

JAPAN

Japan litigation guide



By Mugi Sekido
Mori Hamada & Matsumoto

Tel: +81 3 6212 8330 Website: www.mhmjapan.com

MORI HAMADA & MATSUMOTO

Civil litigation in Japan is decided by professional judges in the absence of a jury. These professional judges have an extensive training system whereby senior judges share their skills and experiences with junior judges. Generally speaking, Japanese judges are diligent, honest and reliable, and they do not treat foreign individuals and companies unfavourably.

Compared with the US, Japanese civil procedure does not result in time intensive trials. Rather, proceedings are generally conducted at a series of periodic hearings, typically once a month. The judge(s) attends all of the hearings and organises the proceedings, and lawyers will often recognise tentative ideas of the judges from their conversation at hearings. In many cases they can predict final judgments with some real certainty, and this enables us to find an efficient strategy for the resolution of disputes.

Japanese civil procedure does not involve extensive discovery, like in the US, and this substantially reduces costs. Although its absence may raise concerns as to potential difficulties faced by plaintiffs in proving their cases, experience suggests that such proof is possible with evidence within plaintiffs' hands – supported by inferences based on such evidence and undisputed facts. The continuous involvement of judges, which enables efficient case management, is essential for Japanese civil litigation to remain relatively cost-efficient.

Monetary awards in Japan tend to be less than in the US, partly because Japanese courts do not impose punitive damages – admitting only compensatory damages – and partly because Japanese civil procedure does not provide for a class action system. However, Japanese courts have recently begun to demonstrate a change in attitude, and monetary awards are increasing.

Enforceability of foreign judgments

Foreign judgments can be enforced in Japan. They are not limited to final judgments and include summary judgments. However, Japanese courts do not enforce foreign judgments from jurisdictions that do not have a reciprocal enforcement policy for Japanese judgments. An example would be the People's Republic of China. In addition, in cases where foreign judgments award punitive damages, Japanese courts do not enforce that part of the awards corresponding to the punitive damages.

Arbitration

The revised Arbitration Act came into effect in 2004 and is based on the Model Law of UNCITRAL. In addition, Japan is a party to the New York Convention (the Convention on the Recognition and Enforcement of

Foreign Arbitral Awards). Japanese courts are respectful to both foreign arbitration awards and arbitration proceedings.

The Japan Commercial Arbitration Association is the permanent commercial arbitral institution in Japan and provides extensive administrative support for arbitrations in Japan.

Mediation

Japanese courts provide mediation services, so it is not necessary to find a private mediator. Although there are filing fees that vary depending on the amounts in dispute, there is no hourly fee. In addition, there is no need to negotiate with the opposing parties because Japanese courts designate proper mediators.

Two or three mediators are designated to each case. In two mediator cases, one of them is an experienced lawyer and the other is a specialist – such as an architect or an engineer. In three mediator cases, a professional judge will be added to the panel. Each mediator contributes within his or her respective specialty to the promotion of a settlement.

Mediation dates are held periodically, typically once a month, like hearing dates at civil litigation. Each date will typically last around one hour. If a party is absent from a date without a fair reason, it may be ordered to pay a small fine by the court. Each party usually attends the

Japanese civil procedure does not involve extensive discovery ... [which] substantially reduces costs

mediation dates even when they may be reluctant to settle. A party can make use of court mediation in Japan to force the other party to participate in settlement discussion.

There are two types of courts that provide mediation in Japan. One is a district court, and the other is a summary court. Generally speaking, district court mediations have greater involvement of professional judges. Settlement discussions at district courts tend to be based on the application of laws. On the other hand, summary courts tend to promote settlements focusing on the interests of each party. District court mediations are relatively close to civil litigation, while summary court mediations tend to be closer to the concept and character of business negotiation.

District court mediations are only possible when both parties consent to the mediation, or when the contractual relationship designates the district court as a place of dispute resolution. Summary court mediations are possible without such mutual consent or contract obligation. The success rate of mediation in Japan is substantial.

