



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.

CAPABILITES

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

- Energy and Natural Resources
- Financial Services
- Insurance
- Life Sciences
- Industrials

- 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

- Mining
- Technology
- Infrastructure, Construction and Transport

INSIGHTS

Publications

Blockchain and Digital Assets News and Trends

23 May 2022

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

OECD releases public consultation document on crypto tax reporting in effort to increase transparency.

Caught between a rock and a hard place: Dealing with blocking statutes when conducting investigations in Asia

23 MAY 2022

Dealing with “blocking statutes” has become the harsh reality for multinational corporates when conducting cross-border investigations. These statutes may apply to a corporate by virtue of their “home” jurisdiction (ie where they are incorporated or have their principal place of business), where the investigation takes place, or even where pieces of evidence may be located.

Defining 'cyber crisis': The new Thai guidelines on cyberthreat levels

23 MAY 2022

Following our last article on the rights and obligations of Organizations of Critical Information Infrastructure (OCII), at the end of 2021, the Thai government issued guidelines intended to assist these organizations in classifying cyber threats they face. In this piece, we examine what these guidelines mean for OCII, and how OCII may appropriately consider these guidelines when conducting cybersecurity reviews or when responding to regulators.

In the hot seat: Climate change litigation risk in Australia

23 MAY 2022

This article takes a look at trends in Australia as it has the second largest number of climate cases globally. These trends are likely to emerge throughout Asia, and Asian companies investing in Australia also need to understand these trends.

SEACHange Issue IV: May 2022

23 MAY 2022

SEACHANGE

Our latest covers various developments in the disputes and cybersecurity space, touching on Australia, Singapore and Thailand.

We also examine how corporates can tackle the challenges posed by “blocking statutes” to the conduct of internal and regulatory investigations in Asian markets. This has become a hot issue given the trend of regulators and governments enforcing and enacting legislation to limit the sharing of evidence out of their respective jurisdictions.

Watch where you seat: Singapore High Court clarifies that Law of Seat governs subject matter arbitrability at the pre-award stage

23 MAY 2022

Subject matter arbitrability refers to the power of an arbitrator to hear certain categories of disputes as a matter of public policy. Naturally, national laws vary in the extent to which they limit arbitrable subject matter. Generally, disputes or claims relating to commercial or contractual matters are arbitrable, whereas criminal, family, bankruptcy, and insolvency matters are not.

Calling on the code: Civil consequences for cryptocurrency

19 May 2022

Would-be blockchain bandits that still believe cryptocurrency is beyond the reach of the law should think again. In *Cicada 137 LLC v Medjedovic*, the Ontario Superior Court of Justice had no qualms with taking a practical approach to providing relief in respect of digital assets.

Case Note - *Tushita Technologies Ltd v MJ Protective Services Group Pty Ltd* [2022] NSWSC 413

10 May 2022

DLA Piper's Insurance team in Sydney successfully defended an application by a plaintiff in the Supreme Court of New South Wales to join the insurer of a named defendant (which was in liquidation) to the proceedings under the *Civil Liability (Third Party Claims Against Insurers) Act 2017*.

Africa, In The Vanguard: Africa's Role In Shaping The Future Of Investor-State Arbitration

12 April 2022

DLA Piper is delighted to have collaborated with Nairobi Centre for International Arbitration to produce an article regarding “Africa, In The Vanguard: Africa's Role In Shaping The Future Of Investor-State Arbitration” in its Alternative Dispute Resolution Journal. The journal provides a platform for scholarly dialogue on pertinent issues relating to the reform of the investor-state dispute settlement regime.

Fast fraud facts: News from *Occupational Fraud 2022: A Report to the Nations*

7 April 2022

Did you know that organizations worldwide lose five percent of their revenue each year, for an estimated total of \$4.7 trillion dollars, to occupational fraud on an annual basis? In the recently published 2022 version of the *Occupational Fraud Report*, the most comprehensive

global study by The Association of Certified Fraud Examiners to date, the true cost of fraudulent schemes for organizations is addressed.

Episode 1: Key trends across the globe in compliance and investigations

5 April 2022

GLOBAL COMPLIANCE AND INVESTIGATIONS PODCAST

A podcast covering key global issues relating to compliance and investigations.

Protecting creditors and the public interest: Ontario Court of Appeal modifies the corporate attribution doctrine

1 April 2022

In its unanimous decision, *Ernst & Young Inc. v. Aquino*, the Ontario Court of Appeal modified the common law doctrine of corporate attribution in the bankruptcy and insolvency context to uphold a decision of Ontario Superior Court's Commercial List, which ordered a corporate officer and his associates, whom collectively orchestrated a fraudulent invoicing scheme, to repay over \$30 million to company creditors pursuant to s. 96 of the *Bankruptcy and Insolvency Act* ("BIA").

Six ways the construction industry is innovating to deliver ESG demands

21 March 2022

Following COP26, national governments are enacting legislation to combat the effect of the climate crisis. The world's industries, construction among them, are reflecting and assessing how they can adapt to deliver the environmental, sustainability and governance (ESG) demands of the marketplace.

