



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
- International Trade, Regulatory and Government Affairs
- Projects, Energy and Infrastructure
- Real Estate
- Tax
- International Corporate Reorganizations

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

- 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

- Industrials
- Technology
- Infrastructure, Construction and Transport

INSIGHTS

Publications

Czech Republic - Global bribery offenses guide

6 December 2021

Denmark - Global bribery offenses guide

6 December 2021

Ethiopia - Global bribery offenses guide

6 December 2021

Sweden - Global bribery offenses guide

1 December 2021

Tanzania - Global bribery offenses guide

1 December 2021

SHE Matters

29 November 2021

HEALTH, SAFETY AND ENVIRONMENTAL MATTERS SERIES

SHE Matters is a quarterly publication compiled by DLA Piper's Safety, Health and Environment lawyers. This autumn edition includes articles on the Environment Bill; H&S fines and sentencing; tackling biodiversity loss; UK conformity assessed marking; case law on corporate manslaughter, and much more.

Law applicable to arbitration agreements: UK Supreme Court confirms law of the contract generally prevails

22 November 2021

In the eagerly anticipated judgment of *Kabab-jj v Kout*, the English Supreme Court upheld the Court of Appeal's 2020 decision in the same matter that when English law is expressly chosen by the parties to govern a contract, English law will also usually govern the arbitration agreement contained in that contract.

Russia signs the 2019 Convention on the Recognition and Enforcement of Foreign Judgments

22 November 2021

On 17 November 2021, the Russian Federation signed the Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (Convention).¹ Russia is now the fifth state to sign the Convention along with Costa Rica, Israel, Ukraine and Uruguay, although no country has ratified the Convention and it has yet to enter into force.

¹ Convention

Driving change: The decarbonisation of European transport

17 November 2021

Transport is the bedrock of modern economies. It is also a major source of carbon dioxide emissions. The purpose of this study is to examine decarbonisation strategies in three key transportation subsectors: aviation, rail and shipping.

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.

Lloyd v Google – Supreme Court Judgment – report and impacts on data protection and mass claims in the UK

10 November 2021

UK Supreme Court allowed Google's appeal against the Court of Appeal decision which had previously granted Mr Lloyd permission to serve his representative claim on Google in the United States. The judgment brings to an end to one of the most significant issues to come before the UK Courts concerning class actions and data protection regimes.

Why anti-suit injunctions may be on the rise after Brexit

27 October 2021

The departure of the UK from the EU is expected to lead to a rise in the number of anti-suit injunctions sought in the English courts. In this article we consider the four main reasons why that is likely to be the case.

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.

Vale v. Steinmetz: The Court of Appeal re-emphasizes the consensual nature of arbitration and says “no” to third-party application of arbitral awards

4 October 2021

On 16 July 2021 the Court of Appeal handed down its judgment in Vale SA & Ors v. Steinmetz & Ors, dismissing an appeal to have litigation proceedings against the appellants summarily struck out on the basis of a determination in an arbitral award to which they were not parties.

Whistleblowing Laws in Europe: An international guide

September 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.

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.

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.

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.

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.

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 Petfire (Gibraltar) Limited t/a Betfred* [2021] EWHC 842 (QB).

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.

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.

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.

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.

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?

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.

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 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.

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).

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.

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

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 17th Amendment of the Foreign Trade and Payments Act on 1 May 2021.

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.

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.

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?

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.

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.

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.

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.

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.

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.

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.

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).

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.

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.

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.

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.

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.

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.

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.

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.

The Pharmaceutical Corner

22 December 2020

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

'Parent company' liability: from Vedanta to BHP

18 December 2020

On 9 November 2020, the English High Court handed down its decision in *Município 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.

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.

Securing evidence during the COVID-19 pandemic (*Koldyeva 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.

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.

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.

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.

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.

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.

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").

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.

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.

Ireland - Global bribery offenses guide

1 December 2020

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.

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.

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.

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.

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.

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.

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

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" ?

Newsletter dell'Arbitration Team

9 November 2020

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.

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.

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 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).

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.

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.

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.

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.

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.

Lexology GTDT Air Transport Guide 2021

8 September 2020

Lexology Getting The Deal Through published the fifteenth edition of Air transport Guide. Read the content for France written by Vonnick Le Guillou, Edouard Sarrazin, Sophie Cochery, Alexis André, and Audrey Lemniaï.

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.

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.

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.

