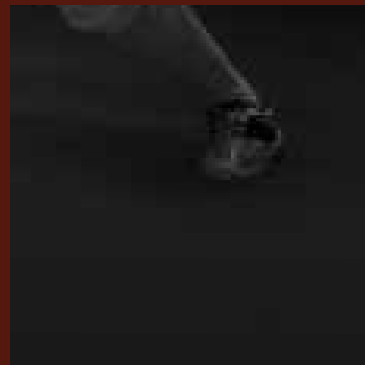
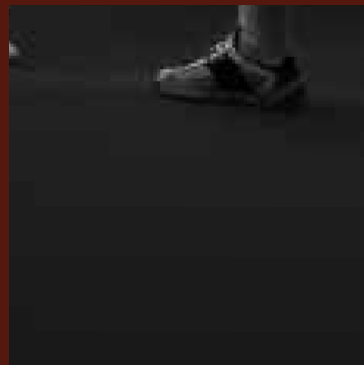
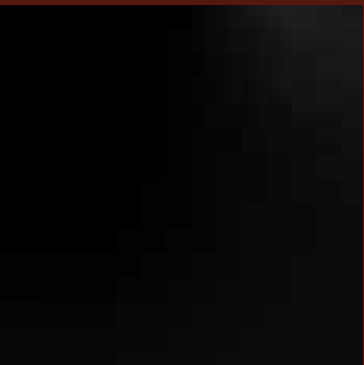
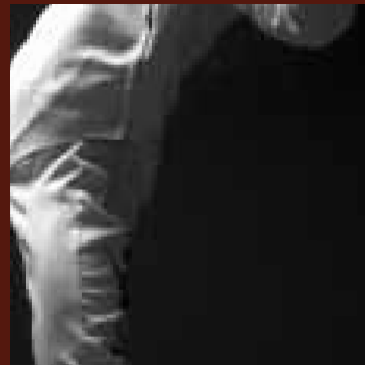
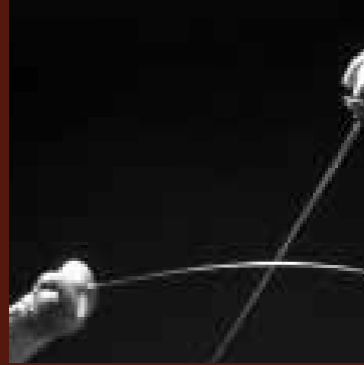


DISPUTE RESOLUTION



VASIL KISIL & PARTNERS

ATTORNEYS & COUNSELLORS AT LAW

About us



Vasil Kisil & Partners is a leading full-service Ukrainian law firm providing top-quality business law advice to international and domestic clients.

Founded in 1992, the firm has assembled a talented team of experienced and skilled lawyers dedicated to the highest level of service while adhering to internationally accepted professional and ethical standards.

We offer diligently tailored legal, commercial and strategic solutions based on vast experience and knowledge of the local market, backed up by a keen understanding of the commercial context in which your business operates.



Legal 500 2011

Few will challenge Vasil Kisil & Partners' market leading position for dispute resolution. The firm meets the 'highest standards of practice' and is 'the best Ukrainian law firm by a distance, and the only one providing a truly global service to global clients.' It is made up of extremely well recognised practitioners and academics, and is clearly incredibly well versed in Ukrainian law, as well as international arbitration.

Managing partner Oleg Makarov, the 'incredibly thoughtful, commanding and impressive' litigation head Oleksiy Filatov and Yaroslav Tekyluk all come highly recommended.

Dispute Resolution

Since its foundation, Vasil Kisel & Partners has been regarded as one of leading Ukrainian law firms in dispute resolution, which has always been one of the core areas of our practice. Successful representation of clients, specific expertise, innovative strategies, as well as individual and business-oriented approach to each case have contributed to our strong reputation in this field.

Our dispute resolution team includes professionals recognised as leaders of the Ukrainian litigation and arbitration by peers and competitors, as well as by international legal markets researches from Chambers Global and Chambers Europe, PLC Which Lawyer? and PLC Dispute Resolution, and Who's Who Legal.