Heightened cyber threats in times of crisis - be prepared

3 March 2022

The governments of both Canada and the United States have warned of increased cyberattack risk in light of tension in Eastern Europe and the spike in ransomware and other cyberattacks as a result of an increasing reliance on the internet for work-from-home and online commerce.

Aiscension: an AI tool to ensure effective risk management by detecting anti-competitive practice

24 February 2022

Anti-competitive activity has been rife in companies for centuries and there are many who like to take the ostrich approach and bury their head in the sand. However, it is known that this approach to risk management is ineffective should the regulators come looking, and with fines of up to 10% of global turnover, it is a big risk to take.

A Corporate Governance "Boost" – The MAS Revises Guidelines for Financial Institutions and Insurers*

22 February 2022

On 9 November 2021, the Monetary Authority of Singapore issued revised Guidelines on Corporate Governance for Designated Financial Holding Companies, Banks, Direct Insurers, Reinsurers and Captive Insurers which are Incorporated in Singapore. The revised Guidelines will take effect throughout 2022 and are designed to provide Singapore with a further improved business environment, coupling high

governance standards and greater corporate management flexibility.

Getting Real “Bite” in the Year of the Tiger: The New Singapore Workplace Discrimination Guidelines*

22 February 2022

During 2022, the Singapore Government looks set to enshrine into law some or all of the principles currently contained in the Tripartite Guidelines on Fair Employment Practices in relation to workplace discrimination. With the introduction of Singapore’s first workplace discrimination legislation and a newly formed discrimination tribunal, the TGFEF will finally receive their missing teeth – find out what it means for your business operations in Singapore.

No Win, No Fee: Singapore Embraces Conditional Fee Arrangements*

22 February 2022

Boosting its popularity as a global arbitration seat, Singapore has passed a law that allows conditional fee arrangements (CFA) in international and domestic arbitration proceedings, certain proceedings of the Singapore International Commercial Court and related court and mediation proceedings. A CFA is an agreement between the client and legal counsel which provides for the whole or part of the lawyer’s fees and costs in dispute resolution proceedings to be payable only in specified circumstances, such as where the client succeeds in the claim, or where certain agreed outcomes are achieved. The introduction of the CFA framework aligns Singapore with other jurisdictions, such as England & Wales, Australia, and Canada, each of which have allowed CFAs in various forms for some time.

Raising the Bar on Blowing the Whistle: China’s New Whistleblower Rewards Measures Provide Additional Incentives (and Controls) for Whistleblowing

22 February 2022

China’s new *Whistleblower Rewards Measures* provides up to RMB1 million (approx. USD157,000) in rewards for the reporting of major violations of China’s various market conduct regulations. The regulations aim to provide greater incentives to whistleblowers and deter illegal activities in the market more effectively, particularly in light of the increased importance of whistleblowing across different industries in China in recent years. In light of these new measures, companies with operations in China should implement or strengthen their internal controls and reporting mechanisms.

Emergency Economic Measures Order and Regulation

17 February 2022

On February 15, 2022, the Government of Canada made the *Emergency Economic Measures Order* (the **Order**) and the *Emergency Economic Measures Regulations* (the **Regulations**) under the *Emergencies Act*.

Tortious claims and climate change: Where are we now?

31 January 2022

What should be the response of tort law to climate change? That starkly put is the key issue raised by this appeal.

Mauritius - Global bribery offenses guide

11 January 2022

Angola - Global bribery offenses guide

11 January 2022

Argentina - Global bribery offenses guide

11 January 2022

Australia - Global bribery offenses guide

11 January 2022

Austria - Global bribery offenses guide

11 January 2022

Bahrain - Global bribery offenses guide

11 January 2022

Belgium - Global bribery offenses guide

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Brazil - Global bribery offenses guide

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Ethiopia - Global bribery offenses guide

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Finland - Global bribery offenses guide

11 January 2022

France - Global bribery offenses guide

11 January 2022

Germany - Global bribery offenses guide

11 January 2022

Global bribery offenses guide

11 January 2022

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.

Hong Kong - Global bribery offenses guide

11 January 2022

Hungary - Global bribery offenses guide

11 January 2022

Ireland - Global bribery offenses guide

11 January 2022

Italy - Global bribery offenses guide

11 January 2022

Japan - Global bribery offenses guide

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United Kingdom - Global bribery offenses guide

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United States - Global bribery offenses guide

11 January 2022

Zambia - Global bribery offenses guide

11 January 2022

Zimbabwe - Global bribery offenses guide

11 January 2022

White collar, corporate crime and investigations: End of year review 2021

4 January 2022

2021 featured the ongoing uncertainty, challenges and risk for businesses associated with COVID-19 pandemic. Despite the challenges, compliance programs, investigations and proceedings continued as close to normal as possible, with adjustments made to adapt the “new normal”. In this 2021 Year In Review, we offer key updates from the year past and offer our predictions on 2022 and beyond.

Supporting the health of your health system: 2022

3 January 2022

Helping you tend to healthcare system wellness throughout the business life cycle.

