



Bird & Bird & First for Disputes

Our disputes management practice

Our disputes management practice

Business does not always run smoothly and whilst we work with our clients to avoid disputes wherever possible, sometimes they do arise. When you do find yourself in dispute, we will help you to manage the best business advantage.

Chambers Global comments that our commitment to specific sectors distinguishes us from many other firms enabling us to provide a comprehensive array of services to clients and providing them a first-rate service. You will benefit from the experience of more than 100 lawyers in 17 countries, all of whom believe in working in close partnership with their clients.

Our integrated approach

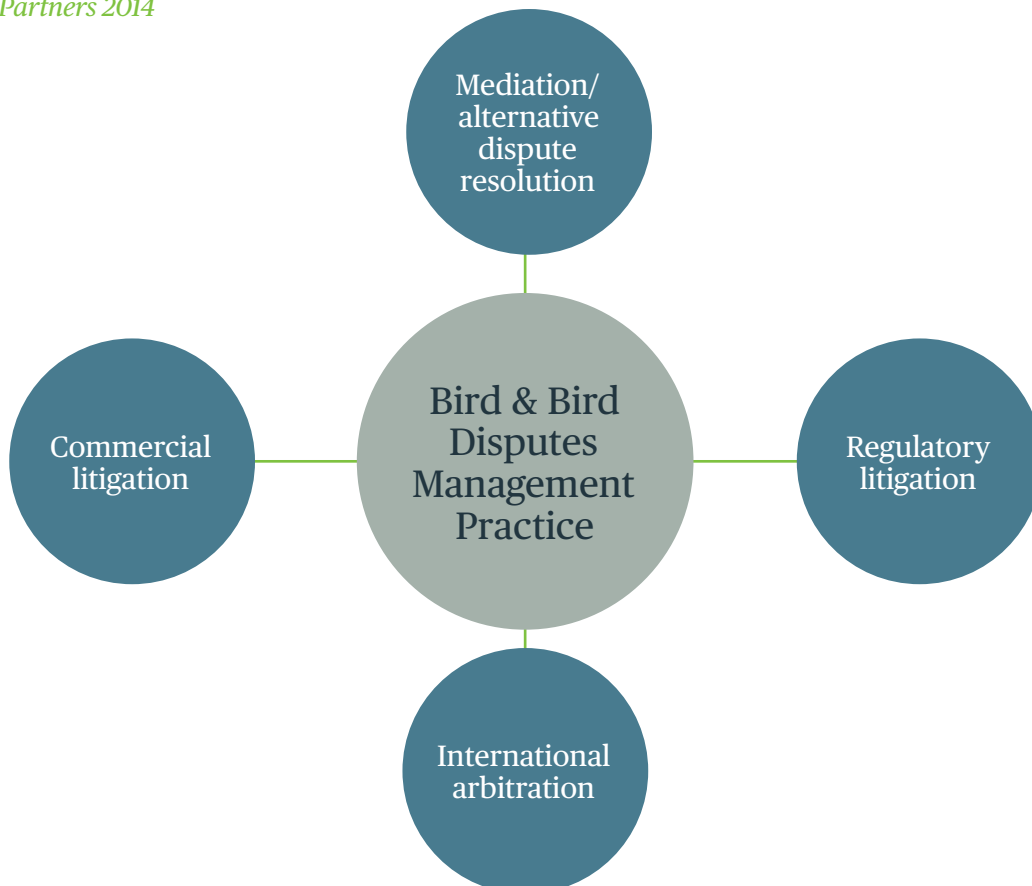
Because we take an integrated approach with our non-contentious colleagues, we become involved in potential disputes from the very earliest stage and we can assess risk, alone or with other professional advisers. This enables us to provide you with early advice in confidence and can lead to the avoidance of costly litigation.

Demonstrates strength in high-value disputes in its sector specialisms of IT and telecommunications, energy and financial services. Works seamlessly alongside colleagues in other departments and jurisdictions in order to provide a full-service offering to corporate clients.

Chambers and Partners 2014

Our commercial approach.

Our established understanding of your business means that we will not attempt to impose a lawyer-led approach upon you. We are committed to accompanying you through all stages of the business process and believe firmly that commercial priorities and realities must dictate the general legal strategy. And whether we recommend negotiation, arbitration, mediation or litigation, it will be because that is the right route for your circumstances. Goals may change and alternative approaches may be required at short notice to enable our clients to gain the best result. This level of flexibility is central to our overall philosophy.



Sector focus

We don't pretend to be experts in all areas, but where we do excel, we are the equal to any Magic Circle firm. Our sector focus combined with our international reach comprising 25 offices across Europe, the Middle East and Asia involving almost 1000 lawyers means that we are global leaders in sectors such as Commercial, Technology & Communications, IT, Banking & finance, Aviation, Defence & Security, Energy and Sports. The depth of experience in each sector, and the fact so many of our lawyers around the world have worked in-house or have relevant degrees that complement their legal qualifications, means that our clients will find they are working with a legal team that already understands the challenges they face.

