

**GSK** STOCKMANN

# Dos and Don'ts in International Dispute Resolution

Dr. Justus Jansen  
Tehran, 9 February 2017

# The Perfect Dispute Resolution Mechanism

Effectiveness

Transparency

Foreseeability

Efficient

Quick

Maintenance of the contractual relationship

Confidentiality

Low costs

Final and binding decision

Enforceability

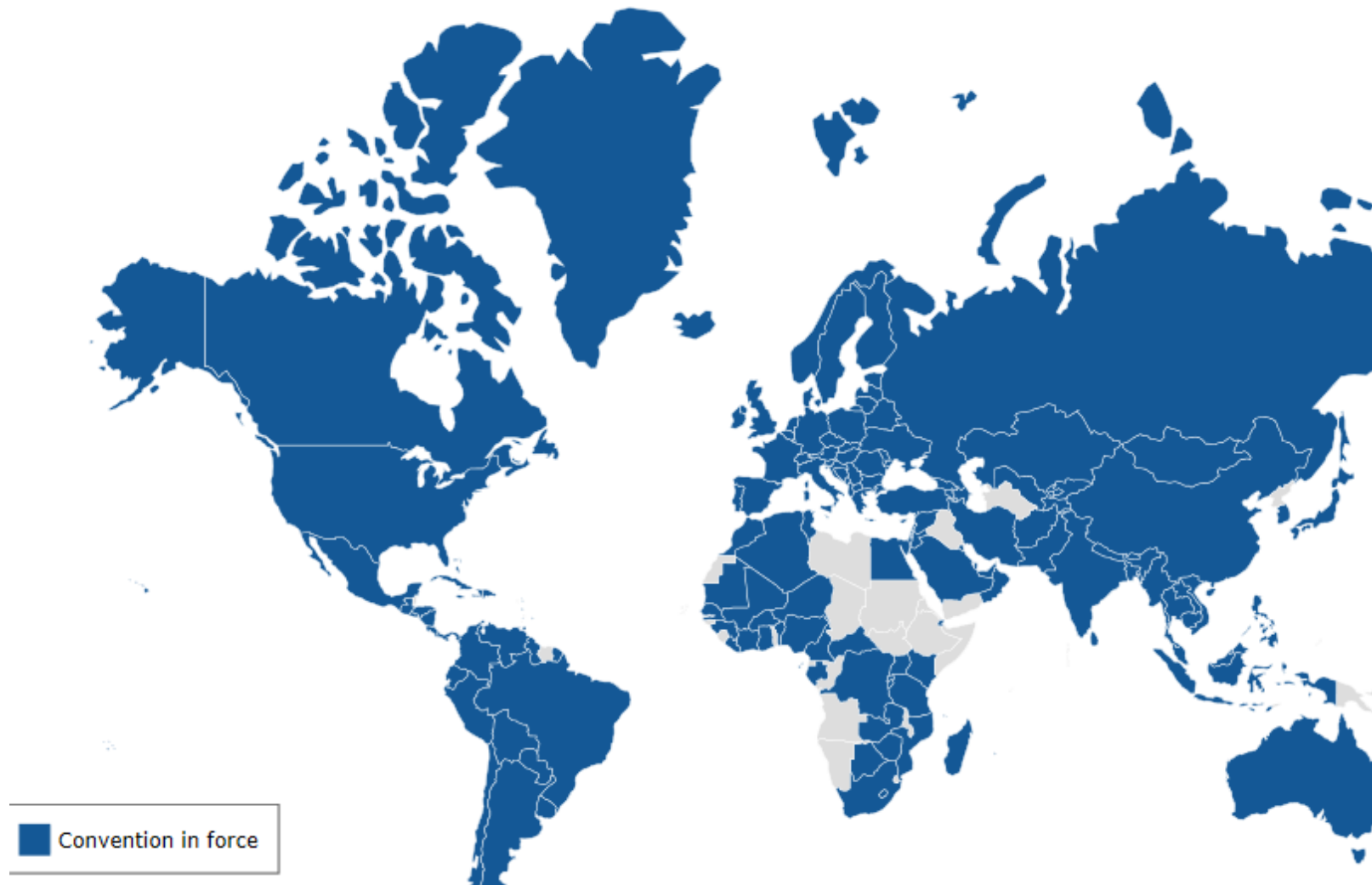
# What is the best dispute resolution mechanism?