Will Canada finally pass a law addressing the resort to modern slavery and child labour by commercial stakeholders and their supply chains?

17 December 2021

On November 24, 2021, the Honorable Julie Miville-Dechéne, Senator, introduced a bill in the Senate to fight against the use of forced labor and child labor, in Canada and elsewhere, by companies doing business in Canada. Considering that Canada is a party to the *Forced Labour Convention (No. 29)* adopted in Geneva in 1930, the *Abolition of Forced Labour Convention (No. 105)* adopted in Geneva in 1957 and the *Worst Forms of Child Labor Convention (No. 182)* adopted in Geneva in 1999, to name just a few, some would conclude that the adoption of this bill is imminent.

Cineplex's biggest blockbuster of 2021 is not on the screens: Ontario Court Awards \$1.2 billion in damages to Cineplex because Cineworld walked from its merger deal

16 December 2021

Can a purchaser in a merger transaction walk away from the deal because of COVID-19? For the second time in a year, the Ontario Superior Court of Justice has clearly said “no”. In the case of *Cineplex Inc. v. Cineworld Group plc*, the Court granted Cineplex more than \$1 billion in damages when its counterparty walked from the deal because of COVID-19.

ABN Amro v RSA (and others): Courts give important guidance on policy interpretation, misrepresentation / non-disclosure and non-avoidance clauses, and sue and labour clauses

13 December 2021

The *ABN Amro v RSA (and others)* judgments at first instance and appeal level provide useful direction on key topics for all those operating in the insurance sector including underwriters, claims managers, policyholders and brokers.

B.C. Appeal Court holds a fraudster's registered retirement accounts are safe from seizure

13 December 2021

In the recent decision *Pasquill v. British Columbia (Securities Commission)*, 2021 BCCA 424 ("*Pasquill*"), the British Columbia Court of Appeal held that the B.C. Securities Commission does not have the statutory authority to issue preservation orders to restrict a fraudster from withdrawing or transferring funds from their registered retirement accounts. The Court reasoned that such preservation orders would amount to "seizure" of the fraudster's registered retirement income and is therefore prohibited by the *Pension Benefits Standards Act*, S.B.C. 2012, c. 30 ("*PBSA*") and the regulations thereunder.

Trapped in an impasse: Is deadlock enough to wind up a closely-held private company?

13 December 2021

The "easy" oppression cases are those where one of a few shareholders in a private company misappropriate assets, or otherwise act in a manner that substantially harms the other shareholder(s) for their own benefit. But what about those cases where there has been no nefarious conduct, but the founders simply no longer agree on how the business should be run — or where there are only two founders and shareholders, each with 50% of the shares and half of the board seats, and disagreement means the company cannot do anything?

This article discusses the developing area of law of resolving deadlocks in closely-held private companies.

With Civil Cyber-Fraud Initiative, government sharpens focus on cybersecurity obligations for government contractors

13 December 2021

Deploying the False Claims Act to pursue cybersecurity-related fraud.

Google files groundbreaking civil suit to disrupt massive botnet with blockchain backup system

10 December 2021

Civil actions to take down botnets have been around for years, but the blockchain aspect adds a new twist.

Canada: Federal court denies motion to certify proposed antitrust class action alleging conspiracy to suppress supply of DRAM

3 December 2021

In a recent decision of the Federal Court of Canada, Justice Gascon refused certification, without leave to amend, of a proposed competition law class action alleging that three leading manufacturers (Samsung, SK Hynix and Micron) of Dynamic Random Access Memory Chips (DRAM), a semiconductor memory chip used in most computer products, conspired to limit the global supply and raise the price of DRAM.

New developments in the Mexican energy sector generate uncertainty

17 November 2021

A discussion of relevant measures, criticisms and comments.

Successful asset preservation application in Mainland China prior to the recognition of Hong Kong arbitral award

17 November 2021

Following a victory in an arbitration at the HK International Arbitration Centre lead by DLA Piper Hong Kong, we have recently succeeded in assisting the Israeli client in obtaining an order from the Ningbo Intermediate People's Court for asset preservation prior to the recognition and enforcement of the HKIAC arbitral award in Ningbo, China.

An interview with Aldersgate Funding

11 October 2021

In this podcast, DLA Piper partner Henry Quinlan interviews Jim Holding and Matthew Lo at Aldersgate Funding Limited, who shed some light on the advantages of litigation and arbitration funding; the types of claims eligible for funding; the process of funding a case; and the jurisdictional constraints on this type of financing.

DLA Piper · Aldersgate Funding on how litigation funding can help your business

President of Mexico files constitutional reform bill on electricity

7 October 2021

The result may include serious consequences for private investors in the energy sector in Mexico.

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.

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.

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.

Cumulative effects - The impact of “a tide of change” on Indigenous treaty rights

16 August 2021

For sometime now, an uncertainty has existed as to how the cumulative environmental effects of industrial development should be evaluated in relation to a potential infringement on Aboriginal or Treaty rights. For the first time, a court has carried out a deep dive into this issue and considered whether there has been an infringement of a First Nations' Treaty right due to the cumulative environmental impacts of industrial development. The British Columbia Supreme Court decision in *Yahey v British Columbia* analyzes the cumulative impacts of industrial development in treaty territory finding the government's conduct “frustrates the essential promise of the Treaty”.