Legal 500 2010

Vasil Kisel & Partners' name partner Vasil Kisel is considered 'a legend for litigation', and the firm as a whole has few rivals. Oleksiy Filatov and Oleg Makarov come highly recommended.

Our Services

Our solid track record means that you can count on the legal solutions we provide to ensure sustainable success of your business. Our attorneys successfully represent clients in a broad range of disputes in Ukraine and abroad at national courts, international arbitration institutions and arbitration tribunals ad hoc, including (in alphabetical order):

- Antimonopoly and competition disputes: merger control, abuse of market power, concerted actions, and unfair competition;
- Bankruptcy and restructuring proceedings: acting for the creditors and debtors; acting as receiver / liquidator appointed by the court;
- Banking and finance disputes: loan and collateral/ mortgage and pledge collection, loan interest and currency rate disputes;
- Commercial disputes: entering, fulfillment, termination and validity of commercial contracts and other legal instruments alike;
- Corporate disputes between shareholders or shareholders and the company, including those related to corporate governance and shareholders' rights, shareholder agreements, mergers, spin-offs and liquidations;
- Intellectual property disputes: trade marks, patents, commercial/trade names, appellations of origin, commercial secrets, copyright and neighboring rights, and domain names;
- International trade disputes arising out of various types of contracts ranging from supplies and purchase and sale to franchising and engineering agreements;
- Labour disputes, including those related to lay-offs, fulfillment and termination of labour contracts, compensation payments, collective labour disputes and labour arbitration;
- Privatization disputes, including privatization tenders, fulfillment of investment obligations and re-privatization proceedings;
- Product liability disputes;
- Real estate and construction disputes, including those related to the title to land and buildings, validity and fulfillment of real estate transactions;
- Recognition and enforcement of arbitration awards and foreign court judgments in Ukraine, as well as challenging of arbitration awards rendered in Ukraine;
- Regulatory disputes, with especially extensive experience in energy, construction, telecommunications, media, pharmaceuticals and healthcare industries;
- Securities disputes arising with regard to issuance of and transactions with shares, bonds, bills of exchange and promissory notes, as well as other financial instruments;
- Tax and customs disputes.



CHAMBERS GLOBAL 2011

Head of department Oleksiy Filatov is hailed by sources as “a very talented and pragmatic lawyer.”

Interviewees champion partner Oleg Makarov as “a guiding light at the firm.”

Vadym Belyanevych enjoys a well-deserved reputation as an outstanding litigator.



CHAMBERS GLOBAL 2010

This 20-lawyer litigation team has earned its market position on the back of its history as one of the longest-serving disputes groups in the market. It is housed within a large, full-service firm and as a consequence handles a wide spectrum of cases. The firm is best known as a leader in the domestic litigation market.

Lecturing and publishing widely, Vadym Belyanevych is also a “practical litigator and a real strategist,” say peers. Department head Oleksiy Filatov is building a strong reputation in Ukraine for being “sharp and quick in court.” Managing partner, Oleg Makarov continues to win praise as a determined and decisive litigator.

PLC WHICH LAWYER? YEARBOOK 2007 — 2011

Vasil Kisisil & Partners is leading for Dispute Resolution

WHO'S WHO CIS 2011

Oleksiy Filatov is the head of the litigation practice group at Vasil Kisil & Partners in Ukraine and peers praised his "impressive" work in competition, IP and administrative disputes. Oleg Makarov is the firm's managing partner and a "leading authority" in domestic and international litigation, with "an arsenal" of expertise in tax, investments, securities and bankruptcy law.



Key Contacts



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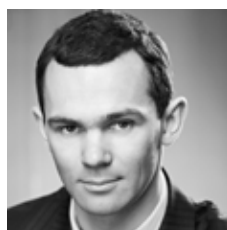
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design by «make»

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Representative Experience

We undertake high-profile legal work for leading corporations and handle a large number of complex disputes.