- Negotiations
- State Court
- Arbitration
- Alternative Dispute Resolution:
  - Mediation
  - Mini-Trial
  - Adjudication
  - Dispute Boards
  - Expert Determination
  - Emergency Procedures
- ✓ Combination of Mechanisms

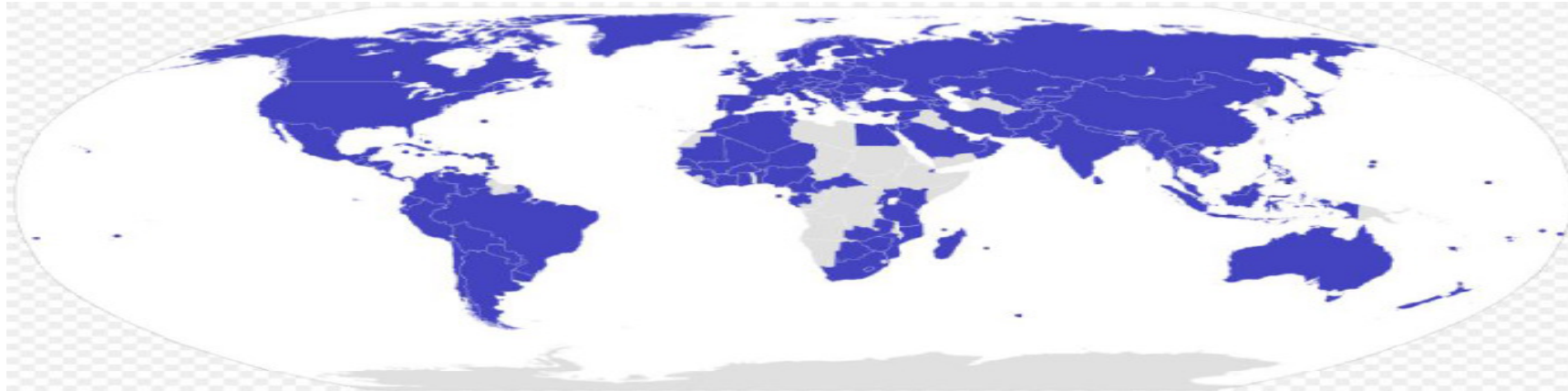
# Arbitration Institutions



# Convention on the Recognition and Enforcement of Foreign Arbitral Awards, New York, 1958



# New York Convention



Under the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, an arbitration award can generally be freely enforced in any other contracting state, only subject to certain, limited defenses, for example:

- the arbitration agreement was not valid under its governing law;
- the award contains matters beyond the scope of the agreement;
- the composition of the arbitral tribunal was not in accordance with the agreement;
- enforcement would be contrary to public policy (ordre public).

## Panel – International Dispute Resolution

### **Raphaëlle Favre Schnyder, LL.M. (Tulane)**

*Barandun von Graffenried*

Zurich, Switzerland

### **Dr. Laya Joneydi**

*Joneydi & Associates Law Office (JAALO)*

*Iran Central Bar Association*

Tehran, Iran

### **Dr. Justus Jansen**

*GSK Stockmann*

Head of Dispute Resolution

Hamburg, Germany



# Thank you.

GSK. The Difference.



Where others see  
problems.



We see solutions.

In life it is important not only to recognize problems, but to find solutions and new ways. Why should that be different for a law firm? Our experts offer tailored legal advice and help you find the most viable solution for your business venture.

GSK. The Difference.

## GSK. The Difference.

GSK Stockmann is one of Germany's leading independent law firms focusing on real estate, corporate, banking/finance and projects & public sector. We offer tailored legal advice in all of our practice areas.

The cross-functional services of the notary's office, tax and dispute resolution are called upon precisely whenever and wherever they are needed.

GSK is the law firm that can adjust itself due to its structure and competencies with equal success to both big and small clients, large-scale enterprises as well as medium-sized companies.

Notarial functions in the offices in Berlin and Frankfurt am Main round off our services in all fields of activity.

# GSK. The Difference.

GSK combines the advantages of a large independent commercial law firm ...