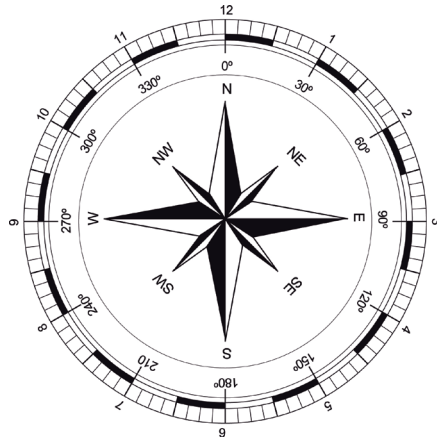
- **Major technology multinational** in a \$6 billion ICC arbitration in relation to a global licensing dispute.
- **Prosolvia** in winning largest ever damages claim in Sweden (€250 million) by successfully representing the bankruptcy estate of Gothenburg-based high-tech company Prosolvia in a landmark dispute against the company's former auditor, Pricewaterhouse Coopers (PwC).
- **Major telecommunications operator** in a £800 million claim in the Technology and Construction Court regarding alleged faults in a nationwide network.
- **AIM-listed oil company** in defending high profile fraud allegations, \$400 million claim brought against the former CEO concerning alleged breaches of general fiduciary and Companies Act duties and regulatory obligations concerning this.
- **Forsta AP-fonden** in winning the significant negligence case for the Swedish Government pension fund against the Bank of New York Mellon, one of the world's largest financial services corporations, in relation to losses in relation to a \$27bn structured investment vehicle, which collapsed in 2008.
- **Large group of institutional shareholders** in a £3.5 billion claim against RBS for alleged misrepresentation in its prospective breach of section 90 FSMA arising from RBS's rights issue in June 2008.
- **Steel manufacturer** in multi-party litigation concerning disputes over design specification, progress and valuation of steel support structures for an underground nuclear storage facility for British Nuclear Fuels Ltd.
- **Global airline** in potential US\$200m claim against an Asian aircraft seat manufacturer arising from the falsification of test data.

“They are not acting as outsiders, but help us as if they are the real owners of the problem and provide us with the best possible solution. They are concentrated on finding solutions rather than creating problems.”

Chambers and Partners 2014 (What clients say)

“Manages massive pieces of litigation seemingly effortlessly.”

Chambers and Partners 2013



“One of the things that I most admire is their availability. Whenever needed, even at the most bizarre times, the team members, including the partner, are always available.”

Chambers and Partners 2014 (What clients say)



Full range of clients

Bird & Bird leads the market in acting for many of the world's best-known companies. We have been central to many of the largest, most complex and innovative disputes of recent years and have provided an extensive range of corporate, commercial, regulatory and dispute resolution advice to businesses around the world.

- **Online communications company** in a very substantial, high profile £2.1 billion “bet the company” dispute in the UK High Court and courts in California, Delaware and Estonia, arising out of the licensing and ownership of Skype’s core peer-to-peer technology. Settled successfully before trial.
- **Global ecommerce business** in relation to a Norwich Pharmacal application brought by Microsoft seeking customer account details and other confidential information from PayPal. The proceedings were brought in order to obtain information about individuals who Microsoft alleged were selling counterfeit software through the eBay site. After negotiations the terms of a consent order were agreed and information provided. A full reimbursement of PayPal’s legal costs was subsequently obtained.
- **Global provider of internet-related products and services** in several cases of Commercial litigation (supply of services, conditions of sale, protection of personal data, liability in tort...) as well as in Competition law litigation (accusation of practice of predatory prices).
- **Aircraft manufacturer** in defending an aeronautical manufacturer accused by a sub-contractor regarding the conditions of ending of their relationship (claim for over €100 million in damages) as well as in various other cases of commercial litigation for the same client.
- **US multinational mass media corporation** in a complex technology licensing dispute involving two sets of expedited proceedings in the Commercial Court and Chancery Division respectively.

Represents various technology clients and financial services providers, as well as big-ticket telecoms, internet and broadcasting names.

Chambers Global 2011

- **Global insurance group** acting in relation to a dispute surrounding the migration of reporting and accounting systems from the ICL platform to IBM OS 390 platform. This multi million pound claim was settled by mediation after expert reports and witness statements were exchanged.
- **Swedish pension fund** in relation to losses in relation to a \$27 billion structured investment vehicle, which collapsed in 2008.
- **Major German bank** in the successful defence of Commercial Court fraud proceedings for one of the largest financial institutions in German I relation to a dispute with Norwegian bank, Sparebanken Øst.
- **Electronics and gas supply generation company** in a subrogated and non-subrogated claim in relation to turbine generator and the recovery of multi millions of insured and uninsured losses caused to a turbine generator in a multi-party recovery action.
- **Leading engineering company** in a series of monetary and contractual claims in relation to works undertaken for international oil refineries in different locations.
- **International beer distributor** in a \$75 million arbitration in Hong Kong as it seeks an exit from its joint venture partner in North China, governed by Chinese law.

Full range of dispute resolution services

Commercial disputes are at the heart of our disputes management practice, and over the years we have acted for many leading international companies in complex disputes across all industry sectors. We have acted in matters in the following fields:

- Mergers and acquisitions: disputes relating to public and private deals
- Joint ventures: disputes arising from shareholder agreements and deadlocked joint venture companies
- Professional negligence: accounting, banking, tax, legal, and surveying negligence cases
- Fraud: disputes, internal investigations and bribery and corruption
- General contractual disputes
- Product liability and general liability disputes
- Commercial: insurance, sale of goods, pensions and employment disputes
- Insolvency
- Class actions including shareholder claims
- Public and administrative: judicial review and public law disputes
- Competition/EU law disputes
- Procurement disputes
- Defamation

- **5 SPV companies** that were the claimants in \$160 million LCIA arbitration proceedings relating to investments made by the claimants in development contracts in Qatar, and involves serious allegations of fraud, deceit and allegations relating to the operation of a ponzi scheme.
- **Russian financial and industrial holding company** in a major Commercial Court action for US\$50 million alleging breach of duties and conspiracy against PK AirFinance and GECAS.
- **Major IT and telecommunications provider** on two business-critical product recalls arising out of power adapters used in our client's home-hub and video-on-demand television systems. In particular, we advised on crisis management, risk assessment of the products, regulatory obligations to Trading Standards, required corrective action in the market, and the recovery of costs incurred from the original manufacturers.
- **Major network solutions company** in a procurement dispute with DANTE in relation to the GEANT transmission and switching equipment tender.
- Acting for the board of an **international telecoms company** in respect of an expedited trial valued at up to £600 million of various issues arising out of the merger of its UK mobile telecoms subsidiary with another UK mobile telecoms company.