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.

Interpretation of releases: The Supreme Court of Canada lets go of 150-year-old rule

5 August 2021

In its unanimous decision, *Corner Brook (City) v Bailey*, the Supreme Court of Canada held that the general rules of contractual interpretation articulated in *Sattva Capital Corp. v Creston Moly Corp.* now apply to releases. In other words, releases will now be interpreted in the same manner as any other contract.

Green -v- Betfred – online gaming platform unable to rely on exclusion of liability clauses to avoid pay-out to winning customer

2 August 2021

The growth of online gaming in England means that gamblers are now more likely to be found at computer screens than casino tables. This was illustrated by the case of *Andrew Green v Petfre (Gibraltar) Limited t/a Betfred* [2021] EWHC 842 (QB).

Personal liability of a director and liability of an agent – the cautionary tale of Tattersalls Limited v McMahon

21 July 2021

Bloodstock auction sales are a common means of selling thoroughbred horses. It was such an auction that gave rise to proceedings in *Tattersalls Limited v McMahon* [2021] EWHC 1629 (QB). The case is an important one for any agent in the sports arena and beyond - read our full analysis of the case and recommendations.

Third time lucky: Triple Point in the Supreme Court

20 July 2021

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.

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.

Supreme Court sets aside sealing orders in Sherman Estate

22 June 2021

In *Sherman Estate v Donovan*, the Supreme Court of Canada unanimously lifted sealing orders that had been placed over the estate files of Barry and Honey Sherman (the “Shermans”), reiterating the importance of the open court principle and clarifying that it is engaged by all Court proceedings, regardless of whether the matter is adversarial or administrative in nature.

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.

B.C. Court provides Commission another chance to collect from fraudster’s spouse

15 June 2021

In March 2020, landmark amendments to the British Columbia *Securities Act*, RSBC 1996, c 418 (the “*Act*”) came into force that conferred upon the British Columbia Securities Commission (the “Commission”) some of the strongest enforcement powers in the country (the “March 2020 Amendments”).

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.

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.

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.

Fraudulent concealment fails in failure to disclose case

1 June 2021

In *Geophysical Service Incorporated v. Total SA*, 2020 ABQB 730, the Court interpreted the scope of fraudulent concealment under section 4(1) of the *Limitations Act*, RSA 2000, c. L-12. In particular, the Court assessed whether a failure to notify a counterparty of its breach of contract constituted “fraudulent concealment,” thereby extending the limitation period under the *Limitations Act*.

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 .

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.

Recent Alberta Court decision determines if intent adds another element to the established test for fraud or deceit

17 May 2021

In the recent decision of *NEP Canada ULC v MEP OP LLC*, the Court took the opportunity to provide direction on whether intent is a required element of the test for fraud in Alberta.

Virtual intellectual property litigation in Canada

27 April 2021

The COVID-19 pandemic has been an unprecedented disruption that forced individuals, businesses and entire professions to adapt to a new reality. The legal industry was no exception. To stop the spread of COVID-19, Canadian courts and lawyers were forced to go “virtual”. The Federal Court of Canada, which has inherent jurisdiction over intellectual property disputes in Canada, quickly became a leader in accommodating virtual litigation. This has made the Federal Court an attractive venue for intellectual property owners looking to enforce their intellectual property rights.

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.

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.

Representing individuals in interviews – the US perspective

30 March 2021

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

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.

Canadian and UK courts engage on whether COVID-19 is a “material adverse effect” in M&A transactions

25 March 2021

When COVID-19 hit the world, academics and legal practitioners began to ask whether the existence of COVID-19, or governmental responses to it, would constitute a “material adverse effect” or a “material adverse change” pursuant to MAE clauses in merger and acquisition transactions.

Be a filter, not a conduit - Secondary market disclosure obligations

26 March 2021

A recent Ontario decision involving a securities class action claim for secondary market disclosure has shed light on what a court may consider to be a material fact when determining if a misrepresentation under securities legislation has occurred and what constitutes a reasonable investigation defence to a finding of misrepresentation.

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.

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.

Microcap liquidation schemes: Alberta Securities Commission finds Kilimanjaro Inc., its CEO and behind-the-scenes control person breached securities laws in pump and dump scheme

12 March 2021

The Alberta Securities Commission recently released a rare decision on market manipulation against Kilimanjaro Capital Ltd. and related individuals. The ASC concluded that Kilimanjaro and Ashmit S. Patel, a US resident who practiced law in Illinois, and Zulfikar Rashid, an Alberta resident, breached Section 93(a)(ii) of the Alberta *Securities Act* for engaging or participating in action that resulted in an artificial price for a security.

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.

Building and Construction security of payment regime

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.

Protection provided for *bona fide* purchaser for value without notice in transaction involving First Nation lands

12 February 2021

Courts have long protected the interests of *bona fide* purchasers for value without notice in land transactions. However, seeking this protection can become far more complicated in land transactions where First Nations communities assert an interest and where such lands are held in trust. Despite these complexities, a recent decision from the Alberta Court of Queen's Bench has confirmed that the interests of a *bona fide* purchaser for value without notice of a breach of trust should be protected.

