

大成 DENTONS

# International Arbitration



# International arbitration

## Where it matters

**With more than 40 partners and 120 lawyers, our International Arbitration group is widely recognized as an elite specialist group globally, trusted by corporations, States and high net worth individuals for their most challenging international arbitrations.**

Our lawyers are involved in more than 100 international arbitrations at any given time with billions of dollars in dispute, across six continents.

We have conducted hundreds of cases in international commercial arbitration and investment treaty arbitration before all key arbitral institutions and on an ad hoc basis.

We know the arbitrators who decide the cases and are known by them. Many of our lawyers also frequently act as arbitrators.

We are an integrated global team, working seamlessly across offices and regions to best meet our clients' needs. We offer geographic depth and diversity that no other firm can match. In addition to being present in key arbitral hubs, including Beijing, Dubai, Frankfurt, Hong Kong, London, New York, Paris, Shanghai, Singapore, Toronto and Washington, D.C., our lawyers are present in the vast majority of other important seats where international arbitrations are conducted.

We draw from Dentons' more than 170 offices globally in order to provide substantive advice under the vast majority of governing laws and languages used in our clients' businesses.

### What we commit to our clients

#### Provide results, add value

Providing tailored advice and results is what we do. Adding value and exceeding our clients' expectations is our objective.

#### Listen

In order to achieve that objective, understanding our clients' own objectives and listening to them always comes first.

#### Strategize

We strategize early in every case. In doing so, we value our associates' input as much as that of our partners.

Smart and relevant input from every team member, not internal hierarchy, is what drives our advice. No clever thought is discarded, wherever it comes from. Our spirit is that of a boutique within a large firm.

#### Deliver

Delivering on the strategy may involve fighting relentlessly, settling where necessary, or a combination of both. We deliver through strong partner involvement at every step, drawing on all our resources as a global team and years of deep international arbitration experience. We staff matters leanly.

Delivering requires attention to detail from all team members, not only on the law, the choice of arbitrators and procedure but, first and foremost, the facts.



## A firm of firsts

We have a long and proven track record of winning substantial awards for our clients, including some of the largest awards ever made, and achieving similar defence wins and beneficial settlements. In meeting our clients' objectives, we are at the cutting edge of international arbitration and have achieved many "firsts" in the field, such as:

- First decision setting aside an investment treaty award before an English court (Griffin v Poland)
- Fastest award in ICSID history, successfully representing the People's Republic of China in the first arbitration brought against it under a bilateral investment treaty to come to a hearing (Ansung Housing v People's Republic of China); the claims were dismissed from the bench at the first hearing
- First International Chamber of Commerce (ICC) emergency arbitration in a multi-party and multi-contract context and first ICC emergency arbitration against a State (Oil Trading Company v African State and State-owned companies)
- First decision entirely staying the enforcement of an international arbitration award in France since the 2011 pro-enforcement reform (Farmex v Republic of Armenia)
- First arbitration filed under the Investment Agreement of the Organization of the Islamic Conference (Al Warraq v Republic of Indonesia)
- First ICSID award holding a State liable under a bilateral investment treaty for State conduct and oppressive criminal investigations directed towards the investor's officers and directors, as opposed to the investor itself (Romp petrol v Romania)
- First Russian decision recognizing an award set aside at a place of arbitration outside of Russia (Ciments français v Sibirskiy Cement Holding Company)
- First Russian decision granting provisional measures in aid of international arbitration (Edimax v Chigirinsky)
- Highest commercial arbitral award at the time, for more than US\$2 billion (Vivendi v Elektrim)



