

# International Litigation & Dispute Resolution

## Statement of Capability

March 2018

# 1. Our International Litigation and Dispute Resolution Practice Expertise

Globalization and the growth of international commerce have created an unprecedented need to efficiently resolve cross-border disputes. With the evolution of effective and efficient arbitration systems, complex issues relating to enforcement of foreign arbitration awards and judgments are constantly being deliberated upon. For arbitration to gain prominence as the preferred mode of dispute resolution an in-depth analysis of the various legal issues arising therein is required.

Mediation is also gaining popularity as a form of dispute resolution.

At Nishith Desai Associates (“NDA”), we have developed a strong expertise and carved a niche for ourselves in the areas of inbound and outbound litigation, international commercial arbitration and investment treaty arbitration with a strong focus on complex cross-border disputes. We also focus on corporate frauds and white collar crime/ economic offences, involving foreign multinationals and foreign directors. Due to our industry focused approach we provide very creative solutions for commercial, regulatory and anti-trust litigations. NDA strives to provide its clients with creative, pragmatic solutions and effective dispute resolution strategies.

We are actively involved in various matters related to Bilateral Investment Treaties, Private International Law, Corporate Laws, Insolvency and Bankruptcy laws, Intellectual Property (“IP”) Laws, Employment Laws, Competition and Anti-Trust laws and Commercial Laws; and have represented clients on several litigation matters and provided key pre- litigation strategies to clients in industries such as media, entertainment, infrastructure, pharma, healthcare, cosmetics, franchising, machinery & equipment manufacturing, outsourcing and financial services.

At NDA, we have developed a strong focus on the insolvency laws, especially the Insolvency and Bankruptcy Code. In the erstwhile regime, we successfully advised secured and unsecured creditors, large corporations, investment and commercial banks, international hedge funds etc., in relation to winding up and debt recovery proceedings. Competition law, as a practice area in NDA significantly focuses on litigation before Competition Commission of India (“CCI”), the Competition Appellate Tribunal (“COMPAT”) and other courts of judicature. We have developed a unique set of skills in Competition Law by successfully leveraging our cross-border specialization, experience and research capabilities to develop a vibrant Competition Law practice. We are also actively involved in resolution of IP disputes, enforcement of IP rights, pre-litigation advisory services and devising strategies for both Indian and cross border dispute resolution mechanisms.

In addition to the numerous engagements before the Supreme Court of India, various High Courts, lower courts, and Tribunals including the National Company Law Tribunal, the Copyright Board, Securities and Exchange Board of India, IPR Tribunals, CCI, COMPAT etc., we are consistently engaged to appear before foreign and domestic seated Arbitral Tribunals, often administered by globally renowned international arbitral institutions including London Court of International Arbitration (LCIA), Singapore International Arbitration Centre (SIAC), International Chamber of Commerce (ICC), and International Centre for Dispute Resolution (ICDR- AAA) amongst others.

We have strong expertise in handling corporate frauds, white collar crimes/economic offences in various matters related to violation of foreign exchange laws, securities law, import-export norms, data theft, intellectual property theft, insider trading, corporate insolvency, breach of fiduciary responsibilities, corporate defamation, corporate law non-compliance, money laundering, and corporate corruption. We have advised and assisted clients in several investigations, litigations and pre- litigation strategies in these areas and have represented them before several regulators and

investigating agencies including the Enforcement Directorate, Crime Branch of Indian Police, Serious Fraud Investigation office, Special Directorate of Enforcement, Cyber Crime Cell, Securities & Exchange Board of India, Registrar of Companies/Ministry of Company Affairs, United States Securities and Exchange Commission, etc.

We also provide Litigation Project Management services and provide strategic and legal assistance to clients involved in outbound (from India) litigation and also manage global litigations of clients by applying latest project management techniques. We have advised and assisted on several global litigation and outbound litigations for clients involved in media, entertainment, infrastructure, franchising, machinery and equipment manufacturing, outsourcing, art funds and financial services in respect of their disputes in United States, Belgium, Singapore, United Kingdom, Germany, Switzerland, etc.