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).

Wastech v Greater Vancouver: The Supreme Court narrows the scope of review over the exercise of contractual discretionary power

9 February 2021

In *Wastech Services Ltd. v. Greater Vancouver Sewerage and Drainage District*, the Supreme Court of Canada has given further guidance on the overarching organizing principle of good faith performance of contracts, narrowing its imposition in the context of contractual exercise of discretion.

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.

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.

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.

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?

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.

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.

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.

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

25 January 2021

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

Modernization of civil litigation processes in Ontario

20 January 2021

Amendments to the Ontario *Rules of Civil Procedure*, RRO 1990, Reg 194 came into force on January 1, 2021. Many of these changes, spurred on by the COVID-19 pandemic, will allow courts and litigants to make better use of modern technology. If used correctly, they may also expedite the life cycles of actions in the province.

Kowal v. Sun Star Energy Inc.: Liability for fraudulent misrepresentation by joint tortfeasors and through intermediaries

18 January 2021

In the recent decision of *Kowal v. Sun Star Energy Inc.*, 2020 ABQB 244, all but one of the plaintiffs were awarded damages when the Court found that both the corporate defendant and the defendants in their personal capacity were liable to the plaintiffs for fraudulent misrepresentation arising from purchase of shares. Though offering no new guidance on intent as a requisite element to prove fraudulent misrepresentation, the case is meaningful in that it entrenches appellate decisions from outside Alberta with respect to joint liability and fraudulent misrepresentation through an intermediary into Alberta's civil fraud jurisprudence.

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.

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.

Callow v Zollinger: the Supreme Court of Canada expands the duty of good faith performance of a contract

23 December 2020

The Supreme Court of Canada has issued a significant case on the common law duty of good faith performance of contracts in *Callow v Zollinger*.

The Pharmaceutical Corner

22 December 2020

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

You can run but you can't hide (your assets): American appellate court upholds enforceability of Canadian securities disgorgement order

21 December 2020

In May 2019, a district court of Nevada recognized a CAD\$21.7 million disgorgement order issued by the British Columbia Securities Commission against Michael Lathigee, a Canadian national residing in Nevada. Lathigee appealed the district court's decision and on December 10, 2020, the Supreme Court of Nevada upheld the Nevada district court's decision, marking the first time an American court has recognized an order issued by a Canadian securities regulator.

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.

Registered retirement accounts are fair game: Enhanced tools for securities regulators to fight white-collar crime

14 December 2020

In November 2020, the British Columbia Securities Commission dismissed an application brought by Earle Pasquill for an order to revoke a preservation order made under the British Columbia *Securities Act* that prohibited Pasquill from withdrawing or transferring funds from his registered retirement income funds. This case comes at the heels of far-reaching legislative amendments to the Act earlier this year which significantly expanded on the Commission's powers to fight white-collar crime."

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.

Practical Compliance

8 December 2020

[PRACTICAL COMPLIANCE](#)

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

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.

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.

Minimum standards along the supply chain - Effects of the supply chain law on German companies

12 November 2020

For internationally operating companies, new demands on their international supply chains are coming into focus. In Germany, the political debate concerning a so-called supply chain law is taking shape. A first draft is expected within the next few months. At the same time, the introduction of a similar set of rules and regulations at EU level is being discussed; a decision on this matter is expected in 2021. Other European countries such as the Netherlands and the United Kingdom have already introduced corresponding legislation.

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.

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."

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 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

Argentina: The year in review

26 October 2020

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

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.

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

26 October 2020

Three recent decisions.

Chile: Drafting arbitration clauses in international contracts – practical aspects

26 October 2020

International arbitration has expanded considerably in recent years in Chile.

Peru: Top developments in international arbitration

26 October 2020

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

Puerto Rico: Legal and practical aspects of international arbitration

26 October 2020

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

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.

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.

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.

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

26 October 2020

Recent significant developments in Venezuela's arbitration landscape.

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.

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.

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.

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.

The Pharmaceutical Corner

30 September 2020

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

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.

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.

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.

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.

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.

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.

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.

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”.

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.

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.

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.

***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.

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.

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.

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.

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.

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.

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.

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.

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.

Up, up and away: BC Court of Appeal dismisses unjust enrichment class action against international airlines

15 SEP 2017

On September 12, 2017, the BC Court of Appeal upheld the decision of the B.C. Supreme Court in *Unlu v Air Canada*, 2015 BCSC 1453, refusing to certify as class proceedings five separate actions against each of Air Canada, Deutsche Lufthansa Aktiengesellschaft, Delta Air Lines, Inc., United Air Lines, Inc., and British Airways PLC.

Dramatic change ahead for the Ontario construction industry

5 SEP 2017

It is widely anticipated that the second reading of Bill 142, also known as the *Act to amend the Construction Lien Act*, will take place this fall. If implemented, Bill 142 will represent the most significant legislative reform seen in the Ontario construction industry since 1983, when the existing *Construction Lien Act* came into force.