# What the market says about us

**“Dentons’ experience and client focus exceed expectations.”**

—The Legal 500, client comment

**“The quality of the legal advice is invariably of the highest standard, and easily applied in practice.”**

—Chambers, client comment

**“First class level of services.”**

—The Legal 500, client comment

**“They are completely familiar with how different governments work, which is an advantage to working with them.”**

—Chambers, client comment

**“Clarity and experience.”**

—Chambers, client comment

**“Excellent team [that] has very detailed knowledge of the issues from the outset.”**

—The Legal 500, client comment

**“The ‘excellent’ Dentons stands out for its ‘ability to convey complex legal issues in simple terms: when they articulate your case in front of the court it is like a light coming on in a darkened room’.”**

—The Legal 500, client comment

**“Multilingual capability that are of first order”**

—The Legal 500, client comment

**“Seasoned lawyers that have a practical business approach. They don’t needlessly drive up fees and are incredibly responsive.”**

—Global Arbitration Review, client comment

**“A world-class outfit that can draw together its expertise across its offices to provide advice.”**

—Chambers

**“Frequently instructed by sizeable international clients in the energy and construction sectors.”**

—The Legal 500

**“Strong track record in investment treaty arbitration and matters involving BIT disputes.”**

—Chambers

**“Knowledgeable in disputes arising from shifts in legislation.”**

—Chambers

**“Tremendous commitment to the arbitration sector, earning significant engagements in the infrastructure and construction, shipping and trade, and commercial sectors. The team is also noted for its expertise in arbitration-related court proceedings.”**

—The Legal 500

**“Consistently performs well for its clients.”**

—The Legal 500

**Dentons consistently features in the GAR 30, as one of the elite international arbitration practices globally.**

—Global Arbitration Review



# Proven track record

Industry knowledge and understanding is a prerequisite in today's market. Dentons is a "go-to" firm for arbitrations in sectors seeing recurrent cases, such as Energy and Natural Resources, as well as Infrastructure, Construction and Engineering.

We advise clients in all other sectors of the economy, including Finance, Life Sciences and TMT to name but a few. We also advise investors and States in investment treaty arbitrations in all sectors.

Selected recent cases include:

## Energy and natural resources

**Russian gas company:** multi-billion euro SCC arbitration against a European State regarding a shareholders' dispute in the context of a broader gas pricing dispute. This case gave rise to a referral to the Court of Justice of the European Union (CJUE), whose decision was voted the most important arbitration decision of the year globally by Global Arbitration Review in 2016

**Canadian gas company:** several billion-dollar ICSID contractual arbitrations against Bangladeshi State-owned companies following a gas field blow out

**French oil and gas company:** multiple ICC arbitrations in Asia and Africa regarding disputes under oil production sharing contracts and other related agreements

**International oil and gas company:** LCIA arbitration against a joint venture partner regarding cost sharing in oil storage and transportation facilities in the UK

**South Eastern Asian company:** ICC arbitration against an Indonesian production sharing contract contractor for breach of a gas sales agreement

**Norwegian oil and gas company:** ICC arbitration against a counterparty regarding a gas pricing dispute

**Swedish gas company:** SCC arbitration against a European State-owned gas company regarding the termination of a joint venture for the development of gas fields

**European and Caucasian companies:** SCC arbitration under a joint venture agreement against a Caucasian State regarding an electric power generation and distribution dispute

**German company:** ICC arbitration against a Central European State-owned company regarding the performance of a privatization agreement in the electricity sector

**Middle Eastern oil trader:** ICC arbitration against an African State and several State-owned companies regarding the termination of an agreement for the country's exclusive oil supply

**Gibraltar company:** ICC arbitration against an Iranian company regarding an oil swap agreement

**Canadian mining company and French subsidiary:** ICC arbitration regarding post divestiture environmental warranties

**PRC oil and gas company:** ICC arbitration against a Costa Rican State-owned oil refinery for the breach of a joint venture agreement





## Infrastructure and construction

**International consortium:** multi-billion dollar ad hoc arbitration against a Middle Eastern airport owner relating to the construction of an airport terminal

**International consortium:** multi-billion dollar ad hoc arbitration against a Middle Eastern airport owner relating to the design and supervision services of another airport terminal

