May 2020

An examination of whether measures taken by States in response to the pandemic could provide a basis for claims under the North American Free Trade Agreement and more.

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## Puerto Rico: Potential solutions for business agreements affected by the COVID-19 pandemic

15 May 2020

As businesses start to reopen and redefine their operations in Puerto Rico, they should also prepare for potential disputes.

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## The end of Intra-EU BITs. Now what? (Part 1)

15 May 2020

In this first of a series of four articles, we analyse the key aspects of the decision of the majority of EU Member States to terminate the bilateral investment treaties between them.

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## Virtual hearings report

14 May 2020

### [VIRTUAL HEARINGS](#)

This document presents the first global, empirical study on the use of virtual hearings during the COVID-19 confinement. This just one in a series of paradigm shifts that will affect the disputes market.

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## **WIN WISE: IT Projects and dispute avoidance**

14 May 2020

Underestimated costs, unexpected delays and poor governance are just a few of the reasons why some IT projects fail. COVID-19 has now potentially created the perfect storm. This dispute-avoidance checklist highlights what parties can do during the lifetime of an IT project to minimise the risk of disputes.

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## **Post-COVID-19 sustainability and ESG disputes: pinch points and practical pointers**

12 May 2020

Where businesses are putting all of their efforts into crisis mitigation and survival in response to COVID-19, it is worth considering the importance of balancing short-term mitigation measures with the preservation of long term value and sustainability and ESG commitments

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## **Court of Appeal overturns FRC v Sports Direct: Regulator's powers do not override legal professional privilege**

11 May 2020

On 18 February 2020 the Court of Appeal handed down judgment in Sports Direct International plc v The Financial Reporting Council [2020] EWCA Civ 177, partially overturning the High Court's decision of 2018 and clarifying that the powers of the Financial Reporting Council (FRC) do not extend to compelling delivery up of privileged documents.

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## **Certainty for commercial parties**

7 May 2020

The Court of Appeal (CoA) granted the Claimant, a Turkish construction company, an anti-suit injunction restraining an entity within the Chubb insurance group from continuing Russian court proceedings which the CoA ruled it had brought in breach of an arbitration agreement specifying London as the seat.

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## **COVID-19: New York and Other Northeast Council states take phased approach to reopening economy**

6 May 2020

These developments raise a number of immediate questions and considerations for businesses operating in the region.

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## **New York state courts permit new filings in "non-essential" matters on May 4, 2020**

5 May 2020

Latest developments impacting the court systems in New York.

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## **Algorithmen und Kartellrecht – Verstärkte Aktivitäten der Wettbewerbsbehörden**

4 May 2020

Algorithmen werden heute in vielfältiger Weise von Unternehmen eingesetzt, etwa zur dynamischen Preissetzung, der Darstellung von Rankings, zur Datensammlung oder Personalisierung auf Grundlage von Nutzerpräferenzen.

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## **Force Majeure Certificates in a global context: What are they and what is their effect?**

30 April 2020

On 30 January 2020 the China Council for the Promotion of International Trade announced that it would offer Force Majeure Certificates to local businesses. The intention was to assist them in prospective disputes with foreign counterparties.

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### **Post-COVID-19: What to expect in the "next normal"**

30 April 2020

Issues that are front of mind, based on an informal survey of some of the largest companies and most influential global business leaders.

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### **Changes to litigation funding arrive in Scotland**

28 April 2020

Damage Based Agreements have now arrived in Scotland. Alistair Drummond and Sarah Crowe discuss the impact on businesses.

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### **Litigation trends and risk management in the COVID-19 era**

29 APR 2020

To help our clients anticipate and protect against the threat of litigation in these already difficult times, we are monitoring all COVID-19 related litigation filings, assembling the collective knowledge and experience of our lawyers across DLA Piper's global practices, sectors and jurisdictions to anticipate future trends, and proactively partner with our clients. This client alert provides a brief summary of the litigation trends that have emerged and which we expect will emerge, both in terms of class actions and other litigation, and offers some practical tips to minimize risks based on these developing trends.

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### **Measures in justice**

28 April 2020

Based on the President's decree of 16 March 2020 all court proceedings in civil cases are immediately suspended by effect of law, with the only exception of "very urgent cases" that are to be judged on an expedite basis, making use of video conference and postal/ email communications wherever possible.

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### **Preparing for the COVID-19 class action: Is there an unexpected consequence lurking in your arbitration agreement's poison pill provision?**

28 April 2020

Several decisions demonstrate that including a poison pill provision with a class action waiver that waives the right to seek public injunctive relief could render the entire arbitration agreement unenforceable.

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### **ICC updates its force majeure and hardship standard clauses**

27 April 2020

In view of the current uncertainty created by COVID-19, the International Chamber of Commerce has recently updated its "off the shelf" force majeure and hardship clauses. This article explains the relief that these two clauses offer and the main changes that the ICC has introduced in its standard clauses.

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### **Attorney General Insights podcast with Maryland Attorney General Brian Frosh**

24 April 2020

## [ATTORNEY GENERAL INSIGHTS PODCAST](#)

DLA Piper partner and former Delaware Attorney General Matt Denn interviews Maryland Attorney General Brian Frosh about the legal and organizational challenges that he and his fellow AGs are facing during the Covid-19 pandemic.

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DLA Piper · Attorney General Insights: Brian Frosh

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### **COVID-19: conducting internal investigations in remote work settings**

24 April 2020

For companies conducting internal investigations or responding to an investigation, practical solutions in a time of distancing.

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### **What COVID-19 could mean for the future of the Big Tech investigations**

24 April 2020

## [ANTITRUST AND COMPETITION: NOVEL ISSUES IN A POST-CORONAVIRUS WORLD](#)

Rather than hampering the investigations over the long term, the pandemic may open new lines of inquiry for antitrust investigators.