## 2. Accolades

- Legal 500 (2017): Ranked in Tier 1 for Dispute Resolution
- RSG Rankings, 2017: Nishith Desai Associates has been ranked among the top 10 law firms in the RSG Top 40 Indian Law firms Rankings for 2017
- Legal Era Young Achievers Award, 2017 – Vyapak Desai
- Nishith Desai Associates has been declared as the Most Innovative Law Firm in Asia Pacific (2016) at the Innovative Lawyers Asia-Pacific Awards by the Financial Times - RSG Consulting.
- Dispute Resolution Practice of Nishith Desai Associates has been recognized as “Highly Recommended” by Asia Law Profiles, 2016.
- Young Achiever Award in India Legal Awards, 2016 - Moazzam Khan, Head, Global Litigation Practice
- Awarded by IDEX Legal Awards 2015 - Best Dispute Management Law firm of the year.
- Awarded by IDEX Legal Awards 2015 - Best Dispute Management Lawyer of the year (Vyapak Desai)
- Nishith Desai Associates has been declared as the Most Innovative Indian Law Firm in Asia Pacific (2015) at the Innovative Lawyers Asia-Pacific Awards by the Financial Times - RSG Consulting.
- Nishith Desai Associates has been declared as the Second Most Innovative Asia - Pacific Law Firm (2014) at the Innovative Lawyers Asia-Pacific Awards by the Financial Times - RSG Consulting.
- Legal 500: “*Nishith Desai Associates advises international banks, corporations, and private equity clients on complex cross-border disputes, and is currently handling arbitration matters...*”
- Asian-Mena Counsel ‘In-House Community Firm of the Year’ in India for International Arbitration (2011).
- Honorable mentions by Asian - Counsel 2011 for International Arbitration.
- Listed in the Asian Legal Business Watch list of ‘Top 10 Firms to Watch’ in 2009.
- Recognized by Chambers and Partners as the ‘Most In-Demand Practitioners’.
- Within a decade of setting up, NDA was honored with the ‘Indian Law Firm of the Year’ and in the next year, with ‘Asian Law Firm of the Year (Pro Bono)’ awards by the International Financial Law Review, a Euromoney publication.

# 3. Scope of Services

We advise and have represented clients on:

## I. Arbitration

### A. International Commercial Arbitration - Foreign Seated

- An Indian company against one of the world's largest communication services group in a multi-million dollar SIAC arbitration pertaining to earn-out and non-compete issues.
- An Indian subsidiary of a Japanese multi-national conglomerate against an India multinational corporate in multiple high-value and complex international arbitrations before SIAC, claiming indemnity and purchase price adjustments for disputes arising out of an M&A transaction.
- Minority shareholders of a pharmaceutical company against its American Joint Venture partner in a multi-million dollar arbitration before SIAC, Singapore in an exit dispute.
- India's largest post production house in a multi-million dollar dispute against a private equity investor in Emergency Arbitration before SIAC.
- An Indian cable manufacturer in a multi-million Euro joint venture dispute against its Italian partner before the LCIA, UK.
- World's second largest oilfield services company in an ad-hoc international commercial arbitration seated in London conducted as per UNCITRAL Rules and now representing in enforcement of the foreign award.

European sovereign fund against its Indian borrower before the Arbitration Institute of the Finland Chamber of Commerce.

- A private equity fund against Indian conglomerate for an exit dispute before the ICC.
- International mediation under the American Arbitration Association (AAA) and negotiated a successful settlement.

### B. International Arbitration- India Seated

- One of the biggest real estate investment fund for an exit dispute against Indian Promoters.
- World's largest medical devices, pharmaceutical and consumer packaged goods manufacturer against its distributor in relation to dispute arising out of a Distribution Agreement.
- One of the world's largest sovereign wealth funds in respect of an exit dispute against Indian promoters. World's second largest oilfield services company against an Indian party in relation to performance and breach of contracts. US based fund in relation to dispute against Publishing and Exhibition Company.
- Indian pharmaceutical company against foreign entities (USA and Canada) before the Supreme Court of India and successfully procured a landmark ruling in which a non-party to the arbitration agreement was referred to arbitration by lifting the corporate veil.
- One of India's largest industrial power supply company having global presence and subsidiaries, in its dispute against investors.

- Indian subsidiary and operating unit of one of the world's largest graphic processing unit design and manufacturing house in commercial disputes.