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.

The new framework of the Italian dispute board

24 July 2020

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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?

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.

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.

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.

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.

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.

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

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

DLA Piper · Attorney General Insights: Brian Frosh

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.

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.

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.

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.

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.

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.

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.

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.

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.

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?

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.

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.

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.

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.

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.

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.

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.

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.

English and French law perspectives on which law applies to the arbitration agreement - Analysis following the English Court of Appeal decision in Kabab-Ji v Kout

7 April 2020

The English Court of Appeal's (the Court of Appeal) recent decision in *Kabab-Ji v Kout* confirms that when the parties have chosen a governing law which is said to apply to the entire or all of the terms of their contract, that governing law will apply to the arbitration agreement where the arbitration agreement does not include a separate governing law provision.

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.

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).

Illinois courts' response to the COVID-19 pandemic

2 April 2020

The Illinois courts respond to the pandemic.

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.

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.

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.

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

31 March 2020

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.

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.

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.

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.

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.

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.

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

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.

[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.

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.

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.

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.

Asia Pacific Arbitration Roundup 2019

12 March 2020

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

Maintaining the privilege: Procedure & Practice Privilege

11 March 2020

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

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).

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).

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.

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.

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.

Austria - Global bribery offenses guide

17 February 2020

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.

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.

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.

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.

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.

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.

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.

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.

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.

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).

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.

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.

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

19 APR 2016

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.

Mexico's new National Anticorruption System: 7 key points

20 JUL 2015

Constitutional reform regarding the creation of the National Anticorruption System

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"

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

Upcoming

An introduction to Liability of Public Entities

16 December 2021

Webinar

Previous

Driving change: the decarbonisation of European transport

16 November 2021

4:00 PM - 5:00 PM GMT

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

AI projects: Dispute prevention and resolution

20 October 2021
Webinar

White Collar Crime, Investigations and Compliance Symposium

5 October 2021
Webinar

The essential legal update for consumer goods businesses

29 September 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

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

25 August 2021

Payments Forum June 2021

22 June 2021
Webinar

Part 2 - Use of FIDIC for offshore projects

26 May 2021
Webinar

Shut down your investigation immediately

27 April 2021
Webinar

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

22 April 2021
Webinar

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

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

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

20 April 2021
Webinar

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

19 April 2021

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

13 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

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

26 January 2020

Webinar

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

26 January 2021

Webinar

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

9 December 2020

Webinar

Essential Legal Update 2020

12 October 2020 - 15 October 2020
Webinar

The Future of ISDS in Africa

6 July 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

Force Majeure and US-China Contract Fulfillment Challenges

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

DLA Piper Global Vis Pre-Moot 2020 St Petersburg

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

CIArb Australia Vis Pre-Moot hosted by DLA Piper

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

DLA Piper Global Vis Pre-Moot 2020 Frankfurt

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

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

DLA Piper Global Vis Pre-Moot 2020 São Paulo

13-14 February 2020
DLA Piper Global Vis Pre-Moots Series 2020
São Paulo, SP

The Seventh International Pre-Moot Amsterdam

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

NEWS

New partner joins DLA Piper's Litigation & Regulatory practice in Paris

15 November 2021
DLA Piper is appointing Ruxandra Lazar as partner to its Litigation & Regulatory practice in Paris, joining with a team of four on 15 November. She joins the Public Law team in Paris led, by Jérôme Pentecoste.

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.

DLA Piper's Aiscension wins Most Innovative Use of Technology at The Lawyer Awards 2021

3 November 2021
DLA Piper has won the Most Innovative Use of Technology category at The Lawyer Awards 2021 virtual ceremony on the 2 November for its Aiscension tool, a ground-breaking AI-enabled service designed to find cartel risks within corporations.

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.

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 advises BASF on the acquisition of 49,5% stake in offshore wind farm Hollandse Kust Zuid from Vattenfall

24 June 2021

DLA Piper has advised BASF on the acquisition of 49,5% percent of Vattenfall's offshore wind farm Hollandse Kust Zuid in The Netherlands. The purchase price amounts to EUR0,3 billion and takes into account the achieved status of the project.

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.

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 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 advises lenders on the refinancing of the Warnow Tunnel in Germany

26 February 2021

DLA Piper has advised the lenders on the EUR115 million refinancing of the Warnow Tunnel in Rostock (Germany), also known as the Warnow River Crossing (Warnowquerung).