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### **Litigation amid the spread of COVID-19 in Russia**

21 April 2020

The situation in connection with the spread of the novel coronavirus ("COVID-19") in Russia has brought changes in how the judicial system will work, raising a number of procedural issues on the administration of justice.

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### **Regulatory measures in foreign trade in connection with the spread of COVID-19 in Russia**

21 April 2020

Several measures have been put in place seeking to minimize adverse effects of the coronavirus pandemic on the economy of the Eurasian Economic Union (EAEU) in general and that of the Russian Federation in particular. Our comments are focused at those measures designed to stimulate international trade.

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### **US antitrust enforcers on high alert for collusion in labor markets during COVID-19 pandemic**

21 April 2020

## [ANTITRUST AND COMPETITION: NOVEL ISSUES IN A POST-CORONAVIRUS WORLD](#)

Antitrust enforcers are closely monitoring employer coordination to disadvantage workers.

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## **State aid: The measures for tackling the COVID-19 outbreak in Italy**

20 April 2020

Read our article on the EU's Temporary Framework for up-to-date information on how the European Commission has relaxed State aid rules to counter the economic impact of COVID-19.

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## **COVID-19 – a legitimate basis for investment claims?**

16 April 2020

This article considers whether measures taken by States in response to the COVID-19 pandemic could provide a legitimate basis for claims under bilateral investment treaties (BITs) or other investment protection instruments, and identifies some of the defences that may be available to States.

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## **Coronavirus (COVID-19) – top tips for your commercial contracts including force majeure**

16 April 2020

The outbreak of coronavirus COVID-19 is having a profound effect on the global economy, and a widespread impact on the ability of parties to perform their contractual obligations.

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## **Anticipated increase in website and mobile application litigation as a result of COVID 19-pandemic: 12 practical steps toward compliance**

15 April 2020

Companies are urged to take notice of these lawsuits, because the number of these cases is increasing and some have been very costly.

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## **Coronavirus: Impact on construction in Scotland**

15 April 2020

COVID-19 guidance recently issued by the Scottish Government has had significant consequences for the construction industry, with many major sites ceasing “non-essential” works with immediate effect. However, the legal force and effect of this guidance must be considered - has the Government imposed a lawful prohibition on such works? This raises an interesting question - when is the law the law?

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## **US CPSC advises consumers certain recall remedies may be unavailable due to COVID-19 – four key takeaways**

15 April 2020

Guidance will evolve as the pandemic develops, and CPSC-regulated firms are encouraged to consider these actions.

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## **Paradigm Change in Germany’s Foreign Direct Investments (FDI) Law**

14 April 2020

Germany’s FDI rules so far had a reputation of not being very strong. In the past few years, only three transactions have been prohibited. This is set to change under a new bill.

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## COVID-19: New York State provides new guidance on essential businesses

13 April 2020

The Guidelines raise a number of immediate questions and considerations for New York businesses.

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## Draft Bill No. 1179/2020 – a compass for Brazilian private law during COVID-19?

13 April 2020

Brazil's bill anticipates probable contractual breaches and defaults and a resulting increase in litigation arising from the pandemic.

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## Construction lien deadlines to be exempt from suspension of Ontario limitation periods

10 APR 2020

Many participants in the Ontario construction industry will breathe a big sigh of relief as the result of an announcement released on April 9, 2020 by the Ontario Attorney General.

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## The coronavirus COVID-19 pandemic in France – force majeure and contractual good faith

10 April 2020

The French economy is currently facing rather extraordinary circumstances both as a result of the coronavirus COVID-19 pandemic and the measures taken by the Government to fight it. This pandemic and its consequences may jeopardize the proper performance of contractual obligations by those who are bound by them. The issue of force majeure therefore arises.

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## Issue 4

9 April 2020

### [ENERGY AND NATURAL RESOURCES CASE LAW UPDATE](#)

In this fourth edition of the E&NR Case Law update we focus on cases from the last six months of 2019 which - even where they did not directly concern the energy sector - are of general application to the drafting and management of contracts by E&NR businesses.

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## Navigating your business through technology disputes risks

9 April 2020

Novel coronavirus disease (COVID-19) has completely rocked the business world and changed the operations and responses of companies around the globe. Technology is business critical to every company and sector. Whether you are a supplier or a customer with ongoing tech contracts - our clients are already encountering numerous key issues.

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## Neue Verpflichtungserklärung 2019

4 April 2020

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In 2019 haben das Beschaffungsamt des Bundesministeriums des Innern („BeschA“) und der Branchenverband Bitkom eine überarbeitete Verpflichtungserklärung zur Einhaltung von Arbeits- und Sozialstandards in der öffentlichen ITK-Beschaffung („Neue Verpflichtungserklärung“, „VE 2019“) vorgestellt.

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### **Coronavirus: Supplier due diligence for vetting Chinese medical suppliers for quality, safety, fair pricing and anti-corruption compliance**

6 April 2020

Some key risks, and potential solutions to reduce cross-border operational risks.

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### **Update: The Singapore Mediation Convention will come into force on 12 September 2020**

6 April 2020

The Singapore Mediation Convention will come into force on 12 September 2020. This follows Qatar becoming the third country to ratify the convention on 12 March 2020, following Singapore and Fiji (both 25 February 2020).

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### **Illinois courts' response to the COVID-19 pandemic**

2 April 2020

The Illinois courts respond to the pandemic.

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### **Coronavirus: How UK mortgage lenders and administrators can comply with FCA guidelines**

1 April 2020

On 20 March 2020, the FCA published guidance for mortgage lenders and administrators aimed at helping them support customers during the Covid-19 crisis. Alongside this guidance, the FCA has also published a related webpage with information for mortgage customers.