- **Sovereign state** in a high profile, high value judicial review application against Ofcom in the Administrative Court in which the client government sought to challenge Ofcom's decision to submit a new frequency assignment in the broadcast satellite network on behalf of another state to the International Telecommunications Union.
- **Leading global investment bank** in the defence of a very substantial \$800 million claim of alleged misselling and misrepresentation in respect of various CDOs/CDSs.
- **Postal and telecommunications services provider** on various litigation proceedings relating to administrative law and regulatory issues.
- **Nordic bank** in relation to a potential professional negligence claim against solicitors who were instructed to advise in connection with the taking of security for a loan facility made in connection with a property purchase.
- **Biopharmaceuticals company** in conjunction with our IP specialists in a professional negligence action against patent agents in relation to a ground breaking US drug product resulting in loss suffered in 13 jurisdictions in Europe through the negligence.
- **Military and humanitarian transport aircraft manufacturer** in relation to a potential dispute arising out of a joint venture agreement to develop a freighter aircraft conversion solution.

International reach

Globalisation increasingly means that when disputes arise they involve more than one jurisdiction. We have offices in Abu Dhabi, Beijing, Bratislava, Brussels, Budapest, Düsseldorf, The Hague, Hamburg, Helsinki, Hong Kong, Frankfurt, London, Lyon, Madrid, Milan, Munich, Paris, Prague, Rome, Shanghai, Singapore, Stockholm and Warsaw. We have specialist litigators operating out of all our European offices as well as from our Singapore and Hong Kong offices. Being a truly integrated international team, we are able to provide genuine local knowledge and understanding of a variety of systems of laws and procedures. Further, our creative project management skills ensure that we are able to provide seamless cross-border advice.

- **Middle-East Islamic investment bank** in connection with potential disputes arising from a Retakaful investment business.
- **Leading Polish bank** in securing an arbitral award concerning a claim against an investor in relation to the assigned remuneration of a construction company.
- **One of Spain's biggest logistic and industrial corporations** in the steel industry in litigation proceedings against one of the leading international IT consultancy houses due to the early termination of a Systems Integration Agreement with the scope to implement the ERP (Enterprise Resource Planning) SAP R/3.
- **Far East EPC Contractor** in a dispute regarding valuation and prolongation issues arising from the construction of a liquefied natural gas plant in Saudi Arabia.
- **Dutch Engineering Company** in claims arising from the construction of hydrogen plant.
- **US-based energy conglomerate** against claims made by one of its buyers in respect of quantities of crude oil shipped from VAALCO's oil block on the West coast of Africa.
- **Croat oil dealing company** in procurement, finance and subsequent disputes relating to refurbishment and operation of oil storage and take-off facilities in the free port of Plotze.

- **Process facility, Nigeria** as Adjudicator in two disputes between a plant owner and a contractor arising from an erection contract and a design, manufacturer, supply and consultancy agreement.
- **Estonian company** in proceedings relating to the fire in the Channel tunnel in September 2008.
- **Largest internet service provider and dominant telecom operator in Belgium** on a landmark litigation, with the Court of Justice of the European Union (CJEU) and the court of appeal of Brussels, regarding ISP's secondary liability in the context of peer to peer data exchange.
- **Major Finnish telecommunications company** in the resolution of a dispute facilitating the completion of a business acquisition with DragonWave Inc.
- **Turkish telecoms company** in a LCIA arbitration against Vital Telephone in relation to a debt outstanding for traffic of minutes between Asia and Turkey.



Arbitration expertise in all sectors

Bird & Bird's International Arbitration Group has grown substantially over many years and is a cross-border, integrated, multi-disciplinary team with an in-depth knowledge of arbitration as a dispute resolution mechanism and a comprehensive understanding of key industry sectors. The group has a truly international feel, operating throughout all of the major financial cities in the world and because of this, the team has extensive experience of representing clients in arbitrations, including under the rules of the world's leading arbitral institutions (ICC, LCIA, AAA/ICDR, CIETAC, UNCITRAL, ICSID, WIPO) and under a variety of systems of law.

- **Leading global supplier of financial trading systems** in an UNCITRAL arbitration with an Asian stock exchange in a US\$107 million ICC arbitration over the supply of a derivatives trading system. Settled successfully before hearing.
- **Major US digital technology company** in assisting its PRC subsidiary to enforce a domestic CIETAC award concerning a patent licence dispute against a PRC licensee.
- **Turkish power generation company** in an international trade dispute arising out a Rental Services Agreement with the Government of Pakistan and involving the seizure of three powerships outside Karachi. An arbitration under the International Centre for Settlement of Investment Disputes pursuant to the Bilateral Investment Treaty between Pakistan and Turkey and two LCIA arbitrations are being commenced, having a combined value of US\$750 million, as well as a claim under the client's War Insurance Policy written at Lloyds.
- **Chilean Utility company** in an ad hoc arbitration in Chile in relation to a number of claims arising out of a policy of insurance and valued at \$125million.
- **Polish State** in a \$1 billion investment treaty arbitration brought under the Poland-Cyprus BIT. The arbitration is being conducted under the SCC rules.

- **European oil company** in a \$100 million UNCITRAL arbitration arising out of a series of oil-field exploration agreements.
- **European aircraft manufacturer** in a \$700 million ICC arbitration against a French airline, in relation to a major civilian aviation crash.
- **Nokia** in winning a the much publicised SCC Blackberry patent arbitration against Research in Motion.
- **International beer producer and distributor** in a \$75 million HKIAC arbitration in Hong Kong concerning a failed joint venture in Chengde, China.
- **Worldwide operating ICT provider** in a \$700 million ICC arbitration in respect of outsourced telephony systems.
- **Global pharmaceutical company** in winning a \$160 million arbitration and successfully defeating the opponent's anti-suit injunctions.

