



DISPUTE RESOLUTION & LITIGATION

An overview of our practice

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TABLE OF CONTENT

What sets us apart	4
Main areas of expertise	5
- Corporate	5
- Finance	6
- Employment	7
- Technologies & IP	8
A multidisciplinary team	9
About our firm	10

**The strength of a litigation team
combined with the quality and expertise of a business law firm**

WHAT SETS US APART

The globalization of the commercial environment and tighter regulations increase exposure and vulnerability in today's business world, giving rise to disputes that are growing in number and complexity.

In these challenging economic times, our focus at PwC Legal is to work with our clients to help them manage the risks and challenges they face, protect their interests and resolve their disputes before they escalate.

Quality

Our Dispute Resolution practice is widely recognized for providing expert, high-level advice and for succeeding in the most sensitive and complex litigation cases.

It is our practice to ensure that alternative methods and creative settlement approaches are assessed to minimize disputes, not only in relation to time and cost, but also in relation to each individual client's ultimate aim and business objective.

Multidisciplinary

Across our practice areas - Corporate, Finance, Employment and IP/IT - our multi-disciplinary lawyers work collaboratively to combine their technical and cutting edge knowledge to provide an integrated and complete service.

We place special emphasis on knowledge sharing between each of our practice groups to identify and execute the most advantageous business-oriented solutions.

Furthermore, our multi-lingual lawyers (French, English, German, Dutch, Italian, Spanish) and network of international contacts enable us to meet the full service business needs of our clients and to handle large, complex local, national or cross-border cases.

Pragmatism

We pay close attention to the practical needs and objectives of our clients and the commercial factors that underpin the dispute.

At the outset of a case, we identify the key legal issues on an individual case-by-case basis, assessing the strengths and weaknesses of different strategies that best suit the particular needs of our clients and to resolve the dispute in the most effective and expeditious manner possible.

We aim to build strong relationships by maintaining regular close contact with our clients throughout the litigation process, keeping them apprised of options and developments as the case progresses.

We actively and strongly defend our client's rights which can be attested to on the basis of our proven track record before the Luxembourg courts.

MAIN AREAS OF EXPERTISE

Our litigation team is strengthened by specialized teams of our other practice areas to deliver a comprehensive, superior and timely service to our clients' projects.

Corporate

Our Corporate Litigation practice focuses on the following core areas:

- Restructuring litigation including multi-jurisdictional disputes relating to shareholders' disagreements.
- Contractual liability and debt recovery procedures including issuance of formal notices followed by negotiations, summary proceedings before the Luxembourg courts, restraining orders and attachment procedures on assets held in Luxembourg.
- Company directors' civil and criminal liability.
- Insolvency and bankruptcy proceedings including initiation of liquidations and implementation of protective measures alternative to bankruptcy.
- Construction liability including statutory limitations, patent and latent defects, building guarantees, lease agreements and environmental issues.

Some examples of our Corporate Litigation experience:

- Settlement of a dispute between shareholders in determining the best strategy to adopt in negotiating the exit of the dissident shareholder by way of purchase of his shares.
- Unwinding of a joint venture involving much negotiation to define respective rights and obligations of the parties involved and the related waivers and commitments, sale of shares of one of the companies and its subsequent liquidation.
- Assistance in a dispute for the breach of a €5m contract related to the putting at disposal of several brands - including well-known luxury brands - for commercial purposes.
- Judicial procedures relating to contractual responsibility regarding real estate construction claims.

Our focus is to deliver a high quality service with the most efficient team in a cost and time effective manner

MAIN AREAS OF EXPERTISE

Finance

Our Finance Litigation practice focuses on the following core areas:

- Regulatory investigations and enforcement proceedings including negotiations with actors of the financial sector, liaising with Luxembourg financial authorities (CSSF) and launching summary court proceedings.
- Bank's liability including professional secrecy, portfolio management, information and advice duties.
- Bank-customers disputes including recovery of assets.
- Contractual and tort financial liability.

Some examples of our Finance Litigation experience:

- Recovering of investments for a fund exposed to the Madoff fraud.
- Legal proceeding against a bank for having distributed misleading information, not complying with investment strategy of retail investors.
- Recovering of assets transferred from a financial entity to another further to a merger.
- Providing a complete legal analysis on the duties and liabilities of credit institutions and bankers under Luxembourg laws, including liaising with CSSF to comply with the Luxembourg regulation imposed on professionals of the financial sector

MAIN AREAS OF EXPERTISE

Employment

Our Employment Litigation practice focuses on the following core areas:

- Social plans, unfair dismissals and executive terminations.
- Employer, employee and employees representatives relations and disputes.
- Competition, discrimination and harassment disputes.
- Social security reassessments and litigation.
- International transfer of employees issues.

Some examples of our Employment Litigation experience:

- Assistance in a collective redundancies procedure for a bank under the particular regime of suspension of payments, including dealing with the numerous claims from its employees (reimbursement claims, requalification of employment contracts...).
- Assistance in a very sensitive legal action introduced by a former managing employee whose defense was based on documents which were not his property and covered by banking secrecy.
- Judicial procedure against former employees who have solicited numerous clients to have their assets transferred to their new employer, a competing bank.
- Proceeding against a senior employee who was diverting funds from the company pension fund over a period of 5 years.

“PwC Legal is widely acknowledged for its employment expertise and shareholder litigation” (Legal 500)

MAIN AREAS OF EXPERTISE

Technologies & IP

Our Technologies & IP Litigation practice focuses on the following core areas:

- Contractual and licensing disputes including development agreements, manufacturing, distribution and supply agreements.
- ICT disputes including IT maintenance agreements, outsourcing, telecoms and internet services.
- Enforcement of IP rights such as patents, trademarks and copyright.
- Data protection.
- Anti-counterfeiting.

Some examples of our Technologies & IP Litigation experience:

- Settlement of an IP dispute for the abusive use of a commercial name, creating confusion in clients' minds. In prevention of other abuses, we also set up legal mechanisms to protect the trademark all over the world.
- Assistance in counterfeiting procedures including identification of counterfeit products, liaising with the Luxembourg customs, filing and pursuing of counterfeit actions and destruction of counterfeit goods.
- Assistance further to the request of a public entity to transfer financial data related to our client's employees on no clear legal grounds. We found alternatives to meet the needs of the public entity without infringing the data protection principles.
- Defining a strategy to face an anticipated litigation further to an internal technical error in a domain names renewal case, including impact of the terms and conditions, identification of the value of domain names and effects on the image of our client.

A MULTIDISCIPLINARY TEAM

We believe that teamwork is essential to succeed so that lawyers from our other departments regularly work on specific projects where the circumstances of the case require it.

Dedicated Litigation Team:



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One of the largest litigation team on the Luxembourg market

ABOUT OUR FIRM

PwC Legal provides high quality tailor-made legal solutions, mainly to international clients active in the financial, banking, information technology and telecommunication sectors as well as in the pharmaceutical industry.

We have dynamic team of multi-national professionals, providing legal advice in various languages. The lawyers at our firm enjoy working on teams, coordinated in Luxembourg or internationally.

With in-depth expertise in corporate law (in particular M&A and corporate restructuring), regulatory and financial law (including setting up alternative investment funds), employment law and IP/ICT law, incorporating European and international aspects, we rank amongst the top ten law firms in Luxembourg.

In order to meet the global needs of each client, the boundaries of our practice areas are flexible, allowing PwC Legal to combine tailored expertise with a global and cross-competent approach.

The strong relationships established with other foreign law firms, consultants and service providers allow the firm to provide global coordination and integrated advice to clients whose business activities reach beyond Luxembourg.

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