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### **Coronavirus: What happens to my lawsuit now?**

1 April 2020

Some of these shifts in legal practice may lead to long-term efficiencies that benefit clients and improve access.

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### **DOJ increases scrutiny of nursing home industry**

1 April 2020

DOJ is doubling down on its commitment to investigate and prosecute allegations of elder abuse and of substandard quality of care.

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### **COVID-19 essential businesses: Anti-bribery and anti-corruption risks**

31 March 2020

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Given the significant impact of being deemed non-essential, businesses and employees are incentivized to ensure their business is deemed essential by local authorities – and this can pose anti-bribery anti-corruption (ABAC) risks to companies.

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### **Coronavirus: State Attorneys General and the New COVID-19 Stimulus**

30 March 2020

With the president's signature on March 27, 2020, the government passed into law the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), the largest economic stimulus package in American history. Passed in response to the coronavirus disease 2019 (COVID-19) pandemic, the CARES Act will have an enduring impact on the country for years to come, particularly so for the industries and businesses eligible for stimulus relief funds. The massive scale of the CARES Act immediately calls to mind questions about how the government will respond in its attempt to prevent fraud, waste, and abuse in carrying out the stimulus.

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### **Coronavirus: US State AGs ramp up efforts to combat price gouging**

29 March 2020

#### **[ANTITRUST AND COMPETITION: NOVEL ISSUES IN A POST-CORONAVIRUS WORLD](#)**

State Attorneys General throughout the country are vigorously enforcing state unfair trade practice and price gouging statutes against those alleged to be taking advantage of consumers during the COVID-19 pandemic.

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### **US Antitrust enforcers issue joint statement on competitor collaboration amid COVID-19 pandemic**

27 March 2020

#### **[ANTITRUST AND COMPETITION: NOVEL ISSUES IN A POST-CORONAVIRUS WORLD](#)**

The US Department of Justice and Federal Trade Commission issued a Joint Antitrust Statement Regarding COVID-19, in which they announced an expedited procedure for evaluating proposed collaborations among competitors and other businesses working to address the pandemic.

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### **Blockchain and Digital Assets News and Trends**

25 March 2020

#### **[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)**

The age of viral outbreaks – key contract considerations in a post-COVID-19 world, plus latest legal, regulatory and case law developments around blockchain and digital transformation.

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### **DLA Piper obtains approval of first coronavirus-impacted bankruptcy sale**

25 March 2020

DLA Piper's Restructuring practice is at the forefront of the intersection of COVID-19 and bankruptcy.

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### **Barclays SFO trial: Is corporate criminal liability dead?**

24 March 2020

A jury cleared three former Barclays senior executives accused of conspiracy to commit fraud in connection with the bank's 2008 recapitalisation. Aside from bringing the seven-year case to a close, this verdict finally lifts the lid on the earlier rulings in the case

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which led to Barclays, the corporate entity, being thrown out of the case.

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### **Coronavirus: Several state and local governments issue “shelter in place” orders (United States)**

23 March 2020

Between March 17 and 22, state and local governments have promulgated at least a dozen “Stay-at-Home” / “Shelter-at-Home”-type Orders. This alert provides details on a number of state and local government orders.

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### **[UPDATED] New stay at home orders in California and Los Angeles: key highlights**

23 March 2020

The orders all exempt various businesses from compliance, but the orders have different scopes.

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### **Introducing the DLA Piper Project Simulator**

17 March 2020

One of the most critical challenges faced by our global society is developing high-quality, sustainable infrastructure. To help businesses meet this challenge, DLA Piper has collaborated with leading strategy consultancy BTS to create **The DLA Piper Project Simulator (DPS)**, an interactive training tool.

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### **Coronavirus (COVID-19): ten practical steps for global employers, right now (Global)**

13 March 2020

These steps are not based on laws of any one jurisdiction but rather are designed to provide a global employer with themes to consider, understanding that what may be suitable for each employer may vary greatly depending on the employer’s unique circumstances.

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### **The Russian Supreme Court's first ever Plenum Resolution on Arbitration**

13 March 2020

In December 2019 the Russian Supreme Court issued its first ever Plenum Resolution on Arbitration. A Supreme Court Plenum Resolution is a court act of the highest level, is binding for lower state courts and usually serves as a “bible” for judges dealing with the relevant topic.

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### **Asia Pacific Arbitration Roundup 2019**

12 March 2020

Welcome to the first edition of our new Asia-Pac Arbitration Roundup.

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### **Maintaining the privilege: Procedure & Practice Privilege**

11 March 2020

Jean-Pierre Douglas-Henry and Bryden Dalitz consider recent developments on legal professional privilege.

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## Singapore deposits instrument of ratification for the Singapore Convention

5 March 2020

Ambassador Satyendra Prasad of Fiji became the first two countries to deposit their instrument to ratify the Singapore Convention (also known as the United Nations Convention on International Settlement Agreements Resulting from Mediation).

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## ADGM Courts issue first arbitration-related judgements

3 March 2020

2019 saw the Abu Dhabi Global Market Court (ADGM Court) publish two arbitration-related judgments, the first published since its launch in December 2018. The first case related to the validity of an ADGM arbitration agreement (A3 v B3 [2019] ADGMCFI 0004) and the second related to the recognition and enforcement of a New York Convention award in the ADGM (and included an insight into the court's approach to the "conduit jurisdiction" question) (A4 v B4 [2019] ADGMCFI 0007).

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## US v. Hoskins: in setback for DOJ, court grants post-trial motion for acquittal on all FCPA counts

27 February 2020

The decision calls into question DOJ's aggressive approach to a narrow but significant class of potential defendants in FCPA cases.