In particular, our recent representative experience is as follows (cases ranged according to the type of the dispute):

Bankruptcy

- Representing a **major European bank** in a number of disputes with defaulting borrowers, including loan and collateral/ mortgage and pledge collection, loan interest and currency rate disputes;c;
- Advising **creditors of the Black Sea Steamship** State Shipping Company, the major Ukrainian and ex-Soviet, and formerly one of the major steamship companies worldwide, in the bankruptcy proceedings and a number of litigation cases related to the bankruptcy, including disputes over title to properties, legality of property alienation agreements, pledges and mortgages, and enforcement proceedings;

Commercial Disputes

- Representing the **Swiss division** of a major **international bank** in a number of disputes arising out of international trade finance transactions, including debt collection cases against Ukrainian borrowers, bankruptcy proceedings, as well as collection of property and other assets of borrowers in a number of regions of Ukraine under court judgments and within simplified extra-judicial legal proceedings;
- Acting for an **Austrian investment company** focused on the oil and gas sector in Eastern Europe, in disputes related to title to the property (buildings and drilling rigs) sold off through a public auction within the framework of bankruptcy proceedings of **Poltava Oil and Gas Geology**, subsidiary of **Nadra Ukraine State** Joint Stock Company, including disputes over property title, validity of sale and purchase agreements and mortgage agreements, legality of actions of state enforcement agencies;
- Advising a large **German manufacturer of printing equipment** in a debt collection matter against a Ukrainian buyer, including representation in debt collection litigation, advising on the simplified extra-judicial collection proceedings, enforcement of real estate mortgage, counterclaims for damages allegedly incurred by the buyer of the equipment, as well as criminal proceedings against the executives of the parties to the case;
- Representing the Ukrainian branch of a **French agricultural company** in a multi-million dispute regarding collection of receivables under the promissory notes issued by **Khlib Ukrainy** State Joint Stock Company for supplies of agricultural products, including disputes with regard to the legality of the notary's actions and actions of the state enforcement officers;
- Representing a **world-known manufacturer of chemical products**, in a multi-million dispute regarding collection of receivables under promissory notes;

Competition Disputes

- Defending a Ukrainian subsidiary of a worldwide group of **energy and petrochemical companies** in a dispute with the Antimonopoly Committee of Ukraine regarding allegedly anticompetitive concerted actions on the fuel retail market;
- Advising a leading **international manufacturer of chemical products**, in a number of complicated cases related to unfair competition and unfair trade practices, at Ukrainian courts and at the Antimonopoly Committee of Ukraine;

Representative Experience

- Representing a large **European insurance broker** in the unfair competition proceedings at the Antimonopoly Committee of Ukraine, involving unlawful soliciting of personnel, exploitation of commercial secrets and know-how, trademark and trade name infringements;

Corporate Disputes

- Acting for a subsidiary of the major **German telecommunications company** in a case initiated by the Office of Prosecutor General of Ukraine challenging the legality of the share purchase and sale agreements regarding Ukrainian Mobile Communications (currently Mobile TeleSystems Ukraine), one of the largest Ukrainian mobile operators, executed between Ukrtelecom, state-owned Ukrainian telecommunications provider, and foreign investors;
- Representing one of the largest **media groups in Central and Eastern Europe**, in a dispute over the shares in **Studio 1+1**, one of the leading Ukrainian TV broadcasters, including a number of proceedings in Ukrainian courts with regard to title to the shares, specific performance under the alleged shares purchase agreement, legality of registration of corporate documents and shareholders;
- Representing a shareholder of a major **real estate and development group of companies** holding real estate assets in Ukraine worth more than 1 billion Euros, as a claimant in a complex multi-jurisdictional shareholders' dispute which involved a series of proceedings in Ukraine and Cyprus regarding transfer and attachment of assets (real estate, shares and participation interests), and corporate control over the companies of the group;

Intellectual Property Disputes

- Representing a prominent **international manufacturer of chemical products**, in a number of complicated litigation cases related to trademark and patent protection, as well as unfair competition, at Ukrainian courts and at the Antimonopoly Committee of Ukraine, and in the criminal proceedings against the infringers of the trademarks and patents;
- Acting for a major **European sports television company** in a range of cases arising out of the infringement of trademark, copyright and neighboring rights, as well as in a bankruptcy case of one of the infringing companies;
- Representing a world-known **Internet company** providing leading Internet search and advertising as well as other Internet services, in a range of trademark, trade name and domain name disputes in Ukraine;