- pragmatic consulting approach
- intensive integration of the partners into the consulting work
- high efficiency
- flat hierarchy
- flexible capacities as a result of our national office structure
- pronounced collegiality and strong teamwork
- and proximity to clients

... with the advantages of an international partner law firm network

- international network of local specialists
- ability to provide a bespoke service with a single co-ordinator and point of contact

## GSK. At a Glance.

\* 54 partners

together in Luxembourg and Germany

\* growth

from 10 to more than 160 lawyers in over 15 years without mergers. Founded as an association of renowned lawyers from leading German commercial law firms.

\* global network

comprising 40 notable corporate law firms in all economically important countries of the world. Member of Broadlaw Group with international partner law firms Nunziante Magrone (Italy), Roca Junyent (Spain) and LPA-CGR avocats (France).

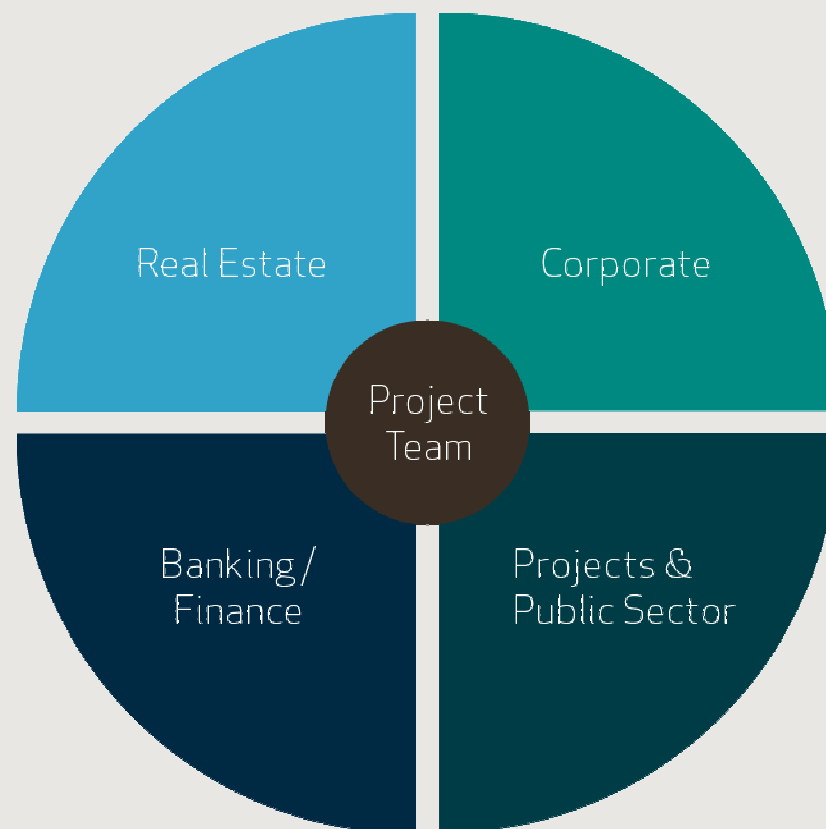
\* further development

of our legal services is ensured by numerous GSK lawyers as well as lateral hires from other law firms. They confirm the attractiveness of GSK as a working environment.

\* Germany-wide

GSK belongs to the 25 largest German law firms.

## GSK. Four Main Practice Areas.



With excellent lawyers experienced in our four main fields of activity, we establish competent project teams which provide interdisciplinary solutions to complex issues and problems. Our teams are set up to meet the unique requirements and the specific characteristics of each matter.

# GSK. Offices.

## Office

in the EU capital Brussels

## GSK Luxembourg SA

a team of 15 lawyers is advising in the areas of investment funds, capital markets, banking & finance, private equity, corporate/M&A, real estate, regulatory and tax

## Local Know-how

as a result of the on-site anchoring and the short way to all participants

## 5 Branch Offices

in the economic centers of Germany

## Consulting Teams

are formed locally and trans-regionally in accordance with your needs

## Major Projects and Transactions

can be carried out by us in Germany and in the major markets in Europe



# GSK Luxembourg.

The GSK Luxembourg office provides legal counsel and professional services to international and domestic clients across a selected range of areas.

Our teams thrive to provide **legal advice of the highest quality** to our clients. **Solution driven** we **tailor our services** to their exact needs.