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## How do you obtain permission to bring a derivative action?

21 February 2020

*Saatchi v Gajjar* offers a very useful and comprehensive review of applicable case law and as such can be seen as a guide to others seeking to pursue or defend derivative claims.

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## The Hague Rules on Business and Human Rights Arbitration

18 February 2020

The recently released Hague Rules on Business and Human Rights Arbitration may assist and encourage the widening of the ambit of arbitration beyond commercial disputes to those concerning the effect of commercial activities on human rights.

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## Austria - Global bribery offenses guide

17 February 2020

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## When is an outbreak an act of God? Mitigating commercial and operational risks during the COVID-19 crisis (Global)

13 February 2020

A close look at a standard but often overlooked "act of God" or force majeure clause in contracts may provide some insight into options for mitigating commercial and operational risks during the ongoing health crisis.

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## COP25's key outcome: adoption of the San Jose Principles on carbon market mechanisms – takeaways for business

12 February 2020

Ambitious countries are not waiting for full consensus on carbon markets.

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### **Novel coronavirus (2019-nCoV) – potential effects on international arbitration, sale of goods, shipping and shipbuilding (AsiaPac)**

10 February 2020

The current outbreak of novel coronavirus (2019-nCoV) is causing widespread concern. This article will discuss the potential impact on international arbitration, sales of goods, shipping and shipbuilding contracts.

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### **Construction delays arising out of the Novel Coronavirus outbreak (AsiaPac)**

7 February 2020

Since the first case of coronavirus was confirmed in Hong Kong in early February 2020, the government has imposed various measures in an attempt to contain the spread of the coronavirus. The resulting impact of the novel coronavirus is far-reaching and affects every industry and business in Hong Kong. This alert considers some of the key issues that construction contractors and developers in Hong Kong may face. If you need any specific advice, please contact May Ng or Sandy Au for further details.

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### **P v D arbitration claims under section 68 and 33 of the Arbitration Act 1996**

29 January 2020

The decision from the English Commercial Court highlights the consequences for parties if they fail to interrogate fully opponent witnesses on key points of evidence, and for Tribunals of issuing awards inconsistent with unchallenged evidence or predicated upon a case that has not been advanced.

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### **DLA Piper and the Centre for Effective Dispute Resolution collaborate on Business and Human Rights Mediation Initiative**

24 January 2020

DLA Piper is working with the Centre for Effective Dispute Resolution, and a core task force of collaborators, to establish a mediation facility to support the effective resolution of disputes relating to environmental, social and governance or business and human rights issues.

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### **Genocide Case Against Myanmar in the ICJ**

24 January 2020

The International Court of Justice (ICJ) yesterday delivered an historic Order for provisional measures with respect to the application brought by The Gambia against Myanmar for allegations of genocide.

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### **UAE Court Judgments automatically enforceable in the Courts of India**

21 January 2020

On 17 January 2020, the Indian Ministry of Law and Justice published a notification in the official gazette, which means that judgments rendered by both the onshore and offshore Courts of the UAE will be enforceable in the Courts of India without a re-examination of the merits.

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## Top of Mind: Life Sciences

16 January 2020

Eight big topics that life sciences businesses have been thinking about and how DLA Piper has been covering those stories.

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## Witness Evidence Working Group report

8 January 2020

### INSURANCE HORIZONS

On 6 December 2019, the Witness Evidence Working Group (WEWG) published its report on improvements to the current practice regarding factual witness evidence in the Business and Property Courts of England and Wales (BPCs).

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## Preventive Medicine: Official “Antimonopoly Compliance Guidelines for Business Operators” in China

10 December 2019

On 28 November 2019, the State Administration of Market Regulation (SAMR) released for public comment draft “Anti-Monopoly Compliance Guidelines for Operators” (the “Draft Guidelines”). These non-binding guidelines recommend measures for “business operators” subject to the Antimonopoly Law (AML) to develop and implement antitrust compliance programmes. The Draft Guidelines integrate prevailing best practices for international compliance programmes, while reflecting the unique challenges of antitrust risk management in China.

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## Angola - Global bribery offenses guide

4 December 2019

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## Argentina - Global bribery offenses guide

4 December 2019

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## Global bribery offenses guide

4 December 2019

In recent decades, improved standards in the identification and enforcement of international bribery offenses have provided the backdrop to a growing appreciation and management of bribery risk within the business community.

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## Jury acquits foreign national in apparent rebuke of DOJ's attempt to police overseas corruption

4 December 2019

The result highlights some significant issues that may, in some cases, limit the ability of the DOJ to prosecute foreign nationals for corruption overseas.

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## Tanzania - Global bribery offenses guide

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4 December 2019

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**Mauritius - Global bribery offenses guide**

4 December 2019

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**Australia - Global bribery offenses guide**

4 December 2019

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**Burundi - Global bribery offenses guide**

4 December 2019

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**Japan - Global bribery offenses guide**

4 December 2019

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**Kenya - Global bribery offenses guide**

4 December 2019

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**Kuwait - Global bribery offenses guide**

4 December 2019

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**Luxembourg - Global bribery offenses guide**

4 December 2019

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**Mexico - Global bribery offenses guide**

4 December 2019

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**Morocco - Global bribery offenses guide**

4 December 2019

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**New Zealand - Global bribery offenses guide**

4 December 2019

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**Norway - Global bribery offenses guide**

4 December 2019

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**Oman - Global bribery offenses guide**

4 December 2019

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**Peru - Global bribery offenses guide**

4 December 2019

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**Poland - Global bribery offenses guide**

4 December 2019

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**Portugal - Global bribery offenses guide**

4 December 2019

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**Qatar - Global bribery offenses guide**