Bird & Bird LLP (international arbitration group) has 'a deep bench of sector-focused practitioners'

Legal 500 2013

Mediation

In recent years Bird & Bird has enabled mediation to take place in over a hundred disputes which it was handling. In nearly 70% of these cases, the mediation made it possible to reach a settlement much more quickly than if litigation proceedings had been pursued. Our know-how in this regard extends not only to our awareness of the mechanisms of mediation and the advantages it may present for our clients, but also to the ways of persuading the opposing party to agree to such recourse.

Relationship pricing

We have invested in an innovative system to forecast and monitor the legal costs of contentious and non-contentious matters. The Bird & Bird cost management system ensures:

- **Accuracy:** we work closely with you to scope work and price it accurately
- **Transparency:** we share our detailed budgeting information with you at the outset
- **Clarity:** we are clear on what is included in the budget
- **Real-time reporting:** we tailor reports to meet your needs



“Bird & Bird has a strong international practice, with particular expertise in the financial services and telecoms sectors”.

Legal 500 2011



Our global disputes management practice

“Commercial, quick to identify the issues and get to the heart of the matter”.

Chambers and Partners 2014

“This dispute resolution group has developed a formidable reputation... interviewees praise the team as being “very thorough and knowledgeable” and highly “user friendly”.

Chambers and Partners 2013

“Bird & Bird is an obvious choice for high-calibre commercial and banking disputes, particularly those involving elements of IP, IT, outsourcing, telecoms and life sciences.”

Chambers Global 2013

“Determined but pragmatic”

Chambers and Partners 2013

“Manages massive pieces of litigation seemingly effortlessly.”

Chambers and Partners 2013

“The dispute resolution team at this firm is praised by sources for the quality of its litigation work, and has been receiving instructions in a wide range of cross-border matters.”

Chambers and Partners 2013

“Bird & Bird’s renowned status as a leader in the fields of IT, IP, outsourcing, telecoms and life sciences, this dispute resolution group has developed a formidable reputation in these core areas and in a broad spectrum of high-calibre contentious commercial and banking-related matters.”

Chambers Europe 2013

“Continues to impress, advising on cross-border disputes and arbitrations, and major white-collar crime and securities investigations.”

Legal 500 EMEA 2012

‘Outstanding’ team ... Bird & Bird is ‘commercially minded and gives concise advice’, and is exceptionally good at ‘anticipating changes in the legal environment’

Legal 500 EMEA 2012

Clients are full of praise for our sector based dispute resolution practice, noting that the “smart, attentive and service orientated” lawyers have “specific industry knowledge in addition to the legal skills required”.

Chambers and Partners, 2012

Getting to know us

Bird & Bird is a truly international firm, organised around our clients. We connect our passion and practical insight with our clients' vision, to achieve real commercial advantage.

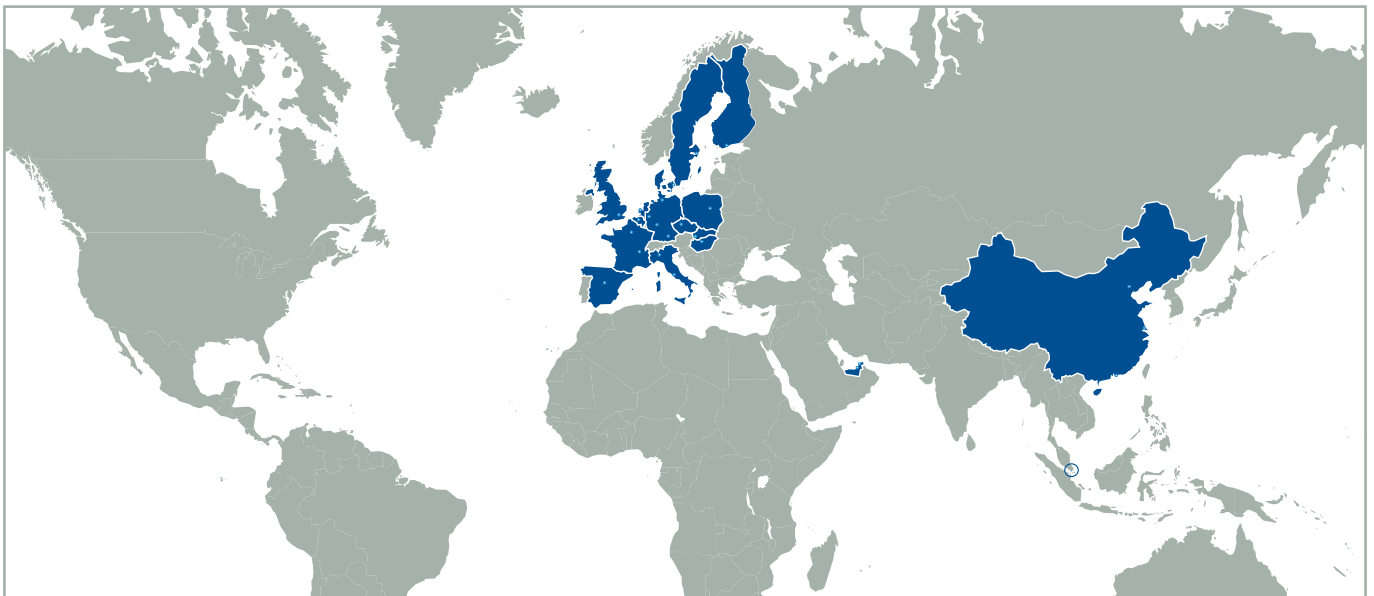
With more than 1,100 lawyers and legal practitioners in 26 offices worldwide, we specialise in combining leading expertise across a full range of legal services, including advice on commercial, corporate, EU and competition, intellectual property, dispute resolution, employment, finance and real estate matters.