**Central Asian municipality:** multi-billion dollar ICC arbitration against a consortium of contractors regarding the construction of the city's metro

**French company:** French court actions resisting several requests to halt works and enforce several multi-billion dollar awards against State property – an Orthodox cathedral – for which our client was the building contractor

**International consortium:** ICC arbitration against subcontractor for the construction of a water treatment plant in Colombia

**Middle Eastern State-owned company:** ICSID contractual arbitration against Turkish contractor regarding a gas supply infrastructure construction project

**Central Asian developer:** ICC arbitration against a construction manager regarding a landmark mixed construction project in Azerbaijan

**International consortium:** ICC arbitration against the lead designer for the construction of a new metro line for a Middle Eastern capital

**North African State:** ICC arbitration against a Turkish contractor regarding a water supply construction project

**Italian company:** several ICC arbitrations against a Spanish contractor regarding the construction of a coal-fired power plant in Russia

**Canadian company:** ICC arbitration against a German contractor regarding the construction of a power plant in Poland

**Middle Eastern State company:** ad hoc arbitration against a Portuguese contractor relating to the construction and rehabilitation of a sewage network in a Middle Eastern capital

**International consortium:** ICC arbitration against a Polish State-owned company regarding the construction of Poland's first LNG regasification terminal

**French company:** Canadian ad hoc arbitration against a major Canadian municipality regarding the construction of a public rail transit system

**PRC company:** SCC arbitration against a Russian owner regarding the construction of a metallurgical plant in Russia

**PRC company:** SIAC arbitration against a US energy company over a non-disposal undertaking concerning shares in an Indian project company, issued as security for payment on supplies for the construction of a solar power plant



## Other business sectors

**African State-owned media organization:** multi-billion dollar LCIA arbitration against a Middle Eastern content provider based on a joint venture agreement

**French conglomerate:** multiple arbitrations (LCIA, ICC, VIAC) regarding the control of a Polish telecommunications company. This case gave rise to the highest arbitral award ever at the time, in favour of our client, at more than US\$2 billion

**French defence company:** multi-billion dollar ICC arbitration against a United States company regarding the performance of an avionics agreement

**United States company:** ICC arbitration against an African State regarding an agreement for the reform of the country's customs system

**United States private equity fund:** ICC arbitration against the buyer of a major Singapore hotel regarding the enforcement of representations and warranties in the sale agreement

**Japanese pharmaceutical company:** ICC arbitration against a United Kingdom pharmaceutical company regarding a patent licence agreement for a blockbuster drug

**Syndicated lenders:** multiple LCIA arbitrations for the recovery of debts against borrowers and guarantors from a Russian mining and metals group

**Syndicated lenders:** LCIA arbitration for the recovery of a debt against borrowers and guarantors from a Ukrainian industrial conglomerate

**United States defence company:** ICDR arbitration against a German subcontractor regarding the performance of a contract for the development of defence system

**South-East Asian airline:** SIAC arbitration against a European provider of engine maintenance servicing, relating to the termination of various aircraft service agreements

**United States aerospace company:** LCIA arbitration against a Russian airline under agreements for the leasing and maintenance of aircraft engines and parts