4 December 2019

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**Romania - Global bribery offenses guide**

4 December 2019

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**Russia - Global bribery offenses guide**

4 December 2019

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**Saudi Arabia - Global bribery offenses guide**

4 December 2019

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**Singapore - Global bribery offenses guide**

4 December 2019

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**Slovakia - Global bribery offenses guide**

4 December 2019

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**Spain - Global bribery offenses guide**

4 December 2019

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**Sweden - Global bribery offenses guide**

4 December 2019

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**Thailand - Global bribery offenses guide**

4 December 2019

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**Tunisia - Global bribery offenses guide**

4 December 2019

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**Ukraine - Global bribery offenses guide**

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4 December 2019

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### **United Arab Emirates- Global bribery offenses guide**

4 December 2019

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### **United Kingdom - Global bribery offenses guide**

4 December 2019

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### **United States - Global bribery offenses guide**

4 December 2019

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### **Zambia - Global bribery offenses guide**

4 December 2019

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### **Zimbabwe - Global bribery offenses guide**

4 December 2019

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### **Corporations need to remain vigilant amidst the rise of cyberattacks and cyberfrauds**

2 December 2019

Recent figures show that Hong Kong and China remain the top destinations of fraudulent funds, most of which are the result of cyberfrauds. Read our article which gives helpful tips on how to avoid falling victim to these attacks.

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### **Transaction monitoring – practical guidance for financial institutions from three recent cases**

2 December 2019

Curbing fraud and money laundering are top of the international regulatory and political agenda. This article pulls together three recent high-profile decisions which clarify the standards currently expected of banks, in particular, and the financial services sector more generally.

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### **Bahrain - Global bribery offenses guide**

4 December 2019

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**Belgium - Global bribery offenses guide**

4 December 2019

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**Brazil - Global bribery offenses guide**

4 December 2019

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**Canada - Global bribery offenses guide**

4 December 2019

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**Chile - Global bribery offenses guide**

4 December 2019

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**China - Global bribery offenses guide**

4 December 2019

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**Colombia - Global bribery offenses guide**

4 December 2019

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**Czech Republic - Global bribery offenses guide**

4 December 2019

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**Denmark - Global bribery offenses guide**

4 December 2019

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## Ethiopia - Global bribery offenses guide

4 December 2019

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## Finland - Global bribery offenses guide

4 December 2019

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## France - Global bribery offenses guide

4 December 2019

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## Germany - Global bribery offenses guide

4 December 2019

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## Hong Kong - Global bribery offenses guide

4 December 2019

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## Hungary - Global bribery offenses guide

4 December 2019

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## Italy - Global bribery offenses guide

4 December 2019

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## Disputes, Issue 1

October 2019

### DISPUTES

The inaugural issue of *Disputes* examines choice of law and the global class action; the slow death of agency deference; cybercrime via business email; the value of trade secret protection programs; the pre-service removal mechanism; and a significant decision regarding the *McDonnell* "official act" requirement.

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## Interim Measures now available for Hong Kong arbitrations from the PRC courts

21 October 2019

On 1 October 2019, the Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative Region (the Arrangement) came into force. This is a significant development because interim measures are now available in the PRC for arbitrations seated in Hong Kong.

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## Issue 3

17 October 2019

### ENERGY AND NATURAL RESOURCES CASE LAW UPDATE

Deals in the Energy and Natural Resources (E&NR) Sector are often complex, high value and high stakes, and disputes can arise at any stage of the deal life cycle. In this third E&NR Case Law Update, we draw together relevant themes emerging from recent cases.

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## Prompt payment and adjudication have arrived in Ontario

17 OCT 2019

The second phase of Ontario's *Construction Act* reform has finally taken effect - as of October 1, 2019. Ontario construction contracts that meet the applicable transition test will now be governed by the new prompt payment and adjudication regime in the province. In addition, the Authorized Nominating Authority ("ANA") responsible for administering and overseeing the adjudication of construction disputes has now been established under the name, "Ontario Dispute Adjudication for Construction Contracts" or "ODACC".

This bulletin is an updated and supplemented version of a summary we published in April 2019, which takes into account these most recent developments. Please also look out for a further update on similar proposals and legislation across the country, which will be posted shortly.

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## US Supreme Court denies review of *Robles v. Domino's Pizza*, opening door to more lawsuits on website and mobile app accessibility claims

16 October 2019

Does the ADA apply to websites and mobile apps?

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## Brazilian federal government issues decree regulating arbitration in disputes between Public Administration and transport and logistics sectors

1 October 2019

The Brazilian federal government recently issued a decree regulating arbitration of disputes involving the Public Administration and relating to infrastructure projects – ports, roads, railways, waterways and airports.

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## **Text, blood and rock 'n' roll**

27 DEC 2017

You are not a "free bird" – the duty to preserve text messages may extend to third parties.

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## **DLA Piper's 2016 Compliance & Risk Report: What CCOs need to know**

19 APR 2016

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## **Plan now to use off-band communications during an incident response: key points**

27 OCT 2015

A robust IR plan should include communications techniques that operate outside regular company communication methods.

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## **US courts affirm expansive discovery under 28 U.S.C. § 1782**

29 SEP 2015

There is increasingly clear consensus among US courts giving § 1782 expansive reach.

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## **Mexico's new National Anticorruption System: 7 key points**

20 JUL 2015

Constitutional reform regarding the creation of the National Anticorruption System

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## **Law à la Mode - INTA special edition: Dubai's d3; combating counterfeit goods online; our top 10 tips on IP protection for fashion items; and more**

4 MAY 2015

### [LAW À LA MODE](#)

DLA Piper's Fashion, Retail and Design group is pleased to bring you this special edition of Law à la Mode, marking the 137th INTA Annual Meeting in San Diego.