Our clients build their businesses on technology and intangible assets, and operate in regulated markets. The key to our success is our sector focus. We have developed deep industry understanding of these sectors, including aviation and aerospace, communications, electronics, energy and utilities, financial services, information technology, life sciences, media and sports. Our deep industry knowledge gives us:

- Expertise in the law and regulatory framework relating to each sector
- A practical, commercial approach to navigating the sector, supported by advisors who have worked for decades in these specific industries

Most of our work is cross-border and multi-jurisdictional. We excel at managing complex projects across multiple regions with a seamless one-firm approach.

We have offices in key business centres across Europe, the Middle East and Asia, including in Abu Dhabi, Beijing, Bratislava, Brussels, Budapest, Copenhagen, Dubai, Düsseldorf, Frankfurt, The Hague, Hamburg, Helsinki, Hong Kong, London, Lyon, Madrid, Milan, Munich, Paris, Prague, Rome, Shanghai, Singapore, Skanderborg, Stockholm and Warsaw. We also have a dedicated group focusing on India and close ties with firms in other key jurisdictions in Europe, the Middle East, Asia and the United States. We offer local expertise within an international context.



Summary table comparing key features of EMEA jurisdictions

Region	Legal system	Pre-action/ interim remedies	Disclosure	Evidence	Duration	Cost/Fees	Cross border enforcement/ protective measures
England and Wales	Common law	<p>Wide variety of relief available, eg:</p> <ul style="list-style-type: none"> • pre-action disclosure of documents/ party information; • security for costs; • prohibitory/ mandatory injunctions; • freezing orders; • search/ preservation orders; • orders to support enforcement 	<p>General duty to disclose all material documents which help or harm your or another party's case.</p> <p>Established and wide-ranging privilege rules to protect against disclosure of legal advice/ documents prepared in contemplation of litigation.</p>	<p>Full disclosure of relevant documents; witness statements; and expert evidence.</p> <p>Court's permission required to adduce expert evidence - to be limited to what is reasonably required.</p>	<p>Generally 1-2 years - although ways to expedite. Eg, summary judgment, short-form proceedings (Part 8) and expedited proceedings can be available.</p>	<p>Costs generally follow the event - losing party typically ordered to pay 60-70% of winner's costs. Note: effect of 'good' settlement offers, unreasonable conduct, unjustifiable costs.</p> <p>Professional fees range from £100/ hour for a small, local firm to £1,000/ hour for top barristers.</p> <p>Conditional fee arrangements ('no win, no (or discounted) fee' arrangements) ("CFAs") available. From April 2013, Damages Based Agreements ("DBA"s) ("share of award") will be allowed.</p> <p>Third party funding (eg after-the-event insurance ("ATE")) permitted. Can currently recover from losing party uplift under CFAs and insurance premium for ATE.</p>	<p>Generally uphold jurisdiction clauses.</p> <p>Brussels regime for EU states; Courts will enforce judgments of non-EU states in accordance with bi-/ multi-lateral treaties as incorporated into English law.</p> <p>Anti-suit relief only available for proceedings outside the EU - Erich Gasser GmbH v MISAT Srl (Case C-116/02) [2005] QB 1).</p>
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Region	Legal system	Pre-action/ interim remedies	Disclosure	Evidence	Duration	Cost/Fees	Cross border enforcement/ protective measures
Belgium	Civil law	<p>Wide variety of relief available, eg:</p> <ul style="list-style-type: none"> • Summary judgment; • Injunctions. • The party must be able to show that there is urgency and there is need for the measure so as to avoid imminent and unjustified damage. 	<p>No obligation to disclose relevant documents. However, if there are strong suggestions that a party (or third party) has a document relevant to the case, the court may order that party to make the document available.</p> <p>Non-disclosure of such information may have an impact on the court's decision but will not, unless it is fraudulent, lead to a penalty.</p>	<p>There are no discovery proceedings in Belgium.</p> <p>All types of evidence is admissible in commercial matters.</p> <p>In civil matters written evidence overrides other types of evidence.</p> <p>Expert evidence may be presented by the parties and the Court may designate its own expert.</p>	<p>Typically, 'main proceedings' (bodempcedure/ procédure au fond) will run for between 6 to 18 months.</p>	<p>Comparatively low when considered alongside the rest of Europe.</p> <p>Judgments will provide for the losing party to indemnify the other party for its court costs and its lawyer's costs.</p> <p>The indemnity for lawyer costs is fixed by the Court in accordance with a scale which results in an amount frequently less than the amount of actual fees.</p> <p>Contingent fee arrangements linked exclusively to the outcome of the case are prohibited.</p>	<p>Brussels regime.</p> <p>Reciprocal treaties.</p> <p>Where a judgment has been rendered outside the EU or in a country not bound by a specific treaty, recognition and enforcement is possible in accordance with art. 22 to 25 of the Belgian Code of Private International Law.</p>
<p>Brussels Bird & Bird Belgium Avenue Louise 235 box 1 1050 Brussels Belgium T: +32 (0)2 282 6000</p>							