**Responsiveness** is one of our core values and our focus on working closely together ensures efficiency for everyone's benefit. Our advice focuses on:

- Corporate / M&A, Private Equity
- Investment Funds
- Capital Markets

- Regulatory and Insurance
- Banking & Finance
- Real Estate
- Tax





## GSK. International: Member of Broadlaw Group

In the case of cross-border transactions, GSK works with an international network of renowned commercial law firms – the Broadlaw Group.

Together with our exclusive alliance partners LPA-CGR avocats (France), Nunziante Magrone (Italy) and Roca Junyent (Spain), we have at our disposal more than 600 lawyers based in 26 cities, covering the most important financial and economic centres of Europe, Asia, the Middle East and Africa.

Our Italian Team at the Munich and Berlin office advises in German-Italian legal relations.

Our Broadlaw Group offices in Hong Kong, Shanghai and Tokyo enable GSK to further expand its Asia business and to attract Asian investors who are looking to invest in Germany, as well as to provide legal and strategic advice to our German and international clients in their business dealings with Asia.

## GSK Stockmann

Germany

Berlin, Frankfurt am Main, Hamburg, Heidelberg,  
Munich, Brussels, Luxembourg

## LPA-CGR avocats

France

Paris, Munich, Algiers, Casablanca,  
Douala, Hong Kong, Shanghai,  
Tokyo, Yaoundé