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 advises Kölner Pensionskasse and Caritas Pensionskasse on their reorganization

21 January 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.

DLA Piper advises Wipro Limited on the acquisition of METRO-NOM GmbH and METRO Systems Romania

4 January 2020

DLA Piper has advised Wipro Limited, a leading global information technology, consulting, and business process services company, on the acquisition of METRO AG's IT units – METRO-NOM GmbH in Germany and METRO Systems Romania S.R.L.

DLA Piper advises Nemetschek on acquisition of DEXMA by subsidiary Spacewell

18 December 2020

DLA Piper has advised the Nemetschek group, one of the world's leading software providers for the Architecture, Engineering, Construction and Owner-operated (AECO) industry, on the acquisition of 100% of the shares in DEXMA by its subsidiary Spacewell.

DLA Piper advises Stillfront Group on the acquisition of gaming company Sandbox Interactive

18 December 2020

DLA Piper has advised Stillfront Group AB, a leading free-to-play gaming studios company, on the acquisition of Sandbox Interactive GmbH, a rapidly growing and highly profitable gaming company based in Berlin and developer and publisher of the popular cross-platform free-to-play sandbox MMORPG Albion Online. The sellers are the four co-founders of Sandbox.

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.

'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.

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.

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 announces partnership promotions for 2020

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.

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.

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.

In France

KEY ISSUES

Whether a private or public economic organization, large group, French or a foreign firm, bank or a financial company, your interests need

to be supported by legal knowledge and a solid understanding of strategic issues. This requires both a broad and an innovative approach to navigate the complex and sometimes conflicting relationships between companies, as well as with the French and European administrations. Understanding of pre-litigation management, prevention of criminal risk in state courts and the European or arbitral authorities is also important.

HOW DLA PIPER CAN HELP

Our in-depth understanding of our clients' needs enables us to offer innovative solutions for your projects at every stage, with knowledge and skill in:

- Competition law: distribution and consumption; from the most simple to the most innovative, in litigation and in counsel,
- Complex contractual and financial arrangements between the public and the private sector, such as public-private partnerships, privatizations and private financing of public projects,
- Litigation across traditional areas of public law: regulatory law related to complex and evolving sectors such as energy, telecommunications, environment, and urban planning,
- Civil litigation: law of obligations, special contracts, civil liability and insurance, provisional measures, property law, real estate and construction law, property security law and enforcement proceedings,
- Corporate litigation: shareholder disputes, director liability, post-acquisition litigation, banking litigation, collective procedures litigation, and more generally, commercial litigation,
- Arbitration: institutional or ad hoc legal disputes beyond arbitration proceedings, including conservatory or provisional measures, annulment appeals against arbitration awards. Advising investors, state or legal entities of public law for arbitration relating to investments and/or subject to procedures submitted to ICSID rules or other regulations in multiple sectors such as acquisition transactions or joint ventures, contractual disputes, hydrocarbons, energy, mining and natural resources, intellectual property, banking and finance, distribution, international trade and construction,
- Internal investigations notably based on the extraterritorial reach of American and British anti-corruption, anti-money laundering and economic sanctions.

OUR TEAM

Our French Litigation and Regulatory team is one of the most prominent in the market and comprises more than 40 lawyers focused on litigation and regulatory, including ten partners within an international team of more than 1000 lawyers.

QUOTES

Sources praise the team's "high-quality work, good understanding of the institutions, good organisation and good tactical sense."

One client commends the lawyers for their reactivity, saying: "I find them to be excellent in their communication and always very efficient and quick to respond to any queries we have and get back with the information that we require."

Michael Ostrove is adept at handling investor-state arbitrations, where he often acts for European and African sovereign states. "He has a wealth of experience, he is extremely calm and considered in his approach, he thinks very carefully and very thoroughly," says one impressed client, going on to add: "He is a mine of information on international arbitration. He is also a very diplomatic and modest person."

Chambers Europe, 2021

"Very good technical skills and great availability."

"Excellent quality of exchanges."

"Michael Ostrove is excellent; he is a very talented lawyer and advocate, but also an unfailingly courteous and considerate opponent."

"A very proficient and nice team."

"Alexander Brabant is a great technician and knows his files to perfection."

"A team of professionals who are dedicated to serve their clients the best way."

"Michael Ostrove is an utmost professional."

“The team is made up of highly qualified individuals.”

Legal 500, 2021