Region	Legal system	Pre-action/ interim remedies	Disclosure	Evidence	Duration	Cost/Fees	Cross border enforcement/ protective measures
Denmark	Civil law	<p>Various, including:</p> <ul style="list-style-type: none"> • Injunctions. • Securing of evidence and investigations at the premises of an alleged infringer can be ruled by the court if it is likely that an infringement of IPR has occurred or will take place. • Enforcement proceedings. <p>The party must be able to show that there is urgency and there is need for the measure so as to avoid imminent and unjustified damage.</p>	<p>No obligation on parties to disclose relevant documents. However, if there are strong suggestions that a party (or third party) has a document relevant to the case, the court may order that party to make the document available.</p> <p>Non-disclosure of such information may have an impact on the court's decision but will not, unless it is fraudulent, lead to a penalty.</p> <p>Third parties are required to disclose relevant documents or ordered to do so by the court, and non-disclosure can be sanctioned with daily penalties.</p>	<p>There are no discovery proceedings in Denmark.</p> <p>As a general rule, all types of evidence are admissible in commercial matters.</p> <p>Expert evidence may be presented only if agreed by the parties, or if obtained prior to the filing of the law suit.</p> <p>The Court may upon request from a party appoint an expert surveyor.</p>	<p>Typically, 'main proceedings' ("hovedforhandling") will run for between 6 to 18 months in the first instance.</p>	<p>Comparatively low when considered alongside the rest of Europe.</p> <p>Judgments will provide for the losing party to compensate the prevailing party for its court costs and its lawyer's costs.</p> <p>The compensation for lawyer and court costs is fixed by the Court in accordance with a scale which results in an amount frequently less than the amount of actual fees.</p> <p>Contingent fee arrangements granting a certain proportion of the outcome of the case are prohibited. Success fees are however allowed.</p>	<p>Brussels regime.</p> <p>Reciprocal treaties.</p> <p>International Arbitration decisions.</p>
<p>Copenhagen Bird & Bird Advokatpartnerselskab Kalkbraenderiloebeskaj 4 2100 Copenhagen Denmark Tel +45 72 24 12 12</p> <p>Skanderborg Bird & Bird Advokatpartnerselskab Thomas Helsteds Vej 18 8660 Skanderborg Denmark Tel +45 72 24 12 12</p>							