Recommended firms at a glance

BANKING & FINANCE
Tier 1
Anderson Mori & Tomotsune
Atsumi & Partners
Mori Hamada & Matsumoto
Nagashima Ohno & Tsunematsu
Nishimura & Asahi
Tier 2
Allen & Overy
Clifford Chance
Linklaters
Morrison & Foerster
Tier 3
Baker & McKenzie GJB Tokyo Aoyama Aoki Koma
Davis Polk & Wardwell
Lovells
Norton Rose
Simpson Thacher & Bartlett
Sullivan & Cromwell
Tier 4
Freshfields Bruckhaus Deringer
Latham & Watkins
Milbank Tweed Hadley & McCloy
O'Melveny & Myers
Orrick Herrington & Sutcliffe
Paul Hastings Janofsky & Walker
Paul Weiss Rifkind Wharton & Garrison
Shearman & Sterling
Skadden Arps Slate Meagher & Flom
TMI Associates

DISPUTE RESOLUTION	DISPUTE RESOLUTION
DOMESTIC FIRMS	INTERNATIONAL FIRMS
Tier 1	Tier 1
Anderson Mori & Tomotsune	Herbert Smith
Mori Hamada & Matsumoto	Morrison & Foerster
Nagashima Ohno & Tsunematsu	Tier 2
Nishimura & Asahi	Baker & McKenzie
Tier 2	White & Case
Freshfields Bruckhaus Deringer	Tier 3
Matsuo & Kosugi	Clifford Chance
Tier 3	Freshfields Bruckhaus Deringer
Abe Wada & Watanabe	Jones Day
Atsumi & Partners	Lovells
TMI Associates	Paul Hastings Janofsky & Walker

CORPORATE/M&A	CORPORATE/M&A
DOMESTIC FIRMS	INTERNATIONAL FIRMS
Tier 1	Tier 1
Anderson Mori & Tomotsune	Freshfields Bruckhaus Deringer
Linklaters	Morrison & Foerster
Mori Hamada & Matsumoto	Skadden Arps Slate Meagher & Flom
Nagashima Ohno & Tsunematsu	Tier 2
Nishimura & Asahi	Allen & Overy
Tier 2	Clifford Chance
Baker & McKenzie GJB Tokyo Aoyama Aoki Koma	Davis Polk & Wardwell
Freshfields Bruckhaus Deringer	Herbert Smith
Morrison & Foerster	Linklaters
White & Case	Paul Weiss Rifkind Wharton & Garrison
Tier 3	Shearman & Sterling
City-Yuwa Partners	Simpson Thacher & Bartlett
Clifford Chance	Sullivan & Cromwell
Hibiya Park Law	Tier 3
Jones Day	Ashurst
Oh-Ebashi LPC	Jones Day
O'Melveny & Myers	Lovells
Paul Hastings Janofsky & Walker	O'Melveny & Myers
TMI Associates	Orrick Herrington & Sutcliffe
	White & Case
	Tier 4
	Latham & Watkins
	Paul Hastings Janofsky & Walker

INTELLECTUAL PROPERTY	INTELLECTUAL PROPERTY
DOMESTIC FIRMS	INTERNATIONAL FIRMS
Tier 1	Tier 1
Nakamura & Partners	Lovells
Tier 2	Morrison & Foerster
Abe Ikubo & Katayama	Tier 2
Anderson Mori & Tomotsune	Baker & McKenzie GJB Tokyo
Mori Hamada & Matsumoto	Aoyama Aoki Koma
TMI Associates	Finnegan Henderson Farabow Garrett
Yuasa & Hara	Hogan & Hartson
Tier 3	Tier 3
Abe Wada & Watanabe	Foley & Lardner
Nagashima Ohno & Tsunematsu	Morgan Lewis
Nishimura & Asahi	Ropes & Gray
Seiwa Patent & Law	Sughrue Mion
Tier 4	Wenping & Co
Atsumi & Partners	
Ohno & Partners	

Banking/Finance

RECOMMENDED FIRMS

Tier 1

Anderson Mori & Tomotsune

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Paul Weiss Rifkind Wharton & Garrison

Paul Hastings Janofsky & Walker

Shearman & Sterling

Skadden Arps Slate Meagher & Flom

TMI Associates

Anderson Mori & Tomotsune

The banking and finance practice of Anderson Mori & Tomotsune offers a full range of service on all types of financial products such as derivatives, structured finance, debt finance and asset-backed finance. In particular, its team specialises in complex types of domestic and cross-border syndicated loans and has worked on several prominent transactions of this nature recently. A highlight includes advising a major Japanese bank as arranger of a US\$1.15 billion loan to a major foreign car manufacturer.

Underwriters enlisted the firm in the ¥417 billion

global offering by Mitsubishi UFJ Financial Group, the largest one of 2008 by a Japanese issuer. On the projects front, the group's focus is on assisting clients to develop effective financing and security packages to meet their commercial needs and the commercial requirements of other participants such as lenders and export credit agencies. Top names of the practice include Tatsu Katayama, Takashi Akahane and Akiko Kimura.

Atsumi & Partners

Atsumi & Partners has one of the most highly-regarded securitisation and structure finance practices in the market. The firm offers a full range of financial and corporate services, but truly has a specialty finance group. The market acknowledges its partners are often found on the country's most groundbreaking and innovative domestic and cross-border securitisation transactions.