### C. Bilateral Investment Treaty/Energy Treaty arbitration

- Acted as the lead arguing counsel in successfully representing a foreign government in a USD 50 Billion investment treaty award enforcement in India;
- US real-estate fund in relation to their investment in a SEZ in Southern India involving issues of bribery and corruption and affixation of state responsibility.
- A telecom giant in a multi-billion investment arbitration against Government of India.
- Consortium of six global funds in relation to potential claims against Government of India.
- Sovereign wealth fund in potential invocation of a BIT arbitration against the Government of India. The matter was eventually resolved amicably and resulted into one of India's largest M&A transaction.

### D. Enforcement and Execution of arbitral awards and judgments (foreign and domestic)

- Enforcement in India of awards and judgments issued by Dubai International Financial Centre (“DIFC”) Courts and executing a unique memorandum of guidance on execution of DIFC Court Judgments in India with the Chief Justice of the DIFC Courts;
- A Singapore-based insurance company in enforcement of a judgment of Singapore High Court of over INR 1 billion against an Indian listed entity.
- An Indian fund in a complex enforcement of a multi-billion rupee arbitral award against an Indian public listed infrastructure company and its promoters involving multiple jurisdictions and legal proceedings;
- A Japanese entity in enforcement in India of a multi-billion dollar arbitral award delivered in Singapore arising out of the biggest M&A transaction in India.
- Representing a Singapore entity in the enforcement of multi-million dollar international commercial arbitration award passed in India against an Indian listed entity.
- An Indian (FinTech: Banking and Payment Software Solutions Co.) in proceedings before the Mauritius Supreme Court for setting aside a multi-million dollar (23 mil) arbitration award seated in Mauritius.
- The world's largest Art Fund before various courts including Supreme Court of India in a matter concerning enforcement of multi-million dollar judgment of Commercial Courts, United Kingdom.
- A Korean conglomerate in enforcement of an award passed in an Austria seated ICC arbitration against an Indian public listed company.
- A US-based company involved in the gaming industry for enforcement of an AAA arbitral award passed in US against a Mumbai based leading gaming entity.
- A Swiss multi-national commodity trading and mining company against an Indian public company in enforcement of a Singapore-seated SIAC award.
- An engineering company on the enforceability of an ICC arbitration award passed in London against a US company.

## II. Commercial Litigation

- India's largest domestic airline in public interest litigations filed before the Bombay and Delhi High Courts having far reaching consequences on the operations and sustainability of the said airline
- International bondholders in a dispute against an Indian listed pharmaceutical company with respect to FCCB defaults.
- Prominent French bank in relation to its challenge of the scheme of amalgamation of a large Indian conglomerate.
- French Hospital in respect of proceedings initiated against it in an Indian court by a former patient.
- A global hotel operating chain in issues involving allegations of breach of contractual terms before Courts in India.
- Two Indian ATM service providers in proceedings filed by a public sector bank in a dispute pertaining to deployment of ATM machines across India under a scheme propagated by the Ministry of Finance.
- Association of ATM service Providers against a number of Indian Banks in respect of claims pertaining to the world's largest demonetization exercise.
- A global conglomerate in its monetary claims against one of India's largest business houses pertaining to supply of sophisticated, custom manufactured machines in the oil & gas space.
- Prominent Indian venture capital-funded private hospital chain in a series of investor disputes.
- Subsidiary of a European research based company in the pharmaceutical industry in respect of an internal investigation.
- One of Italy's oldest and most prestigious universities in respect of local issues pertaining to their Indian operations.
- Film production-company in its dispute with suppliers before the Bombay High Court.
- In a multi-jurisdictional shareholder dispute in one of the largest private organizations in the world engaged in the identification and grading of precious stones in pre-litigation strategy, foreign investment issues, dispute resolution and negotiation.
- A leading American lifestyle and performance footwear company in its pre-litigation strategy pursuant to an M & A transaction.

## III. Regulatory Litigation

- Competition Law
  - » Leading cement manufacturing company in cartelization investigation before the Competition Commission of India.
  - » Manufacturing company engaged in the defence sector in a cartelization case.
  - » Online aggregator in relation to ticketing services on issues under Competition Law.
  - » A leading consortium of land developers of Delhi-NCR against statutory authorities before the Competition Commission of India in a case concerning abuse of dominance.