Region	Legal system	Pre-action/ interim remedies	Disclosure	Evidence	Duration	Cost/Fees	Cross border enforcement/ protective measures
Finland	Civil law	<p>The courts may grant injunctions and seizures.</p> <p>The applicant must demonstrate that it is probable that he or she holds a debt, has a prior right to property or has any other right that is enforceable by a court decision. In addition, the applicant must demonstrate that there is a danger that the opposing party takes actions endangering the right of the applicant.</p>	<p>No general duty to disclose relevant documents and no discovery proceedings.</p> <p>However, the court may order a document to be disclosed at a party's request if the document is in the possession of the opposing party and the document is of significance as evidence in the case.</p>	<p>Mainly written and oral evidence.</p> <p>The parties may also present expert reports and expert witnesses.</p> <p>The court does not accept written witness statements.</p> <p>Also an inspection of real estate or an object that cannot be brought to court is possible.</p>	<p>In commercial litigation, generally 9-24 months in the first instance.</p>	<p>The costs mainly comprise of attorneys' fees.</p> <p>The losing party is typically ordered to pay the winner's necessary and reasonable costs and legal fees.</p> <p>Contingency fees are only allowed in special circumstances and they are rarely used.</p>	<p>Brussels regime for EU states.</p> <p>Reciprocal treaties with several other states.</p>
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Region	Legal system	Pre-action/ interim remedies	Disclosure	Evidence	Duration	Cost/Fees	Cross border enforcement/ protective measures
France	Civil Law - Code Commerce for procedural rules.	<p>The courts have wide discretion as to the types of injunctions they can grant, which includes:</p> <ul style="list-style-type: none"> freezing and seizing orders (“mesures conservatoires”); orders to preserve evidence or establish proof (“référé probatoire”). provisional orders (in cases of deadlock in a corporation/ appointment of a provisional administrator or a corporation etc). 	<p>Parties to litigation are not obliged to disclose all documents relevant to the case, but they need to disclose documentary evidence substantiating their claims for the success of such claims.</p> <p>Parties are also not obliged to refer to any facts or evidence during the litigation if it is not in their interests to do so. However, a party may be ordered by the court to disclose information.</p>	<p>Evidence is mainly documentary.</p> <p>Although allowed, oral evidence is very rare.</p> <p>Testimonies are usually produced in writing.</p> <p>Expert evidence is common and parties may produce private expertise or request the appointment of a court expert, which generally has stronger probative value.</p>	<p>On average a case will run for about 8 to 15 months. However, urgent cases can be decided on the merits according to a fast track procedure (“Bref délai”) in 2 to 3 months.</p> <p>Appeal proceedings usually take between 15 to 18 months.</p> <p>There is also a possibility for expedited proceedings “référé provision” in the absence of serious dispute as to the facts, which last 3 months on average.</p>	<p>The unsuccessful party will usually be responsible for court costs. Legal fees are recoverable but the amount reimbursed does not cover the amount actually spent.</p> <p>Partial contingency or conditional fee arrangements are permitted under French law.</p>	<p>Brussels regime.</p> <p>Reciprocal treaties.</p> <p>If there is no reciprocal treaty a judgment may be enforced by obtaining an “exequatur decision” recognising and enforcing the foreign decision.</p>
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Region	Legal system	Pre-action/ interim remedies	Disclosure	Evidence	Duration	Cost/Fees	Cross border enforcement/ protective measures
Germany	Civil law	<p>Various remedies available including:</p> <ul style="list-style-type: none"> • preliminary injunctions; • attachment orders in respect of monetary claims; • orders preserving evidence if there is a reasonable concern that the evidence will be lost or its use will be hampered, for example as a result of time lapse. 	<p>Parties generally do not have any obligation to disclose documents which are relevant to the case.</p> <p>German law does, however, make some provision for disclosure. According to section 142 Code of Civil Procedure the court may order disclosure of documents referred to by a party. Such an order may be made against another party to the proceedings or against a third person not involved in the proceedings.</p> <p>A claim for disclosure can only be made if there is a certain degree of likelihood that the Claimant has a claim regarding the desired information.</p>	<p>The claimant does not have to provide evidence of all the facts constituting his claim but only those facts which are contested by the defendant.</p>	<p>A first instance judgment in main proceedings may be obtained within a relatively short period of time, depending on the subject-matter. In trade mark or patent infringement proceedings, a judgment is usually obtained within 3 to 6 months or 6 to 12 months respectively. A default judgment is regularly handed down within a matter of weeks if not days. An appellate decision may be obtained within 9 to 15 months. Decisions on further appeals take about 3 years.</p>	<p>The cost of litigating in Germany essentially comprises court costs and attorneys' fees. Under German Civil Procedure Law the unsuccessful party is obliged to bear the court costs and the attorneys' fees of the other party. The court costs are regulated by law and depend on the value of the dispute. The value of the dispute is determined by the court to reflect the claimant's interest in the subject-matter of the proceedings</p> <p>Contingency fees are permitted in exceptional cases (where claimant could not otherwise fund claim).</p> <p>Third party funding by non-profit organisations is permitted (but yet to be used).</p>	<p>Brussels regime</p> <p>Judgments of the courts of non-EU Member States may only be enforced after a more substantial recognition proceeding, during which the Court considers, inter alia, the international competence of the country of jurisdiction, proper service of the complaint and compliance of the judgment with the "ordre public".</p>
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Region	Legal system	Pre-action/ interim remedies	Disclosure	Evidence	Duration	Cost/Fees	Cross border enforcement/ protective measures
Italy	Civil law	<p>Courts have a wide discretion as to the type of injunctions that can be ordered. They include orders for the seizure and preservation of assets as well as preventative injunctions, requiring a party to refrain immediately from acting in a certain way. In IP matters, there are specific injunctions available to protect against infringements of patent rights and copyright.</p> <p>Italian law allows for an expedited route for relief to creditors holding qualified evidence of monetary claims.</p>	<p>No general duty of disclosure, however, the court may order disclosure of documents on its own motion or at the request of either party, provided that the documents are determinant for the decision or are specifically identified. Generic requests for disclosure are not admissible.</p>	<p>The main types of evidence are documentary and oral evidence. Expert evidence is limited.</p>	<p>Comparatively slow compared to other EU countries.</p>	<p>Court fees depend upon the value of the claim and/or the number of defendants against whom the action is brought. Court fees, including the use of bailiffs (bailiffs' costs are very low in Italy) and lawyers' fees can generally be recovered by the successful party from the unsuccessful party at the end of the trial. In general, the costs for litigation in Italy are lower than in the UK, Germany and France.</p> <p>Contingency and conditional fee arrangements are permissible provided the agreement is evidenced in writing.</p>	<p>Brussels regime. Reciprocal treaties. Judgments of the courts of non-EU Member States which are not subject to reciprocal treaties are enforceable pursuant to Law no. 218/1995.</p>
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Netherlands	Civil law	Injunctions are usually imposed under severe money penalties. Provided that the matter is urgent, a party can ask for a fairly wide variety of injunctions which include payment orders (very difficult to obtain and severe review of the urgent interest), orders that a party take or refrain from taking certain action, orders to disclose documents and orders to cooperate with the transfer property.	No general duty of disclosure, however, a party may be ordered by the courts to disclose documents because, for example, the other party requires sight of those documents and is not able to obtain them in other ways.	Documentary and witness evidence. The hearing of witnesses in the Netherlands proceeds on the principle that the judge leads the hearing. Lawyers of both parties are usually granted the opportunity to follow up the questions. However, the judge can prevent certain questions from being answered. Cross-examination of the witness by the counsel of parties involved is only allowed to a certain extent. A court can order an expert examination at the request of a party or on its own initiative by interlocutory judgment. It is completely at the court's discretion whether or not an expert examination is ordered.	Judgment on the merits may be obtained within 12 to 18 months. Default judgments can be obtained within 2 months. Appeal proceedings may take between 12 and 24 months. Proceedings before the Supreme Court typically take about 18 months.	The cost of pursuing a claim in The Netherlands depends on the value of the claim in dispute. The general rule is that a successful party will be able to recover a part of its costs from the unsuccessful party; depending on the performed acts a specific number of points can be awarded with a specific maximum up to a certain value of the claim. Each point corresponds with a fixed amount related to the value of the claim. The conduct of the parties is not taken into account, except in very extreme cases of 'abuse of procedural rights'.	Brussels regime. Reciprocal treaties. Where a judgment has been rendered outside the EU or in a country not bound by a specific treaty, the case has to be heard by the Dutch court. However, if the judgment meets the criteria of general international private law the proceedings will be similar to obtaining an "exequatur decision".
