

China Litigation and Arbitration



A Broader PerspectiveSM

The current economic crisis has triggered an unprecedented number of cross border disputes globally. China, in particular, being the world's factory for the past decade, is now faced with countless trade and investment disputes.

Resolving a dispute is a huge challenge even for the most seasoned foreign investor in China. The most common hurdles are enforcing the investor's rights in China and securing assets information on Chinese trading partners.

Questions for Companies

- Can you resolve disputes outside China?
- Which country's laws should you choose to govern your contracts?
- What are your chances of getting a fair hearing in Chinese courts?
- What are the alternative methods of resolving disputes besides going to Chinese courts?
- What is international arbitration? Where can you go to arbitrate your disputes?
- Where can you get assets information on Chinese companies and individuals before deciding to sue them?
- How can you effectively manage disputes in China and minimize the risks of disputes?

How Bryan Cave Can Help

Bryan Cave operates in China in Beijing, Shanghai, Guangzhou and Hong Kong, both under its own licence and in affiliation with Alpha & Leader, a Chinese law firm in the corporate and finance sectors. This allows us to offer local law services to our clients, including appearing before Chinese courts.

With this affiliation, Bryan Cave provides more than 100 lawyers and professionals across China. Our dispute resolution team acts for a broad spectrum of clients, particularly those in the corporate, banking and financial sectors. Our lawyers advise many of China's top domestic banks, state-owned enterprises, as well as U.S., European and other multinational corporations. We have been involved in many litigation and arbitration matters in China and have wide-ranging and in-depth legal and cultural experience in China disputes. Our lawyers have represented clients in Chinese courts and in international arbitrations in China and globally. Bryan Cave also acts in other forms of dispute resolution, including binding and non-binding mediation and other developing models of ADR. Additionally, we draw upon resources from our dispute teams in the U.S. and Europe as needed.

Many foreign investors have strong reservations about resolving disputes in mainland Chinese courts. Furthermore, the U.S. and many European countries do not have reciprocal agreements with China to recognise and enforce judgments from each other's courts. Foreign investors therefore prefer arbitration to courts when resolving disputes. In fact, arbitration is now the most popular method of resolving international trade and investment disputes in China. Unlike court judgments, an arbitral award is generally more readily enforceable across borders.

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We assist clients in:

- Choosing the most appropriate dispute mechanisms and drafting dispute resolution clauses in contracts.
- Representing clients before arbitral tribunals in mainland China, Hong Kong and other major arbitration centers globally.
- Recovering money through enforcing arbitral awards issued in and outside of China.
- Taking depositions and producing documents for arbitration proceedings held outside of China.
- Formulating dispute resolution strategies.
- Specialist and complex disputes such as those involving construction, infrastructure and energy projects.
- Court litigation.
- Investigations, intelligence and other advisory services.
- Insolvency and restructuring.

Select Representative Experience in China Dispute Resolution

- Acted for multinational companies in Chinese joint venture disputes under ICC arbitration proceedings.
- Advised companies in an ICC arbitration involving claims over a shareholder agreement in the acquisition of power companies in China.
- Acted for a foreign commercial bank in the litigation of its financing lease contract of RMB 60 million in China.
- Acted for a multinational resources company in a dispute with a Chinese company in a CIETAC arbitration in China.
- Acted for multinational companies in claims against China and Hong Kong buyers for breaches of international sales contracts.
- Obtained court orders to take depositions and produce documents for U.S. arbitration proceedings.
- Advised on potential violations of WTO/GATT obligations.
- Acted for a foreign bank and its Chinese subsidiary in a loan case against a debtor in Hong Kong.
- Advised on claims arising out of letters of credit payments.
- Advised on issues arising from labor and employment agreements.
- Acted for company involved in arbitration proceedings in Hong Kong with a Japanese company over a share purchase agreement.
- Successfully negotiated a settlement relating to fraud and a breach of contract disputes involving a PRC company.
- Handled customs and FCPA investigations for a U.S.-based metal trading company.
- Acted for a wholly-owned subsidiary of a foreign company in the arbitration on a sales contract between the subsidiary and its supplier in China.
- Represented a Chinese company in a contract dispute with a Chinese pharmaceutical product distributor.
- Worked with a U.S. association of metal traders to assist its members in claims against Chinese companies.
- Advised a Chinese energy company in a dispute with an Egyptian company over an oil exploration contract in Egypt.
- Assisted companies in gathering intelligence on assets of Chinese companies and individuals.
- Acted for a foreign company in the protection of shareholder interests in its joint venture in China.
- Assisted companies in gathering intelligence on infringements of intellectual property rights.

For more information on how our China Dispute Resolution and Arbitration team can assist your company, please contact:

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