International Arbitration

- Representing a subsidiary of an **international oil and gas exploration company** in arbitration under SCC Arbitration Rules in dispute regarding a product sharing agreement against the Ukrainian government;
- Representing a **Singaporean telecommunication company** in international arbitration under ICC Arbitration Rules in USD 11 mln dispute regarding compensation of damages for alleged breach of a telecommunication equipment supply and installation contract;
- Representing **German and Swiss subsidiaries of a leading multi-national chemicals manufacturing corporation** in the International Commercial Court at the Ukrainian Chamber of Commerce and Industry (ICAC) seeking recovery debts, fines and interest payable for delivered commodities from a Ukrainian company; further representing the clients in the ICAC awards enforcement procedures in Ukraine;

Representative Experience

Labour Disputes

- Advising a leading **international beverages manufacturer** in a range of labor cases initiated by more than 30 former employees with regard to allegedly due overtime payments;
- Representing a large **French food manufacturer** in a collective labor dispute including negotiations with trade union and public authorities supervising labor law compliance (National Office of Mediation and Reconciliation), as well as at labor arbitration;
- Representing a prominent **German-based chemicals manufacturing corporation** with more than 160 subsidiaries and more than 150 production sites, in a labor dispute with its former employee claiming for recovery of severance payment and moral damages;
- Representing a major **Swedish bank** (subsidiary bank in Ukraine), in litigation cases related to labor matters arising from the dismissal of a board member as a result of the merger of two Ukrainian banks;

Maritime Disputes

- Representing a leading **Ukrainian shipping company** in several international arbitrations in Maritime Arbitration Commission at the Ukrainian Chamber of Commerce and Industry and re different charter-parties;
- Representing a major **Ukrainian shipping company** in international arbitration under LMAA Rules in London re different charter-parties;
- Advising a pool of **Swiss, Dutch and German insurance and reinsurance underwriters** in complicated litigation arising out of a shipwreck on Danube causing loss of ship and cargo;

Personal Injury

- Representing the Government of Ukraine, in a range of damage cases arising out of the crash of Tu-154 jet allegedly shot down by a Ukrainian missile during military maneuvers;

Product Liability and Consumer Disputes

- Representing a major **German automobile manufacturer**, in a product liability dispute for a combined total of 22 million Euros of actual and moral damages sought by the plaintiff as a remedy for injuries suffered as a result of car accident;
- Representing a major **Japanese automobile manufacturer**, in a product liability dispute for of actual and moral damages sought by the plaintiff as a remedy for injuries suffered as a result of passenger security system malfunction;
- Advising a Ukrainian subsidiary of a worldwide group of **energy and petrochemical companies**, in administrative proceedings against consumer protection authorities in disputes related to the quality of motor fuels sold through a network of fuel stations;

Representative Experience

Regulatory Disputes

- Representing an **international oil and gas exploration company** in the dispute with the **Ministry of Environmental Protection** regarding cancellation of the special permit to explore and develop hydrocarbon resources in the Black Sea deepwater area, as well as in a number of related court proceedings;
- Representing a subsidiary of a major **Japanese pharmaceutical company**, in a number of disputes against the bodies of the **Ministry of Health Protection** with regard to registration of pharmaceutical products in Ukraine;
- Representing leading Ukrainian **television and radio companies** in a number of disputes against **National Broadcasting Council** with regard to broadcasting licenses issue and revocation as well as compliance with licensing conditions and media legislation;

Tax and Customs Disputes

- Acting for a global US-based **steel and commodities trader** in a range of disputes with the Ukrainian tax authorities regarding taxation of our client's representative office in Ukraine. These disputes covered several taxation issues, including VAT and corporate profit tax, inter alia, on the basis of the non-discrimination rules provided by the double taxation avoidance treaty between Ukraine and the USA;
- Representing a large Ukrainian **pharmaceutical company** in a range of disputes with customs authorities of Ukraine regarding application of tax and customs import privileges;
- Representing a large Ukrainian company operating a **network of fuel storage facilities and gas stations**, in a dispute for USD 20 mln to be allegedly paid to the tax authorities with regard to the state guaranteed loans.