Get Shorty: Defamation and regulatory claims against short-sellers in Canada

26 JUL 2017

Canadian companies have yet to find a clear legal path to address short-sellers who issue reports containing facts the company believes to be untrue.

Gatekeeping - stops class action cold!

6 DEC 2016

On 16 November 2016, Madam Justice Dillon issued her decision in *Harrison v. Afexa Life Sciences Inc.*, 2016 BCSC 2123, denying the certification of a class action against the makers of Cold-Fx under the *Class Proceedings Act*, R.S.B.C. 1996, c. 50. Dillon J. confirmed the court's important gatekeeping role is to ensure that the powerful machinery of class proceedings legislation is only invoked to assist genuine plaintiffs with genuine claims.

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

19 APR 2016

Interaction between Ontario Securities Act and the Class Proceedings Act: Supreme Court of Canada trilogy affirms the reasonably low threshold for leave under the Ontario Securities Act

8 DEC 2015

The decision provides helpful insight into the balance struck between parties in securities class actions and reaffirms the applicable standard to obtain leave under the OSA in order to commence a statutory secondary market misrepresentation claim under the OSA.

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.

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.

BC Supreme Court dismisses applications for certification of consumer protection claims in five class actions against international airlines

27 AUG 2015

On August 18, 2015, Madame Justice Adair of the B.C. Supreme Court refused to certify as class proceedings five separate actions against international airlines. *Unlu v. Air Canada*, 2015 BCSC 1453 is an important decision for consumer protection claims in British Columbia.

Mexico's new National Anticorruption System: 7 key points

20 JUL 2015

Constitutional reform regarding the creation of the National Anticorruption System

The preliminary merits test for secondary market claims is not just a "speed bump" to certification: The Supreme Court of Canada clarifies the test with its decision in *Theratechnologies Inc. v. 121851 Canada Inc.*

5 MAY 2015

Following amendments made in the last decade to various provincial Securities Acts to include statutory causes of action in the secondary market against public issuers for misrepresentation and/or failure to make timely disclosure to investors there has been ongoing debate about the appropriate threshold test for obtaining the requisite leave to commence a secondary market class action.

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.

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.

Third parties: 4 FCPA takeaways for working with distributors

24 SEP 2014

Four key challenges and related "cures"

The Marcotte Decision: The Supreme Court of Canada rules against banks in provincial consumer protection class

action

22 Sep 2014

On September 19, 2014, the Supreme Court of Canada (the "Court") ruled in *Bank of Montreal v. Marcotte* ("Marcotte") that Quebec's consumer protection legislation is applicable to federally regulated banks such that it provides the basis for consumer class actions in Quebec against those banks.

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

Congress, Administration move forward to secure critical US infrastructure

11 JUL 2013

Growing whistleblower activity calls for close employer attention to retaliation issues

7 MAY 2013

Careful consideration must precede adverse action against purported whistleblowers

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

11 MAR 2013

Practical considerations for US federal contractors

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

14 FEB 2013

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

21 Mar 2012

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

3 JAN 2012

[Events](#)

[Previous](#)

Using AI to monitor your compliance risks

31 March 2022
Webinar

Shift Happens: Tech, Trends & Tensions in International Arbitration

22 March 2022
Webinar

Whistleblowing laws of Europe

14 March 2022
Webinar

DLA Piper's inaugural Global Construction Conference – Day 4

11 November 2021
DLA Piper's inaugural Global Construction Conference
Webinar

DLA Piper's inaugural Global Construction Conference – Day 3

10 November 2021
DLA Piper's inaugural Global Construction Conference
Webinar

DLA Piper's inaugural Global Construction Conference – Day 2

9 November 2021
DLA Piper's inaugural Global Construction Conference
Webinar

DLA Piper's inaugural Global Construction Conference – Day 1

8 November 2021
DLA Piper's inaugural Global Construction Conference
Webinar

Korean companies in the global market – best practice to protect your foreign investments

5 November 2021
Webinar

White Collar Crime, Investigations and Compliance Symposium

5 October 2021
Webinar

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

28 September 2021
Webinar

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

21 September 2021
Webinar

Embracing Digital Evolution

15 September 2021
Webinar

Shut down your investigation immediately

27 April 2021
Webinar

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

19 April 2021

DLA Piper Global Vis Pre-Moot 2021 St Petersburg

18-20 March 2021
DLA Piper Pre-Moots 2021
Webinar

FDI screening rules and EU/China Comprehensive Agreement on Investment

17 March 2021
Webinar

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

22 February 2021

Webinar

Milan Investment Arbitration Pre-moot

19-20 February 2021
DLA Piper Pre-Moots 2021
Webinar

Corporate Fraud, Corruption and Cyber Risks: Current Trends and Practical Strategies

16 December 2020
Webinar

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

NEWS

DLA Piper (Canada) LLP welcomes Partner Josh Jantzi

19 May 2022
DLA Piper (Canada) LLP is pleased to announce that Josh Jantzi has joined the firm as a Partner in the Litigation, Arbitration and Investigations Group. Josh has a highly regarded litigation, arbitration and administrative law practice with a focus on environmental, energy regulatory, natural resource, Indigenous, transportation, municipal, and constitutional matters.