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## **Law à la Mode: Falling foul of China's trademark system; Retailers need to prepare for the new EU Data Protection Regulation; and New developments in the framework of the copyright protection of handbags**

2 FEB 2015

### [LAW À LA MODE](#)

A quarterly e-magazine from our Fashion, Retail and Design Group with the latest industry news, comment and legal updates. This edition has been edited by our Italian colleagues.

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### **Third parties: 4 FCPA takeaways for working with distributors**

24 SEP 2014

Four key challenges and related "cures"

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### **Tackling the realities of due diligence in a global setting**

24 OCT 2013

For even the most conscientious of companies, hurdles exist to conducting fulsome due diligence in a global setting

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### **Congress, Administration move forward to secure critical US infrastructure**

11 JUL 2013

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### **Growing whistleblower activity calls for close employer attention to retaliation issues**

7 MAY 2013

Careful consideration must precede adverse action against purported whistleblowers

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### **Cybersecurity and US federal public procurements: what contractors need to know**

11 MAR 2013

Practical considerations for US federal contractors

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### **What companies need to know about the Obama Administration's Cybersecurity Order**

14 FEB 2013

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### **Federal agencies, Congress accelerate defense against cyber attacks – every private company will be affected**

21 Mar 2012

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### **Whose followers are they, and how much are they worth?**

3 JAN 2012

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## **Seminare und Veranstaltungen**

### **zukünftige**

### **What do in-house counsel expect from external firms during the arbitral process?**

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28 September 2021  
Webinar

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### **The essential legal update for consumer goods businesses**

29 September 2021  
Webinar

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### **Webinar: Kooperationen im Bereich Claims Management, MGAs und InsurTechs**

29. September 2021  
Webinar

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### **White Collar Crime, Investigations and Compliance Symposium**

5 October 2021  
Webseminare

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### **AI projects: Dispute prevention and resolution**

20 October 2021  
Webinar

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## **Vergangene**

### **Webinar: The Lure of The East – Investment Opportunity and Risk for German Investors in Asia**

21 September 2021  
Webinar

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### **Embracing Digital Evolution**

15 September 2021  
Webinar

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### **Turning Your Back On The Enemy – Fighting Corruption In The Age Of COVID-19**

25 August 2021

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## Payments Forum June 2021

22 June 2021  
Webseminare

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## Webinar: Hinweisgeberschutzgesetz

15. Juni 2021  
Webseminare

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## Part 2 - Use of FIDIC for offshore projects

26 May 2021  
Webinar

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## Webinar: Vergaberecht 360°

20. Mai 2021

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## Shut down your investigation immediately

27 April 2021  
Webseminare

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## CEE Webinar: What CEE perspective offers to third-party funding?

22 April 2021  
Webinar

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## Pan-European Week: International Arbitration - Perspectives from in-house counsel

20 April 2021 | 3:00 PM - 4:00 PM CET  
Webseminare

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## Pan-European Week: Act on Corporate Due Diligence in Supply Chains – Government Relations

20 April 2021  
Webinar

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## Pan-European Week: Crime made Clear – Navigating criminal and compliance risks

19 April 2021

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## **Global Disputes Forecast: What Lies Ahead in Financial Services Disputes?**

13 April 2021

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## **Webinar: 10. GWB Novelle – Was Sie dazu wissen müssen**

24. März 2021

Webseminare

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## **DLA Piper Global Vis Pre-Moot 2021 St Petersburg**

18-20 March 2021

DLA Piper Pre-Moots 2021

Webseminare

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## **FDI screening rules and EU/China Comprehensive Agreement on Investment**

17 March 2021

Webseminare

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## **Webinar: Stresstest für den DSGVO-Bußgeldrechner**

25. Februar 2021

Webseminare

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## **EU-Richtlinie zum Collective Redress stellt Unternehmen vor neue Herausforderungen**

23. Februar 2021

Webseminare

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## **Global Disputes Forecast: 2021 - what does the future hold?**

22 February 2021

Webseminare

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## **Milan Investment Arbitration Pre-moot**

19-20 February 2021

DLA Piper Pre-Moots 2021

Webseminare

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## **Payments Forum – New Year challenges for lawyers in the payments sector**

26 January 2020

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Webseminare

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### **The Brexit Deal - what does it mean for climate change and energy?**

26 January 2021  
Webseminare

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### **Webinar: Neue Compliance-Herausforderungen für Versicherer und ihre Versicherungsnehmer durch das Verbandssanktionengesetz und bei der Versicherungsteuer**

10. Dezember 2020  
Webseminare

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### **IBDE: Clarity at last? Brexit, the US election, and the UK's post-Brexit trading future**

9 December 2020  
Webseminare

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### **Planning for an Uncertain World**

16 November 2020  
TechLaw Event Series  
Webinar

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### **Essential Legal Update 2020**

12 October 2020 - 15 October 2020  
Webinar

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### **TechLaw**

31 July 2020  
TechLaw Event Series  
Webinar

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### **Preparing for global class actions arising from COVID-19**

16 June 2020 | 9:00 - 10:30 a.m. ET (Session one) | 8:00 - 9:30 p.m. ET (Session two)  
Webinar

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### **Force Majeure and US-China Contract Fulfillment Challenges**

6 May 2020 | 7:00 - 8:00 PST  
Webinar

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## **Vergaberecht 360°**

23 April 2020  
Webseminare

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## **DLA Piper Global Vis Pre-Moot 2020 St Petersburg**

10-11 March 2020  
DLA Piper Global Vis Pre-Moots Series 2020  
St Petersburg

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## **CIArb Australia Vis Pre-Moot hosted by DLA Piper**

