

# Luther.



## International Arbitration

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Our clients sell their products in many countries all around the world. They cooperate with international joint venture partners or hold shares in other companies around the globe. In today's globalised world, legal disputes have also become international – and thus more complex. International disputes are increasingly being decided through arbitration.

„If you want peace, prepare for war.“

Flavius Vegetius Renatus, Roman writer (c. 390 A.D.)

**We are ready. Worldwide.**

The attorneys in our Practice Group Arbitration have years of experience in international arbitration. They also have outstanding knowledge and experience in the field of bilateral and multilateral investment treaties.

Efficient cooperation among all of the advisors involved is essential for ensuring that our clients receive the best possible advice in complex international arbitral proceedings. With this in mind, our arbitration attorneys work closely with their colleagues from the fields of corporate law, M&A, banking & finance, protection of intellectual property, real estate and construction law, employment law, public law and tax law. We also advise our clients in close coordination with the auditors involved as well as with our own and external tax advisors, corporate and transaction consultants, forensic damage experts and third-party funders.

Our longstanding experience in international arbitration makes us an expert partner for clients – worldwide. In many countries around the world where Luther does not maintain its own offices, we maintain successful relationships based on mutual trust and confidence with associated firms we call our "best friends." We have done so for many years.

Our expertise and our successes have won international recognition. For the fourth consecutive year, Luther has been listed as one of the top 100 law firms worldwide for international arbitration by the arbitration law journal Global Arbitration Review, in its „Guide to Specialist Arbitration Firms 2015.“ According to the LEGAL500 Handbook 2014: "Luther without a doubt has one of the most reputable, professional and most competent arbitration practice groups". Our partner and head of the Arbitration Practice Group, Dr. Richard Happ, was listed in Who's Who Legal – Commercial Arbitration 2016 for the sixth consecutive year.

## National and international arbitration

We represent clients in proceedings before arbitral tribunals in Germany and abroad and support them in asserting their rights and protecting their assets. We also represent clients in national courts in support of arbitration proceedings or in challenging arbitration proceedings brought against our clients as well as in the enforcement of arbitral awards.

## Arbitration institutions

We are regularly involved, either representing parties or as arbitrators, in proceedings conducted according to all of the major European and international arbitration rules. These include, in particular, the rules of the following bodies:

- International Chamber of Commerce (ICC)
- German Institution of Arbitration (DIS)
- London Court of International Arbitration (LCIA)
- Singapore International Arbitration Centre (SIAC)
- Stockholm Chamber of Commerce (SCC)
- International Rules of Arbitration of the Swiss Chambers of Commerce (Swiss Rules)
- United Nations Commission on International Trade Law (UNCITRAL)
- International Centre for the Settlement of Investment Disputes (ICSID)

## Industries of focus

- International trade
- Automotive
- Energy supply

- Mechanical engineering
  - Food & beverages
  - State and local government
  - Banking & finance
  - Facilities construction and PPP projects
- Foreign investment

## Corporate disputes

Our arbitration attorneys, who specialize in corporate law, have years of experience in corporate-law disputes. Arbitral tribunals are increasingly deciding disputes, particularly between shareholders or partners, conflicts between joint venture partners, and disputes arising from M&A transactions. With this in mind, we provide our clients with various forms of support in determining whether, and under what conditions, an arbitration clause is enforceable and, indeed, appropriate in matters of corporate law. With the assistance of our highly regarded corporate law practice group, we advise and represent clients in asserting their rights in corporate disputes

## Investment Arbitration

Our Arbitration Practice Group has extensive experience in representing clients in investment arbitrations on the basis of bilateral and multilateral investment treaties. These treaties allow investors in certain cases (e.g. expropriation, discrimination, unfair treatment etc.) to obtain treaty protection and to commence arbitration proceedings directly against the host state in which the investment was made. Luther has represented investors in the first ever ICSID arbitration against Germany and has since been instructed on a number of investment arbitrations representing investors against various states, amongst others, against Germany, Czech Republic, Spain and Albania.

In order to obtain the most favourable investment protection, it may be advisable to consider investment protection already when the investment decision is taken. The attorneys from our Arbitration Practice Group advise clients on investment protection at all stages of the investment from the initial investment decision (Nationality planning), asserting their rights under bilateral and multilateral investment treaties in arbitration proceedings through to the enforcement of arbitral awards.

## Enforcement of arbitral awards

One of the main reasons why parties chose arbitration as a form of dispute resolution is that arbitral awards are easier to enforce in foreign countries than a national court judgement would be. The basis for the enforcement of arbitral awards in foreign countries is a multilateral convention: the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the „New York Convention“). Currently 156 states have signed the New York Convention.

But in which countries is it difficult or impossible to enforce an arbitral award? What aspects must be taken into account during the arbitral proceedings to ensure that the award can in fact be enforced? We provide clients with comprehensive and detailed information right at the start of the arbitral proceedings. We are also intimately familiar with effective strategies to defend against the recognition and enforcement of arbitral awards.

Luther Rechtsanwaltsgesellschaft mbH advises in all areas of business law. Our clients include medium-sized companies and large corporations, as well as the public sector.

Berlin, Brussels, Cologne, Dusseldorf, Essen, Frankfurt a. M., Hamburg, Hanover, Leipzig, London, Luxembourg, Munich, Shanghai, Singapore, Stuttgart, Yangon

Luther Corporate Services: Delhi-Gurgaon, Kuala Lumpur, Shanghai, Singapore, Yangon

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**Hits the mark. Luther.**