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Spain	Civil law	A wide range of different interim measures are allowed under Spanish law. Article 727 of the Spanish Civil Procedure Act identifies an open number of measures that can be requested. These can include: freezing of assets; judicial administration of goods; deposit of goods; in circumstances where the object of the case are goods or rights that can be registered in Public Registries, pre-emptive registration of claims; orders of cessation; the order to refrain carrying out particular actions; and the deposit of benefits obtained by illegal activities.	No general duty of disclosure, however, parties can request the production of a specific document.	Interrogation of parties. Public documents (i.e., authorised by a Notary Public or competent public officer, with the formalities required by the law). Private documents. Expert reports. Judicial inspection of a place, object or person. Witness testimony. Reproduction of words, sounds or images. Expert evidence is regulated as that of an expert in those cases where opinion is offered by a person with special scientific knowledge, or technical skill not common to the layman.	Again, generally slow in comparison to other jurisdictions.	The judge will generally order the unsuccessful party to pay the successful party's legal costs. When the unsuccessful party is ordered to pay legal costs, it will only have to pay the fees corresponding to lawyers and other professionals whose fees are not fixed upon official fee scales, which, in any event, cannot exceed one third of the amount of the proceedings in question. Contingency fee agreements or "quota littis" between lawyers and their clients is permitted under Spanish law.	Brussels regime. Reciprocal treaties. Outside the EU, in the absence of an international treaty and when no clear reciprocity policy has been established, the recognition and enforcement of foreign judgments is possible in Spain provided certain requisites are met.
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Sweden	Civil law	<p>In commercial litigation the court may order sequestration or other security measures. A measure like this may however be granted by the court only upon application and furthermore the applicant must deposit with the court security for the loss that the opposing party may suffer.</p> <p>The applicant must show probable cause for his/her claim. It also has to be reasonable to suspect that the opposing party will take actions endangering the right of the applicant.</p>	<p>There is no obligation to disclose documents in Sweden. Instead the parties are responsible to refer to the evidence they deem necessary.</p> <p>However, anyone holding a written document that can be assumed to be of importance as evidence is obliged to produce it upon a request from one of the parties to the court.</p> <p>There is no obligation to refer to evidence that may be to your own disadvantage.</p>	<p>The principle of admissibility of evidence means that there are only certain rare exceptions where it is forbidden to use certain types of evidence in Sweden. Therefore, practically all types of evidence can be referred to during the trial.</p> <p>Most commonly used are oral and written documents. The main rule is that written witness statements are not permissible in court. However if the parties agree to such a procedure and it is not clearly inappropriate the court may allow it.</p> <p>The parties (and also the court) may use expert reports and expert witnesses.</p>	<p>In commercial litigation it generally takes 10-24 months in the first instance (District Courts).</p>	<p>There is a minimal application fee in the courts. Otherwise the legal costs in Sweden mainly comprise of legal fees.</p> <p>The main rule is that the losing party shall reimburse the opposing party for its litigation costs including lawyer's fees.</p>	<p>Generally foreign judgments will not be recognised or enforced in Sweden. However, there are exceptions due to a number of international conventions to which Sweden has acceded, e.g. The Brussels Regulation between the EU states and also reciprocal treaties with several other states.</p> <p>Regarding International Arbitration awards Sweden is a contracting state to The Convention on the Recognition and Enforcement of Foreign Arbitral Awards.</p>
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Central and Eastern Europe	Generally civil law	Limited range of powers in CEE, eg, summary judgment not available in Albania, Lithuania, Ukraine. Freezing, seizing and preservation orders are available in Poland. Security for costs can be available in certain jurisdictions (eg Estonia) if the opposing party is outside the jurisdiction (or EU).	No wide-ranging duties of disclosure. Courts can order disclosure of specific documents where the opposing party can show the existence of the document and its relevance to the dispute.	Limited disclosure, written (and oral) witness evidence and (court-appointed) experts.	Proceedings often delayed - can take 2 years or more.	Costs generally follow the event. In Poland court and attorney fees are capped by statute. Various approaches to CFAs and contingency fee arrangements, eg: Albania: third party funding by non-profit organisations is permitted (but yet to be used). Ukraine: conditional and contingency fees permitted. Hungary: contingency fees are permitted but not generally used. Poland: the use of contingency fees is not regulated.	Brussels regime (unless outside EU). Bilateral treaties in most jurisdictions. If the foreign judgment falls outside the scope of the Brussels regime or a bilateral treaty then enforcement will depend on local requirements, often including a requirement that the judgment is compliant with public policy. No anti-suit relief in Poland and the jurisdiction of the Polish courts cannot be excluded in consumer cases.
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Middle East	<p>Generally civil codes (based on historic Egyptian/ Ottoman legal systems).</p> <p>Sharia law is the main source of legislation in countries such as Saudi Arabia, Oman, Yemen and the UAE (mix).</p> <p>Some notable exceptions, eg: Israel (common law and halakhah); DIFC Courts in Dubai (common law).</p>	Various.	No general duty of disclosure.	<p>Written submissions supported by documentary evidence.</p> <p>Oral evidence is not generally allowed. If a party wishes to call a witness, an application must be made to the court. Such applications are rare.</p>	Generally very slow - can take years for final judgment and parties often deploy delaying tactics.	<p>Commercial litigation is usually funded by the client and ATE insurance is not common.</p> <p>Fees are not fixed by law and are often based on the amount of the claim - often fixed fee. Although some larger law firms charge hourly rates.</p> <p>Court fees and costs are usually awarded to the successful party, however, the courts generally only award nominal contributions.</p> <p>The permissibility of contingency fees varies between states (eg they are not permissible in Iraq, Oman, Qatar and UAE).</p>	<p>Riyadh Convention covers enforcement of judgments between Middle East states.</p> <p>The existence of treaties with foreign states will often govern the enforcement of foreign judgments and will be subject to local procedure.</p> <p>In some states (Saudi Arabia) the judgment will only be enforceable if compatible with Shari'ah Law.</p>
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Africa	<p>A variety of common law (eg Nigeria, Ghana, Uganda, South Africa) and civil law systems (eg Gabon, Ethiopia). Customary laws. Sharia law (eg, Ghana, Sudan, Nigeria)</p> <p>In some states, there is a mix of two/ three types of legal system (eg Egypt, Ghana, Morocco, Namibia, Nigeria, South Africa, Zimbabwe).</p>	<p>Various. Courts in some states have wide case management powers that can be exercised both in response to party requests and of their own volition (eg Nigeria).</p> <p>In some states, while the Court might have the power to order interim relief, limited use by the parties because of difficulties surrounding enforcement (e.g. Egypt).</p>	<p>Varies between states: disclosure rules generally based on whether the state has a civil, common law or pluralistic legal system, eg the disclosure rules in litigation in Nigeria, which predominantly has a common law system, are similar to the disclosure rules in England & Wales.</p>	<p>Written and oral evidence.</p>	<p>Generally slow (2-5 yrs) but with some exceptions (eg Nigeria, South Africa).</p>	<p>Costs generally in the case. Low cost legal services. Flexible approaches to fees and funding; contingency/ success fees generally permissible. Third party funding is becoming increasingly frequent in some states (eg South Africa).</p>	<p>The enforcement of foreign judgments is subject to local procedural requirements and must not be contrary to public policy. Many African states are not a party to the New York Convention.</p>

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