- Drugs, Pharmaceuticals and Cosmetics
  - » Challenge to a licence cancellations and suspensions under the Drugs & Cosmetics Act.
  - » Show cause notices before the State FDA and Drug Controller.
  - » Regulatory litigation under Drug Price Control Orders.
- Foreign Exchange Laws
  - » E-commerce entity in relation to proceedings under foreign exchange laws and assisting in preparation of submissions and responses to notices.
- Securities Law
  - » Swiss Bank in proceedings incorporated against the Securities and Exchange Board of India
  - » Leading listed manufacturer of electrical goods in relation to regulatory matters before the Securities Appellate Tribunal and the Supreme Court.
  - » One of the largest Art Funds in respect of regulatory issues before SEBI,SAT and the Supreme Court of India.
  - » Real estate client before SEBI in investigations done in relation to violation of insider trading regulations.
  - » In one of the biggest insider trading litigation by the US SEC.
  - » US Telecom Company on a Telecom Dispute Settlement and Appellate Tribunal litigation.
  - » Director of a leading telecom company in relation to investigation by authorities for non-compliance of FEMA regulations.
  - » An IT sector company in relation to investigation and arrest made in relation to non-compliance of custom regulations.

## IV. IP Litigation

- A service provider in relation to offences of unauthorized access of network and data copying under Information Technology Act and parallel civil proceedings.
- Online platform in resisting injunction and blockage of website under the Information Technology Act before Delhi High Court in trademark and copyright infringement case.
- Large online portal in settling trademark and domain names dispute.
- In a cross-border copyright action for rights relating to Tintin books in the Bombay High Court.
- Leading a film production company in a landmark case on remake rights.
- Leading film Distribution Company with respect to disputes relating to films such as Ghajini, Golmaal and Singh is King.
- Leading theater and film director in India with respect to intellectual property disputes.
- In software space with respect to a dispute with its employees relating to ownership of intellectual property in certain patents.
- An emerging Indian IT company against an established competitor with respect to copyright infringement.

- A number of clients in their domain name disputes before bodies such as World Intellectual Property Organization (WIPO) and NIXI (Indian domain name Registry).
- A leading multi-national gaming company in a domain name dispute and a related case of trademark infringement
- Indian film financier and co-producer in a dispute pertaining to mainstream Hindi feature film against a Bollywood producer.
- Leading international event management-company with respect to infringement of their intellectual property rights and passing off action.
- Assisted several clients in sending cease and desist notices for intellectual property violations and creating strategy for settlement of disputes.
- Assisting several clients in trademark and patent opposition matters before the trademarks and patent offices.

## V. White Collar, Fraud and Investigations

- A leading American company in the electronic design automation industry in conducting internal investigations in one of the offices in India.
- A Japanese conglomerate in respect of potential disclosure obligations for a listed entity under Indian laws.
- Advising a private equity investor with regard to anti-corruption and bribery compliances and conducting investigation in relation to alleged offences.
- A global leader in clean coal solutions, its entities, directors and employees in relation to proceedings before Economic Offences Wing and Magistrate both got dismissed due to disputes being commercial in nature.
- Director of a leading IT companies in one of the biggest Indian corporate scam in matters relating to corporate frauds, money laundering and export norm violations.
- Private Equity and Investment Advisors in one of the biggest Indian telecommunication scam in matters related to spectrum allocation.
- Leading research house in a case of human resources fraud.
- An Indian subsidiary of a leading international IT services company in a matter pertaining to civil disputes and consequential criminal complaint.
- Private Equity Investor in a cyber-crime cell investigation pertaining to data theft and breach of confidentiality in relation to its investment in the healthcare sector.
- Leading chemical manufacturing company in a corporate defamation case.
- Private Equity investor in a fraud done by promoters and managing director of the investee company and a strategized takeover of investee company.
- Leading media house in a matter relating to criminal breach of trust and cheating by a film director.
- Major US- based Multi-National bank in a case related to identity theft.
- A large IT sector company in a matter relating to fraud by an Indian distributor.

- Leading manufacturing company in relation to theft of designs and other copyrighted material by its employee.
- French fund manager regarding a white collar crime/ economic offence in relation to an Indian investment.
- One of the world leaders in manufacturing and supply of water measuring devices regarding identity theft and fraud.