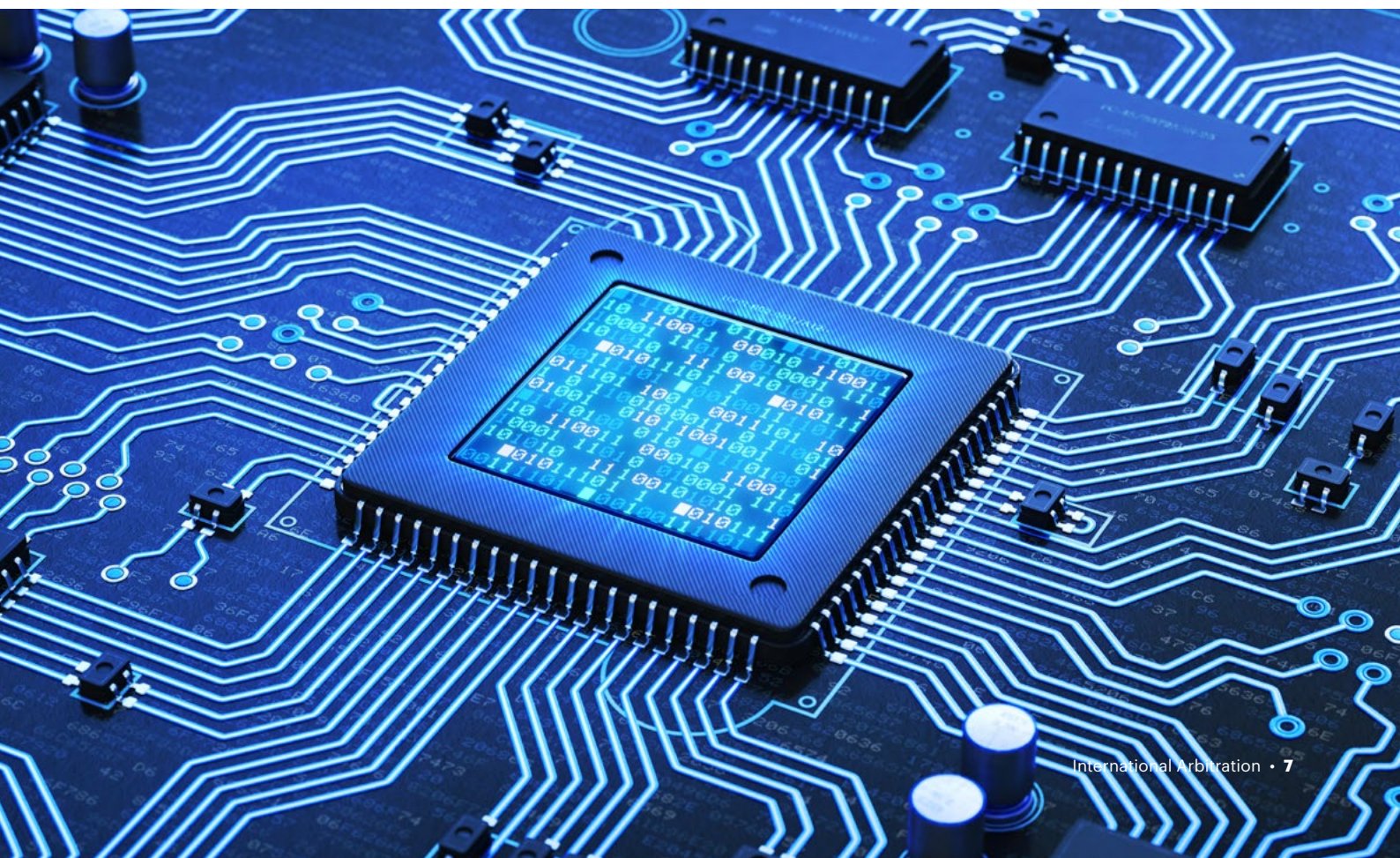
**PRC company:** ICC arbitration against an Austrian company regarding a license agreement for the production of aircraft

**United States company:** HKIAC arbitration against a PRC company regarding trade secrets, know-how and designs relating to automobile components parts

**Investment bank real estate fund:** ICC arbitration against Central European developers regarding a real estate project

**United States defense company:** ICC arbitration against a European State relating to technologies and public safety systems provided for the Olympic games

**PRC companies:** multiple arbitrations before CIETAC and other mainland China arbitral institutions







## Investment treaty arbitration

### Acting for investors

**European investors:** billion-dollar ICSID arbitration under a bilateral investment treaty against a European State regarding our clients' alcohol business and the State's failure to address illegal production and sale of alcohol spirits and to enforce relevant tax laws