DLA Piper advises Fyllo on the acquisition of Semasio

19 April 2022
DLA Piper has advised Fyllo, a compliance-first platform providing data-driven marketing and regulatory solutions for high-growth industries, on the signing of a Stock Purchase Agreement with Semasio, a pioneer in unified targeting for digital marketing.

Leading Canadian patent lawyers contribute to Chambers Global Practice Guide on Patent Litigation

7 April 2022
Members of DLA Piper (Canada) LLP's team of leading patent lawyers have contributed to the Canada section of the 2022 Chambers Patent Litigation Global Practice Guide.

DLA Piper Canada lawyers recognized in 2022 *Canadian Legal Lexpert Directory*

March 4, 2022

DLA Piper (Canada) LLP is pleased to announce our lawyers have been ranked as leading practitioners in the 2022 edition of the *Canadian Legal Lexpert Directory*.

DLA Piper (Canada) LLP welcomes Partner Jamie Mills

25 February 2022

DLA Piper (Canada) LLP is pleased to announce that Jamie Mills has joined the firm as a Partner in the Toronto office. Jamie has a highly regarded practice focussed on the litigation of patents, trademarks and copyrights.

DLA Piper (Canada) LLP welcomes associate Erin Hunter

14 February 2022

DLA Piper (Canada) LLP welcomes Erin Hunter to our Vancouver office. Erin joins the Litigation, Arbitration and Investigations and Forestry groups as an associate and will assist with forestry-related litigation and advisory work.

Rebecca von Rüti appointed Co-chair of the Canadian Class Action Litigation Practice Group

2 February 2022

DLA Piper (Canada) LLP is pleased to announce that Rebecca von Rüti will join David Neave as Co-chair of the Canadian Class Action Litigation Practice Group.

DLA Piper wins injunction appeal for Teal Cedar Products Ltd.

27 January 2022

On January 26, 2022, the British Columbia Court of Appeal granted Teal Cedar Products Ltd.'s appeal, extending an injunction to protect Teal Cedar's forestry operations on Vancouver Island. DLA Piper represented Teal Cedar on the successful appeal.

Four DLA Piper (Canada) LLP partners recognized in the 2022 *Lexpert*®/*ALM 500 Directory*

7 January 2022

DLA Piper (Canada) LLP is pleased to announce that the 2022 *Lexpert*®/*American Lawyer Guide to the Leading 500 Lawyers in Canada* has recognized Howard Krupat (Construction), Alan Macek (Intellectual Property), Bruce Stratton (Intellectual Property) and Kevin Wright (Competition) as leaders in their field.

DLA Piper (Canada) LLP welcomes Partner Roderick C. Payne, Tovah Moffat and Bryce Wells to the Edmonton office

4 January 2022

DLA Piper (Canada) LLP is delighted to announce that Roderick Payne has joined the firm as a Partner in the Edmonton office. Rod has over 27 years of experience assisting clients on a broad range of oil and gas, construction, employment and commercial litigation matters. Also joining the Edmonton office are associates Tovah Moffat and Bryce Wells.

DLA Piper (Canada) LLP welcomes five new partners

4 January 2021

DLA Piper (Canada) LLP welcomes five additions to the partnership, effective January 1, 2022

DLA Piper Canada recommended by *Legal 500 Canada 2022*

12 November 2021

DLA Piper (Canada) LLP and its lawyers have been recommended in the latest edition of the *Legal 500 Canada*.

DLA Piper named to *Global Investigation Review's* GIR 30 list of leading investigations practices

11 November 2021

DLA Piper is pleased to announce that the firm has been named to *Global Investigations Review's* annual list of the 30 top investigations practices worldwide, reflecting its reputation as one of the top global law firms with broad experience in complex investigations.

Naana Frimpong appointed to DLA Piper Africa Board

26 October 2021

Naana Frimpong, a Litigation and Regulatory partner based in Atlanta, has been appointed to the DLA Piper Africa Board effective from 1 September 2021.

Five DLA Piper Canada partners named Leading Life Sciences Lawyers

5 October 2021

Five DLA Piper Canada partners have been named Leading Life Sciences Lawyers in Canada by the Legal Media Guide's (LMG) 2021 Life Sciences ranking guide, while the firm was recommended in the area of Product Liability.

DLA Piper Canada recommended in 2022 edition of *Chambers Canada*

10 September 2021

DLA Piper (Canada) LLP and its lawyers have been recognized across 15 practice areas in the 2022 edition of *Chambers Canada*.

DLA Piper Canada shortlisted for 2021 LMG Life Science Awards

4 August 2021

DLA Piper (Canada) LLP is pleased to announce that the firm was shortlisted as Canadian Product Liability Firm of the Year by the Legal Media Guide's (LMG) 2021 Life Sciences Awards.

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.

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.

DLA Piper (Canada) LLP welcomes Victoria Lee

10 May 2021

DLA Piper (Canada) LLP welcomes Victoria Lee as an associate to the firm's Calgary office.