## VI. Insolvency and Bankruptcy

- A large oil and gas conglomerate in respect of potential proceedings against their debtor under the Insolvency and Bankruptcy Code, and the implications thereof.
- Certain Foreign Currency Convertible Bond holders to initiate an Insolvency Resolution Process against a listed Pharmaceutical Company for default of payments amounting to USD 24 Million. We have also been assisting in the formulation of a resolution plan under the Bankruptcy Code along with the Insolvency Resolution Professional.
- The oldest venture capital fund in the United States in proceedings before the Appellate Adjudicatory Authority in respect of an insolvency resolution plan approved by the Committee of Creditors.
- A large offshore fund for providing interim financing to a company, against which an application for restructuring is currently pending with the National Law Company Tribunal (NCLT).
- The Indian subsidiary of one of the largest Singaporean telecommunications company in insolvency proceedings initiated by an operational creditor.
- One of the world's oldest film studios in initiating insolvency proceedings against an Indian media content company in respect of claims for unpaid license fees.
- An Israel based company against one of India's largest digital wallet company's for recovery of dues using insolvency resolution process under the Bankruptcy Code.
- An Indian advertising company in insolvency proceedings initiated by an operational creditor.
- Advised J.P. Morgan Chase Bank, N.A., USA on applicability of securities and bankruptcy laws on their operations in India.
- Advised Hinduja Bank (Switzerland) Ltd. on restructuring of their India debt investments.
- Represented and advised Goldman Sachs in the debt restructuring process carried out in respect of Jaiprakash Associates Limited.
- Represented Pacific Alliance Group in providing debt financing to BPL group to refinance their existing defaulted debts.

## VII. Worldwide litigation project management

- Managed litigation of an Indian car manufacturer in Belgium.
- Managed a litigation of an Art fund in the NY, United States and United Kingdom.
- Managed a litigation for a Singapore investment company in Nevada, United States.
- Managed litigation of an Indian film distribution company in Singapore.
- Managed litigation for an Indian manufacturer in California, United States.
- Managed litigation for an Indian logistics company in Hong Kong.

## 4. Our Select Clients Include

- Abbott
- Adverity BPO
- Airbnb
- Altima Partners
- Amazon
- Atos
- Baker Hughes
- Bharti Infratel
- Bocconi University
- Bristol Myers
- BNY Melon
- Capgemini
- Caspian
- Cognizant
- Digital Radio (Red FM)
- DIC
- Eurokids International
- Everstone Capital Advisors
- Frasers Hospitality Pte. Limited
- Finn fund
- Franklin Templeton
- GE Capital (Asia Pacific)
- General Atlantic
- Glencore
- Go Daddy
- Goldman Sachs
- Hitachi Payment
- HOOQ
- ICICI Ventures
- IndiGo
- Infosys
- Integreon
- IndiaVenture Advisors
- Ioffer Inc.
- Jacob's
- Johnson & Johnson
- Lorentz
- Mphasis
- Music Choice
- Naaptol
- Nicholas Applegate Capital
- Nizam of Hyderabad
- Nvidia
- Oman Investment Fund
- Oracle
- Osian's
- Overseas Assurance Corporation Limited
- Passport Capital
- Peabody
- Peterbeck Partners
- Plaid
- Pragnya Fund
- QPS
- Ram Mynampati (Ex-Director Satyam)
- Roche
- Sanjay Leela Bhansali Films
- Skechers
- Smith Nephew
- Source Code
- Star CJ
- Stolt
- Summit Partners

- Sun Apollo
- Suvidhaa
- St. Jude Medical, Inc.
- Synopsys
- Taib Bank
- Transocean
- Telcordia Technologies
- Toshiba
- Toonz Animation India
- UCB India
- V Soft
- Venture East
- Viacom 18
- Zodius

## About NDA

At Nishith Desai Associates, we have earned the reputation of being Asia's most Innovative Law Firm – and the go-to specialists for companies around the world, looking to conduct businesses in India and for Indian companies considering business expansion abroad. In fact, we have conceptualized and created a state-of-the-art Blue Sky Thinking and Research Campus, Imaginarium *Aligunjan*, an international institution dedicated to designing a premeditated future with an embedded strategic foresight capability.

We are a research and strategy driven international firm with offices in Mumbai, Palo Alto (Silicon Valley), Bangalore, Singapore, New Delhi, Munich, and New York. Our team comprises of specialists who provide strategic advice on legal, regulatory, and tax related matters in an integrated manner basis key insights carefully culled from the allied industries.