5-6 March 2020  
DLA Piper Global Vis Pre-Moots Series 2020  
Melbourne

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## **TechLaw**

5 March 2020  
TechLaw Event Series  
Sydney

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## **DLA Piper Global Vis Pre-Moot 2020 Frankfurt**

4 March 2020  
DLA Piper Global Vis Pre-Moots Series 2020  
Frankfurt am Main

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## **TechLaw**

3 March 2020  
TechLaw Event Series  
Melbourne

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## **DLA Piper Global Vis Pre-Moot 2020 Rio de Janeiro**

13-14 February 2020  
DLA Piper Global Vis Pre-Moots Series 2020  
Rio de Janeiro, RJ

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## **DLA Piper Global Vis Pre-Moot 2020 São Paulo**

13-14 February 2020

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### **The Seventh International Pre-Moot Amsterdam**

6-9 February 2020  
DLA Piper Global Vis Pre-Moots Series 2020  
Amsterdam

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## **NEWS**

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### **DLA Piper helps Hellenic Republic resolve Greek electricity market dispute**

22 September 2021  
DLA Piper has advised the Hellenic Republic in negotiations with the European Commission to resolve a landmark 'Greek lignite and electricity markets' antitrust case.

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### **DLA Piper's Michael Ostrove appointed as the Vice-President of the ICC International Court of Arbitration**

14 July 2021  
Michael Ostrove, DLA Piper's Global Co-Chair of International Arbitration, has been appointed Vice-President of the ICC International Court of Arbitration.

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### **DLA Piper berät BASF beim Erwerb von 49,5% der Anteile am Windpark Hollandse Kust Zuid von Vattenfall**

24. Juni 2021  
DLA Piper hat BASF beim Erwerb von 49,5 Prozent am Windpark Hollandse Kust Zuid in den Niederlanden von Vattenfall beraten. Der Kaufpreis beläuft sich auf 0,3 Milliarden Euro und berücksichtigt den erreichten Stand des Projekts.

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### **Laura Ford recognised in GIR Women in Investigations 2021**

20 May 2021  
DLA Piper is pleased to announce that Laura Ford, a partner in the firm's Litigation and Regulatory practice, has been named by Global Investigations Review in its list of Women in Investigations, 2021.

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### **DLA Piper launches dedicated dispute resolution service in Luxembourg**

18 May 2021  
DLA Piper is delighted to announce the launch of a dedicated dispute resolution service offering in Luxembourg for its clients.

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### **DLA Piper berät die Georgsmarienhütte Holding GmbH bei Stärkung des Eigenkapitals durch den Bund**

24. März 2021  
DLA Piper hat die Georgsmarienhütte Holding GmbH und betroffene Gruppenunternehmen (GMH Gruppe) bei der Stärkung ihrer

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Eigenkapitalbasis durch Mittel aus dem Wirtschaftsstabilisierungsfonds (WSF), vertreten durch die Bundesrepublik Deutschland - Finanzagentur GmbH, beraten.

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### **DLA Piper launches Aiscension to help detect and prevent cartel activity in collaboration with Reveal**

15 March 2021

- New offering delivers cutting-edge technology from *Reveal* alongside DLA Piper's first-class legal know-how
  - Time and cost savings allow for companies to focus on detection
  - Faster, more effective and better value than traditional technology assisted and manual reviews
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### **DLA Piper berät die Darlehensgeber bei der Refinanzierung des Warnowtunnel in Rostock**

26. Februar 2021

DLA Piper hat die Darlehensgeber bei der 115 Millionen Euro Refinanzierung des Warnowtunnel in Rostock, auch bekannt als Warnowquerung, beraten.

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### **DLA Piper berät Kölner Pensionskasse und Pensionskasse der Caritas bei ihrer Sanierung**

21. Januar 2021

DLA Piper hat die Kölner Pensionskasse und die Pensionskasse der Caritas aufsichtsrechtlich gegenüber der Bundesanstalt für Finanzdienstleistungsaufsicht (BaFin), bei der Gestaltung und Umsetzung des Sanierungskonzepts sowie bei dem damit verbundenen formellen Gang in den Status der Liquidation beraten.

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### **DLA Piper berät Wipro Limited bei Übernahme von METRO-NOM GmbH und METRO Systems Romania**

4. Januar 2021

DLA Piper hat Wipro Limited, ein weltweit führendes Unternehmen für Informationstechnologie, Beratung und Geschäftsprozessmanagement, bei der Übernahme der IT-Einheiten der METRO AG – der METRO-NOM GmbH in Deutschland und der METRO Systems Romania S.R.L.– beraten.

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### **DLA Piper berät Nemetschek bei der Übernahme von DEXMA durch Tochtergesellschaft Spacewell**

18. Dezember 2020

DLA Piper hat die Nemetschek Group, einen der weltweit führenden Softwareanbieter für die AECO-Branche beim Erwerb von 100% der Anteile am Unternehmen DEXMA durch die Nemetschek-Tochtergesellschaft Spacewell beraten.

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### **DLA Piper berät Stillfront Group bei der Akquisition von Gaming-Unternehmen Sandbox Interactive**

18. Dezember 2020

DLA Piper hat die Stillfront Group AB, ein führendes Unternehmen im Bereich Free-to-Play-Gaming, bei der Übernahme der Sandbox Interactive GmbH beraten.

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## **DLA Piper wins TMT Finance M&A Global Telecom Deal of the Year**

8 December 2020

DLA Piper is pleased to announce that they have received the TMT Finance M&A Global Telecom Deal of the Year for their representation of T-Mobile and Deutsche Telekom in the T-Mobile-Sprint merger.