**United Kingdom company:** billion dollar ad hoc arbitration under a bilateral investment treaty against a Central European State regarding a potash exploration licence

**Dutch company:** ICSID arbitration under the Energy Charter Treaty against a European State regarding a solar project

**Group of European investors:** ICSID arbitration under the Energy Charter Treaty against a European State regarding a solar project

**Canadian mining company:** ICSID arbitration under a bilateral investment treaty against a South American State regarding gold and silver mining projects

**European private equity fund:** SCC arbitration under a bilateral investment treaty against a European State regarding a failed high-end residential construction project. This case was shortlisted twice for most important arbitration decision of the year globally by Global Arbitration Review, in 2018 and 2019

**UAE company:** ICSID arbitration under a bilateral investment treaty against a North African State regarding a pipe manufacturing business

**United States investors:** ICSID arbitration under a bilateral investment treaty against a North African State regarding investments in the cotton business

**Canadian pharmaceutical companies:** ICSID arbitration against a North American State based on the investment chapter of the North American Free Trade Agreement

**European energy companies:** ICSID arbitration under the Energy Charter Treaty against a Central European State regarding a shareholding in gas companies, gas tariffs and taxation

**Luxembourg company:** UNCITRAL arbitration under a bilateral investment treaty against a Central European State, regarding a television project

**Dutch company:** ICSID arbitration under a bilateral investment treaty against a Caucasian State, regarding an electric power generation and distribution dispute

**German company:** ICSID arbitration against a Central European State under a bilateral investment treaty regarding the State's acts in barring the investor from recovering an ICC arbitral award rendered in a petrochemical dispute



**United States oil and gas companies:** ICSID arbitration against a North American State under the investment chapter of the North American Free Trade Agreement

**Individual investors:** ICSID and OIC investment protection claims against an Asian State in respect of investments in the banking sector

**African investor:** ICSID arbitration under a bilateral investment treaty against an African State in relation to various oil blocks

**Dutch company:** ICSID arbitration under a bilateral investment treaty against a Central European State in the gasoline distribution business

**French companies:** UNCITRAL arbitration under a bilateral investment treaty against a Central European State for breach of various treaty obligations regarding regulatory pharmaceutical matters

#### Acting for States

**Oceanic State:** multi-billion dollar UNCITRAL arbitration under a bilateral investment treaty against a Singapore investor concerning plain packaging tobacco legislation

**Various States:** coordination of annulment and enforcement proceedings regarding several multi-billion dollar ICSID arbitration awards

**Middle Eastern State:** multi-billion dollar ICSID arbitration under a bilateral investment treaty against a United States company regarding investments in telecommunications companies

**Asian State:** ICSID arbitration under a bilateral investment treaty against a Korean company regarding a real estate project

**Caucasian State:** ICSID arbitration under a bilateral investment treaty against a United States company regarding a gold mining project

**Oceanic State:** ICSID arbitration under a bilateral investment treaty against a United Kingdom oil company regarding tax liabilities

**Central Asian State:** UNCITRAL arbitration under a bilateral investment treaty against a United Kingdom company regarding a gold mining project

**Central European State:** ad hoc arbitration under a bilateral investment treaty against a Dutch insurance company regarding a privatisation agreement in the insurance sector

**North African State:** arbitration under the OIC investment treaty against a Turkish company regarding a water supply project

**North American State:** multiple ICSID arbitrations under the investment chapter of the North American Free Trade Agreement



# Dedicated International Arbitration specialists



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## **ABOUT DENTONS**

Dentons is the world's largest law firm, connecting talent to the world's challenges and opportunities in more than 75 countries. Dentons' legal and business solutions benefit from deep roots in our communities and award-winning advancements in client service, including Nextlaw, Dentons' innovation and strategic advisory services. Dentons' polycentric and purpose-driven approach, commitment to inclusion and diversity, and world-class talent challenge the status quo to advance client and community interests in the New Dynamic.

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