As an active participant in shaping India's regulatory environment, we at NDA, have the expertise and more importantly – the VISION – to navigate its complexities. Our ongoing endeavors in conducting and facilitating original research in emerging areas of law has helped us develop unparalleled proficiency to anticipate legal obstacles, mitigate potential risks and identify new opportunities for our clients on a global scale. Simply put, for conglomerates looking to conduct business in the subcontinent, NDA takes the uncertainty out of new frontiers.

As a firm of doyens, we pride ourselves in working with select clients within select verticals on complex matters. Our forte lies in providing innovative and strategic advice in futuristic areas of law such as those relating to Blockchain and virtual currencies, Internet of Things (IOT), Aviation, Artificial Intelligence, Privatization of Outer Space, Drones, Robotics, Virtual Reality, Ed-Tech, Med-Tech & Medical Devices and Nanotechnology with our key clientele comprising of marquee Fortune 500 corporations.

The firm has been consistently ranked as one of the Most Innovative Law Firms, across the globe. In fact, NDA has been the proud recipient of the Financial Times – RSG award 4 times in a row, (2014-2017) as the **Most Innovative Indian Law Firm**.

We are a trust based, non-hierarchical, democratic organization that leverages research and knowledge to deliver extraordinary value to our clients. Datum, our unique employer proposition has been developed into a global case study, aptly titled 'Management by Trust in a Democratic Enterprise,' published by John Wiley & Sons, USA.

A brief chronicle our firm's global acclaim for its achievements and prowess through the years -

- **AsiaLaw 2019:** Ranked 'Outstanding' for Technology, Labour & Employment, Private Equity, Regulatory and Tax
- **RSG-Financial Times:** India's Most Innovative Law Firm (2014-2017)
- **Merger Market 2018:** Fastest growing M&A Law Firm
- **IFLR 1000 (International Financial Review - a Euromoney Publication):** Tier 1 for TMT, Private Equity
- **IFLR:** Indian Firm of the Year (2010-2013)
- **Legal 500 2018:** Tier 1 for Disputes, International Taxation, Investment Funds, Labour & Employment, TMT
- **Legal 500 (2011, 2012, 2013, 2014):** No. 1 for International Tax, Investment Funds and TMT

- **Chambers and Partners Asia Pacific (2017 – 2018):** Tier 1 for Labour & Employment, Tax, TMT
- **IDEX Legal Awards 2015:** Nishith Desai Associates won the “M&A Deal of the year”, “Best Dispute Management lawyer”, “Best Use of Innovation and Technology in a law firm” and “Best Dispute Management Firm”

Please see the last page of this paper for the most recent research papers by our experts.

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## Disclaimer

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The following research papers and much more are available on our Knowledge Site: [www.nishithdesai.com](http://www.nishithdesai.com)

	<b>Fund Formation: Attracting Global Investors</b>		<b>Social Impact Investing in India</b>		<b>The Curious Case of the Indian Gaming Laws</b>
	March 2018		July 2018		February 2018
	<b>Corporate Social Responsibility &amp; Social Business Models in India</b>		<b>Incorporation of Company LLP in India</b>		<b>Outbound Acquisitions by India Inc</b>
	March 2018		April 2017		September 2014
	<b>Internet of Things</b>		<b>Doing Business in India</b>		<b>Private Equity and Private Debt Investments in India</b>
	January 2017		September 2018		March 2018

## NDA Insights

TITLE	TYPE	DATE
Blackstone's Boldest Bet in India	M&A Lab	January 2017
Foreign Investment Into Indian Special Situation Assets	M&A Lab	November 2016
Recent Learnings from Deal Making in India	M&A Lab	June 2016
ING Vysya - Kotak Bank : Rising M&As in Banking Sector	M&A Lab	January 2016
Cairn – Vedanta : 'Fair' or Socializing Vedanta's Debt?	M&A Lab	January 2016
Reliance – Pipavav : Anil Ambani scoops Pipavav Defence	M&A Lab	January 2016
Sun Pharma – Ranbaxy: A Panacea for Ranbaxy's ills?	M&A Lab	January 2015
Reliance – Network18: Reliance tunes into Network18!	M&A Lab	January 2015
Thomas Cook – Sterling Holiday: Let's Holiday Together!	M&A Lab	January 2015
Jet Etihad Jet Gets a Co-Pilot	M&A Lab	May 2014
Apollo's Bumpy Ride in Pursuit of Cooper	M&A Lab	May 2014
Diageo-USL- 'King of Good Times; Hands over Crown Jewel to Diageo	M&A Lab	May 2014
Copyright Amendment Bill 2012 receives Indian Parliament's assent	IP Lab	September 2013
Public M&A's in India: Takeover Code Dissected	M&A Lab	August 2013
File Foreign Application Prosecution History With Indian Patent Office	IP Lab	April 2013
Warburg - Future Capital - Deal Dissected	M&A Lab	January 2013
Real Financing - Onshore and Offshore Debt Funding Realty in India	Realty Check	May 2012