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## **'Industry standard' for use of arbitration platforms moves a step closer as pan-firm collaboration receives support**

30 November 2020

Plans to standardise the approach to online case management in international arbitration are a step closer to reality, after a draft protocol received positive feedback from an industry-wide consultation.

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## **DLA Piper berät CCR Logistics Systems AG im Gesetzgebungsverfahren zum neuen Batteriegesetz**

23. September 2020

DLA Piper hat die CCR Logistics Systems AG im Gesetzgebungsverfahren zum neuen Batteriegesetz beraten, das am 17. September 2020 vom Bundestag verabschiedet wurde und zum 1. Januar 2021 in Kraft treten soll.

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## **DLA Piper advise Liverpool Football Club on sponsorship claim defence**

14 September 2020

DLA Piper has successfully represented The Liverpool Football Club and Athletics Grounds Limited (LFC) in defending a GBP1.13 million claim brought by sports intermediary Winlink Marketing Limited.

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## **DLA Piper arbitration practice recognized as world leading by Global Arbitration Review**

14 July 2020

DLA Piper has been recognized once again as having one of the world's leading international arbitration practices.

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## **Law firms collaborate on industry first to accelerate tech adoption in international arbitration**

2 July 2020

DLA Piper is amongst six international law firms which have developed a Protocol to help deliver a globally consistent approach to the use of online case management platforms in international arbitration.

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## **DLA Piper-Studie zu virtuellen Verhandlungen im Zuge von COVID-19 mit positivem Fazit**

4 June 2020

DLA Piper hat eine empirische Studie zu virtuellen Gerichtsverhandlungen durchgeführt, deren Ergebnisse jetzt vorliegen: Die im Zuge der Eindämmungsmaßnahmen gegen COVID-19 immer häufiger wahrgenommene prozessuale Option, Gerichtsverhandlungen auch im Wege der Videokonferenz abzuhalten, stößt auf breite Zustimmung.

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## **DLA Piper announces partnership promotions for 2020**

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30 April 2020

DLA Piper is proud to announce that 67 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2020 in the United States and May 1, 2020 for EMEA and Asia Pacific. The promotions have been made across many of the firm's practice areas in 35 different offices throughout 13 countries.

Across the firm's practices globally, Corporate saw the largest intake of new partners with 19 promotions, followed by Litigation and Regulatory with 15. Intellectual Property and Technology and Finance and Projects had ten and eight promotions respectively, while there were six in Real Estate. Tax and Employment both had four, and there was one in Restructuring.

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### **DLA Piper lawyers named Acritas Stars**

10 March 2020

Acritas has named over 200 DLA Piper lawyers as 2020 Acritas Stars. Now in its fourth year, Acritas Stars highlights the stand-out lawyers in private practice as nominated by clients around the world. More than 3,000 senior in-house counsel feed into the nomination process to give a comprehensive view of highly recommended lawyers across the globe.

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### **DLA Piper appoints Head of Global Government Affairs team**

6 March 2020

DLA Piper announces the strengthening of its Global Government Affairs team with the appointment of Richard Sterneberg who will head up the team in its Brussels office. Richard brings with him over 20 years of experience working in Brussels as a global government affairs expert.

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### **DLA Piper launches its Global Litigation Guide**

3 December 2019

DLA Piper has launched its 'Global Litigation Guide', which covers aspects of civil litigation in 30 jurisdictions worldwide.

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## **In Deutschland**

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Unser Team im Bereich Prozessführung und Schiedsverfahren verfügt über langjährige Erfahrung in wirtschaftsrechtlichen Streitigkeiten. Wir führen Verfahren vor den staatlichen Gerichten auf nationaler sowie EU-Ebene, vor verschiedenen Schiedsinstitutionen (DIS, ICC, SIAC, LCiA, PCA), beraten zu außergerichtlichen Einigungen und zu allen Formen der alternativen Streitbeilegung (z.B. Expert Determination und Mediation). Wir beraten und vertreten unsere Mandantinnen und Mandanten in Auseinandersetzungen mit ihren Vertragspartnern in nahezu allen Rechtsgebieten.

Ob lokal oder länderübergreifend, unser interdisziplinäres Compliance und Investigations-Team, bietet unseren Mandantinnen und Mandanten eine integrierte Präventivberatung zu allen wesentlichen Compliance-Themen. Darüber hinaus führt das praxiserprobte Team anlassbezogene Untersuchungen durch oder steht bei behördlichen Durchsuchungen und Beschlagnahmungen zur Seite. Unser Wirtschaftsstrafrechtsteam berät zu allen Straf-, Regulierungs- und Krisenszenarien, bei der Vertretung und Verteidigung von Unternehmen gegenüber Ermittlungsbehörden und Gerichten und koordiniert die Verteidigung von betroffenen Mitarbeitern, sofern dies erforderlich ist. All dies sorgt für eine umfassende Beratung aus einer Hand und bildet den Schwerpunkt unserer Praxis.

Zu unserer Mandantschaft zählen nationale und internationale börsennotierte sowie mittelständische Unternehmen aus der Fertigungs- und Konsumgüterindustrie, der Versicherungs-, und Dienstleistungsbranche, Organisationen und Verbände sowie öffentliche Einrichtungen.

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Unsere Beratungsschwerpunkte:

- Schadensersatzprozesse
- Musterfeststellungsklagen
- Internationale Schiedsverfahren
- Versicherungs- und Rückversicherungsrechtliche Streitigkeiten / D&O
- Vergabe- und insolvenzrechtliche Streitigkeiten
- Einführung, Überarbeitung und Prüfung von Compliance-Systemen
- Risikomanagement
- Interne Untersuchungen
- Betreuung bei behördlichen Durchsuchungen und Beschlagnahmungen
- Betrug, Geldwäschebekämpfung