

International Arbitration

When business extends across borders, cross-border disputes are a fact of life. Our International Arbitration attorneys work to safeguard our clients' business interests in international commercial and treaty-based arbitration disputes.

About

Each step of the way, we offer strategic advice to help clients anticipate potential disputes and develop a plan for how to effectively resolve them. When disputes arise, we have an experienced team that is ready to act to protect our client's interests on the international stage.

We Help You Plan for Disputes Ahead of Time

Arbitration is a user-driven process that can be customized to take into account the particularities of the business venture, differences in culture and language and, of course, the need to provide a fair means to resolve disputes. A successful arbitration strategy begins at the start, when the deal is being negotiated. Disputes should be anticipated and a means for their resolution built into the relationship—in the commercial agreement—at the beginning. Kelley Drye's international arbitration team can help you both plan for disputes at the transaction stage.

We Are There for You When Disputes Arise

If the unfortunate happens and a dispute arises, Kelley Drye's international arbitration lawyers are there for you. We've helped countless clients successfully resolve complex international disputes. We've handled disputes arising out of joint ventures, license agreements, infrastructure projects, various contractual disputes and energy issues (such as those arising from pricing and fuel concessions). The firm also prosecutes and advises on disputes governed by bilateral investment treaty (BITs). All of our international arbitration lawyers have taken significant and challenging arbitrations through to an award.

We've represented some of the world's largest construction, energy, manufacturing, financial services and automobile conglomerates. We are fully conversant with all the important arbitration treaties, including the New York Convention, the Panama Convention and the International Centre for Settlement of Investment Disputes (ICSID) Convention. Of course, we also operate with full knowledge of the rules governing practice before the leading international arbitral institutions, including the International Chamber of Commerce (ICC), (ICSID), the International Centre for Dispute Resolution (ICDR) and ad hoc proceedings conducted in accordance with the United Nations Commission on International Trade Law (UNCITRAL) Arbitration Rules.

Culturally Sophisticated and Diverse

The defining aspect of international arbitration is that it is "international." To succeed in such an environment requires lawyers that are culturally aware and comfortable dealing with people from different backgrounds. Our clients, not to mention our adversaries, come from all over the world, including India, Argentina, France, Japan, Brazil, Germany, the Middle East, Canada and, of course, the United States. Our diverse and culturally experienced team is able to navigate the exciting, but

also challenging, cultural differences that inevitably arise, particularly in the stressful circumstances of a dispute.

We Are Mindful of Costs

Many firms have resisted pricing principles and budgeting that are common in other businesses, relying on the argument that those could not effectively be applied to the unpredictable world of dispute resolution. At Kelley Drye, we are sensitive to our clients' needs to implement budgets, properly price dispute resolution services and increase efficiency. Our work is designed, discussed and approved to stay within a realistic budget in order to avoid unpleasant billing surprises. We are committed to developing mutually beneficial fee arrangements based on our clients' needs—including straight hourly billing, task-based billing and budgeting, blended rates, discounted hourly billing based on volume and monthly or annual budgets with caps, as well as flat fees and full or partial contingency arrangements.

We Are Mindful of Our Client's Business Interests

All of our lawyers understand that, in business disputes in particular, cases must be handled in a way that advances the broader business interests of our clients. Early in their careers, we instill in our lawyers this value so that arbitration or litigation does not become sport for the lawyers but rather a tool to advance the client's business objectives. In this regard, all our lawyers understand the difference between forceful and effective advocacy that has the desired impact on tribunals and adversaries leading to satisfactory resolution, versus tactics that create conflicts and drive up costs without advancing the client's interests.

Experience

- Representing Hochtief AG, Germany's largest construction company, in an ICSID arbitration against the Republic of Argentina concerning a roadway concession. (*Hochtief AG v. The Argentine Republic*, ICSID Case No. ARB/07/31)
- Successfully represented a leading Indian software company in an ICDR arbitration seeking over \$40 million in damages for breach of contract and fraud.
- Achieved a victory for an Indian manufacturer of vaccines in an ICC arbitration proceeding in London governed by Indian law. In addition to a favorable result on the merits, we obtained an award of costs. Kelley Drye also represented this client in an ICC arbitration in Paris concerning a license agreement.
- Obtained summary judgment in U.S. District Court in Washington, D.C. permitting the enforcement of a \$430 million arbitration award that established the government of Nigeria's breach of a manufacturing and supply contract. More recently, in the continuing proceedings to enforce the judgment against Nigeria, the Kelley Drye team obtained the first-ever award of discovery sanctions against a sovereign.
- Represented Imax Corporation in a lengthy arbitration hearing before an ICC panel sitting in London, resulting in an award of \$9.4 million, plus interest and attorney fees, in a case that involved leasing equipment in India. (*Imax Corporation v. E-City Entertainment*, ICC Arbitration in London).
- Successfully represented two Korean joint venture partners in an ICC arbitration seeking \$20

million in liquidated damages for alleged nonperformance of contract regarding the construction of a championship golf course as part of a master planned city in Incheon, South Korea.

- Successfully defended a leading provider of micro-crop technology in an ICC arbitration brought by a Chilean customer alleging the breach of a license agreement.
- Defending an entertainment technology company in an ICDR arbitration of a dispute with a Panamanian company concerning the purchase and development of movie theaters in Central America, South America and the Caribbean.
- Preparing an ICSID arbitration on behalf of a technology company to recover the value of an expropriated telecommunications concession. The respondent country is confidential, but it is located in South America.
- Advising a leading multinational construction company with respect to a potential investment treaty (ICSID) arbitration arising out of a government-sponsored transportation project. The respondent country is confidential but is located in the Middle East.
- Defending a large international company in an ICC arbitration. Since the dispute centers on the tax implications of a post-closing transaction, we have assembled a multidisciplinary defense team that includes tax and transactional specialists from our Corporate and Tax practices.
- Negotiated a favorable settlement for a U.S. manufacturer of CDs in an ICDR arbitration with a Japanese adversary. The arbitration had its seat in New York and governed by New York law.
- Co-trial counsel in the defense of a multimillion-dollar claim arising out of a joint venture for the development of a call center facility in India. Obtained an arbitration award dismissing all claims brought against our client and an award of damages and attorneys' fees on our counterclaim.

Related Services

e-Discovery
Litigation

Contacts

[Philip D. Robben](#)
probben@kelleydrye.com