# Research@NDA

**Research is the DNA of NDA.** In early 1980s, our firm emerged from an extensive, and then pioneering, research by Nishith M. Desai on the taxation of cross-border transactions. The research book written by him provided the foundation for our international tax practice. Since then, we have relied upon research to be the cornerstone of our practice development. Today, research is fully ingrained in the firm's culture.

Our dedication to research has been instrumental in creating thought leadership in various areas of law and public policy. Through research, we develop intellectual capital and leverage it actively for both our clients and the development of our associates. We use research to discover new thinking, approaches, skills and reflections on jurisprudence, and ultimately deliver superior value to our clients. Over time, we have embedded a culture and built processes of learning through research that give us a robust edge in providing best quality advices and services to our clients, to our fraternity and to the community at large.

Every member of the firm is required to participate in research activities. The seeds of research are typically sown in hour-long continuing education sessions conducted every day as the first thing in the morning. Free interactions in these sessions help associates identify new legal, regulatory, technological and business trends that require intellectual investigation from the legal and tax perspectives. Then, one or few associates take up an emerging trend or issue under the guidance of seniors and put it through our "Anticipate-Prepare-Deliver" research model.

As the first step, they would conduct a capsule research, which involves a quick analysis of readily available secondary data. Often such basic research provides valuable insights and creates broader understanding of the issue for the involved associates, who in turn would disseminate it to other associates through tacit and explicit knowledge exchange processes. For us, knowledge sharing is as important an attribute as knowledge acquisition.

When the issue requires further investigation, we develop an extensive research paper. Often we collect our own primary data when we feel the issue demands going deep to the root or when we find gaps in secondary data. In some cases, we have even taken up multi-year research projects to investigate every aspect of the topic and build unparalleled mastery. Our TMT practice, IP practice, Pharma & Healthcare/Med-Tech and Medical Device, practice and energy sector practice have emerged from such projects. Research in essence graduates to Knowledge, and finally to *Intellectual Property*.

Over the years, we have produced some outstanding research papers, articles, webinars and talks. Almost on daily basis, we analyze and offer our perspective on latest legal developments through our regular "Hotlines", which go out to our clients and fraternity. These Hotlines provide immediate awareness and quick reference, and have been eagerly received. We also provide expanded commentary on issues through detailed articles for publication in newspapers and periodicals for dissemination to wider audience. Our Lab Reports dissect and analyze a published, distinctive legal transaction using multiple lenses and offer various perspectives, including some even overlooked by the executors of the transaction. We regularly write extensive research articles and disseminate them through our website. Our research has also contributed to public policy discourse, helped state and central governments in drafting statutes, and provided regulators with much needed comparative research for rule making. Our discourses on Taxation of eCommerce, Arbitration, and Direct Tax Code have been widely acknowledged. Although we invest heavily in terms of time and expenses in our research activities, we are happy to provide unlimited access to our research to our clients and the community for greater good.

As we continue to grow through our research-based approach, we now have established an exclusive four-acre, state-of-the-art research center, just a 45-minute ferry ride from Mumbai but in the middle of verdant hills of reclusive Alibaug-Raigadh district. **ImaginariuM AliGunjan** is a platform for creative thinking; an apolitical ecosystem that connects multi-disciplinary threads of ideas, innovation and imagination. Designed to inspire 'blue sky' thinking, research, exploration and synthesis, reflections and communication, it aims to bring in wholeness – that leads to answers to the biggest challenges of our time and beyond. It seeks to be a bridge that connects the futuristic advancements of diverse disciplines. It offers a space, both virtually and literally, for integration and synthesis of knowhow and innovation from various streams and serves as a dais to internationally renowned professionals to share their expertise and experience with our associates and select clients.

We would love to hear your suggestions on our research reports. Please feel free to contact us at  
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# Nishith Desai Associates

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