DLA Piper (Canada) LLP welcomes Breanna Needham

3 May 2021

DLA Piper (Canada) LLP welcomes Breanna Needham to the firm's Toronto office as an associate in the Litigation Group.

DLA Piper (Canada) LLP welcomes new associate Swetha Popuri

3 May 2021

DLA Piper (Canada) LLP welcomes Swetha Popuri to the firm's Toronto office as an associate in the Litigation, Arbitration and Investigations Group.

DLA Piper (Canada) LLP welcomes associate Alexandra McCawley

26 April 2021

DLA Piper (Canada) LLP welcomes Alex McCawley to the firm's Vancouver office.

DLA Piper Canada has strong showing in 2021 *Canadian Legal Lexpert Directory*

22 April 2021

DLA Piper (Canada) LLP has increased their rankings in the Canadian Legal Lexpert Directory for the third consecutive year.

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

DLA Piper (Canada) LLP recognized by *Chambers Global* 2021

19 February 2021

DLA Piper (Canada) LLP and nine of its practitioners have been recognized in the 2021 edition of *Chambers Global*.

DLA Piper advises the Canadian group Nautel on the acquisition of radio communications innovators, Digidia and Kenta

11 February 2021

DLA Piper has advised the technology group Nautel, a specialist in the development of high-power electronic equipment and digital signal processing, headquartered in Canada, in its acquisition of Digidia and Kenta, leaders in digital broadcasting solutions, based respectively near Rennes and Quimper.

DLA Piper (Canada) LLP welcomes Partner Jerritt R. Pawlyk

4 January 2021

DLA Piper (Canada) LLP is pleased to announce that Jerritt R. Pawlyk has joined the firm as a Partner in the Edmonton office. Jerritt has a restructuring and insolvency practice and is an experienced advocate and advisor for clients across many industries, in particular the real estate and real estate finance sector.

Jordan Deering named Chair of the Canadian White Collar, Corporate Crime and Investigations practice

21 December 2020

DLA Piper (Canada) LLP is pleased to announce that Jordan Deering has been appointed Chair of the Canadian White Collar, Corporate Crime and Investigations practice.

DLA Piper shortlisted by the *Financial Times* for five FT North America Innovative Lawyers awards

8 December 2020

DLA Piper is pleased to announce it has been shortlisted by the *Financial Times* for five FT North America Innovative Lawyers 2020 awards.

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.

Katrina Edgerton-McGhan named a 2020 Lexpert Rising Star

16 November 2020

DLA Piper (Canada) LLP is pleased to announce that Katrina Edgerton-McGhan from the firm's Calgary office has been named a 2020 Lexpert Rising Star.

DLA Piper (Canada) LLP recognized in the 2021 edition of the *Legal 500 Canada*

13 November 2020

DLA Piper (Canada) LLP and its lawyers have been recognized as industry leaders across multiple practice areas in the latest edition of the *Legal 500 Canada*.

Five DLA Piper (Canada) LLP partners named LMG Life Science Stars

5 October 2020

Five DLA Piper Canada partners have been awarded Life Science Stars in Canada by the Legal Media Guide's (LMG) 2020 Life Sciences ranking guide.

DLA Piper (Canada) LLP welcomes Partner Jordan Deering

21 September 2020

DLA Piper (Canada) LLP is pleased to announce that Jordan Deering has joined the firm as a Partner in the Calgary office. Jordan has almost 20 years of experience acting on matters involving all aspects of fraud, corruption, and white collar crime.

DLA Piper (Canada) LLP recognized by *Chambers Canada 2021*

10 September 2020

DLA Piper (Canada) LLP is pleased to see 25 of our lawyers recognized across 16 practice areas in the 2021 edition of *Chambers Canada*.

DLA Piper Canada increases rankings in 2021 edition of *Best Lawyers in Canada*

28 AUG 2020

DLA Piper (Canada) LLP is pleased to see 79 of our lawyers across 35 practice areas recognized in the 2021 *Best Lawyers in Canada* guide, resulting in our best showing with the guide since its inception.

DLA Piper (Canada) LLP welcomes Colin Brousson and Jeffrey Bradshaw to Restructuring group

21 AUG 2020

DLA Piper (Canada) LLP is delighted to welcome Colin Brousson as Partner and Jeffrey Bradshaw as Associate to our national Restructuring group. Both Colin and Jeffrey join our Vancouver office.

DLA Piper (Canada) LLP partners shortlisted for LMG Life Science Awards

7 AUG 2020

DLA Piper (Canada) LLP is pleased to see two of our partners shortlisted for the Legal Media Guide's (LMG) 2020 Life Sciences Awards.

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.

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.

DLA Piper patent litigators conduct Federal Court's first virtual trial

22 JUN 2020

DLA Piper's team of patent litigators made history this month by representing their client, Videotron Ltd, in the Federal Court's first virtual trial (*Rovi Guides Inc. v. Videotron Ltd.*, T-921-17). The patent infringement proceeding involved multiple patents on interactive television program guides.