## Nunziante Magrone

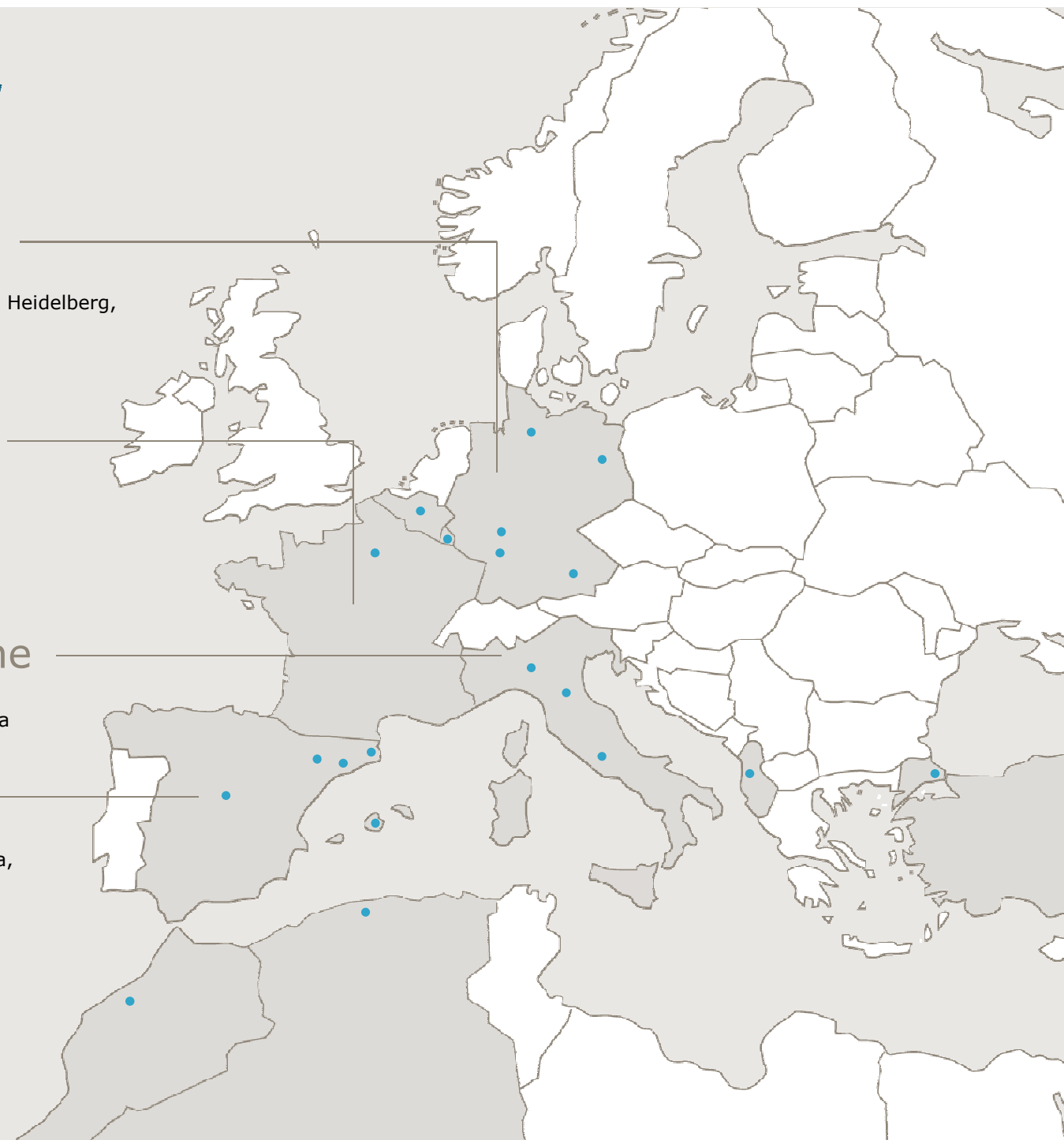
Italy

Rom, Milan, Bologna, Istanbul, Tirana

## Roca Junyent

Spain

Barcelona, Madrid, Palma de Mallorca,  
Lleida, Girona, Shanghai



# GSK. Awards.



Nominated as Law Firm of the Year for Banking and Finance 2015 and 2016



Leading Tax Law Firm 2015 & 2014 in the area of Corporate Restructuring and M&A



Nominated as Real Estate Advisor of the Year 2015 in Germany



GSK is among the Top-40 law firms as ranked by in-house counsel



Leading Law Firm 2013 in the practice areas of Corporate, M&A and Compliance, Real Estate and Construction



Leading Law Firm 2014 in the area of Real Estate



Nominated as M&A Law Firm of the Year 2012



Best German Law Firm 2012



Construction Law Firm of the Year Germany 2011



Real Estate Law Firm of the Year Germany 2011



Investment Funds Law Firm of the Year Germany 2011

# Contact

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# Lawyer Profile Dr. Justus Jansen

Profession and Position	<ul style="list-style-type: none"> <li>• Lawyer, admitted to the Bar in 2004</li> <li>• Partner under the German Partnership Act</li> </ul>
Education and Professional Experience	<ul style="list-style-type: none"> <li>• Universities of Hamburg, Constance, Bordeaux (Université Michel de Montaigne, France), Cambridge (Sidney Sussex College, GB) and Perugia (Italy)</li> <li>• Doctorate in law (Dr. jur.) in Hamburg</li> <li>• 2004-2014 worked with a boutique law firm for international business law, since 2010 as a partner</li> </ul>
Practice Areas	<ul style="list-style-type: none"> <li>• Dispute Resolution: national and international Arbitration, Litigation</li> <li>• Alternative Dispute Resolution: Mediation</li> <li>• Corporate and contract law, International Trade,</li> <li>• Energy law</li> </ul>
Memberships	<ul style="list-style-type: none"> <li>• Member of the Extended Bureau the International Association of young Lawyers (<i>Association Internationale des Jeunes Avocats</i>, AIJA)</li> <li>• PastPresident of the International Business Law Commission of AIJA</li> <li>• Interpacific Bar Association (IPBA, Section on Energy Law)</li> <li>• American Bar Association (ABA)</li> <li>• International Chambre of Commerce (ICC)</li> <li>• London Court of International Arbitration (LCIA)</li> <li>• DIS (German Arbitration Institution)</li> <li>• German Maritime Arbitration Association (GMAA)</li> <li>• Hamburg Arbitration Circle (HAC)</li> <li>• Swiss Arbitration Association (ASA)</li> <li>• Corporate Law Association Hamburg</li> </ul>
Languages	<ul style="list-style-type: none"> <li>• German, English, French, Italian</li> </ul>
Publications	<ul style="list-style-type: none"> <li>• Numerous publications in the area of national and international Business law, Arbitration, Litigation and Alternative Dispute Resolution as well as on export and embargo law</li> </ul>





Welcome?



Welcome!

Is it not simply human nature to expect a little more? More personal contact ? More commitment? And a little more service all round? You see, it's up to you, to understand the difference.

GSK. The Difference.