The firm's experience includes the securitisation of leases, credit card receivables, loan receivables, real-estate backed deals, the securitisation of future cash flows and whole-business securitisation. Other areas its finance practice cover are capital markets, general banking, project finance, corporate finance and trust banking. Hiroo Atsumi runs the firm and is a leading lawyer. A highlight transaction for the team was in acting for a Japanese underwriter in a public offering of TMK bonds backed by residential loan receivables originated by a Japanese bank.

Mori Hamada & Matsumoto

A strong choice across the board, Mori Hamada & Matsumoto offers a very capable finance practice. Its structured finance and securitisation group is notable for its excellence and brings expert advice on traditional securitised and liquidated products backed by receivables, and on more complex transactions such as non performing loan securitisations, CDOs and synthetic CDOs. A trusted firm to domestic and international issuers and underwriters, it has an established track record of acting on some of the largest and most innovative securities offerings and provides quality regulatory advice.

On the pure banking side, Mori Hamada practitioners help clients with structuring, negotiating and drafting documentation on all financing fronts like acquisition finance and real-estate finance. One noteworthy deal for the team recently was representing Mitsubishi UFJ Securities on its financial group's US\$4.6 billion offering, the biggest by a Japanese company in 2008. Another highlight had the firm advise Mizuho Securities, Mizuho Corporate Bank and Orix Gold Management on the whole business securitisation of Orix's Golf Business valued at US\$260 million. Key figures on this team include Masanori Sato, Satoko Kuwabara and Toru Ishiguro.

Nagashima Ohno & Tsunematsu

Nagashima Ohno & Tsunematsu is one of the prominent big four domestic firms that boasts a respected finance practice offering in-depth experience and specialist knowledge on all capital-raising matters. Regarded by the market as having one of the strongest finance capabilities of the big four, the team regularly works with top local and international financial institutions and corporates in both domestic and international financial markets.

The firm offers quality advice on fund-raising through securities issuances, shares listings, syndicated loans, structured finance and project finance. Satoshi Inoue and Fumihide Sugimoto are leading lawyers within the finance practice. Two examples of the firm's work this year include its role advising Sumitomo Mitsui Banking Corporation in relation to its ¥10 billion debtor-in-possession financing to Cosmos Initia, and in acting for GE Capital Corporation on its ¥153 billion issuance of *samurai* bonds.

Nishimura & Asahi

As the largest of the premier domestic firms, Nishimura & Asahi was formed in 2007 by a merger between Nishimura & Partners and Asahi Koma Law Offices. As a result, the firm's finance practice can handle a large volume of transactions and has particular strengths in banking, structured finance and securitisation, and project finance. It boasts a team of highly-regarded practitioners who cover a full range of products and financing transactions and is additionally heralded by the market for its bankruptcy and restructuring, and regulatory expertise. Hiroshi Maeda and Mitsuhiro Yasuda are two top lawyers of this group.

Recently, the firm was involved for MBK Partners on the ¥14 billion refinancing of existing loan obligations of Tasaki Shinju Company, and advised lender Mizuho Corporate Bank in connection to the project financing of Haneda Ryokaku Terminal Building. Another highlight had its securitisation team represent Deutsche Bank Tokyo on a commercial mortgage-backed securitisation deal with Shinsei Bank's headquarters as the underlying property.

Allen & Overy

Allen & Overy possess one of the most successful finance practices of the international firms operating in this space. Its project finance capability for example, is market-leading and the market gives credit to its structured finance and derivatives expertise. The team has proven acquisition finance experience and leading sponsors and lenders such as Japan Bank for International Cooperation (Jbic), Sumitomo Mitsui Banking Corporation and Marubeni regularly team up with the group. On the capital markets front, the firm excels in debt work, covering a range of

products from various bonds to credit-linked notes to MTN programmes.

A highlight for the firm was its role in closing out Japanese market Lehman Brothers derivatives contracts during the bank's insolvency. It also advised a syndicate of 10 commercial banks on the US\$2 billion bridge loan facility to Lion Power Holdings for the acquisition of Senoko Power.

Clifford Chance

Clifford Chance is the world's largest firm and offers its Tokyo office brings a truly global network to its clients as part of its finance practice. With specialties in leveraged finance and capital markets, the firm provides advice across the range of finance transactions and related products. Of note, the firm recently hired top capital markets specialist Reiko Sakimura from Linklaters. Leading clients of the firm like Citibank, JPMorgan and HSBC enlist the firm routinely for financing advice. In addition to Sakimura, the team includes Peter Kilner, Masayuki Okamoto and Eiichi Kanda.

This past year the firm has been busy on advising on the terms of numerous existing financings. Other highlights include financing the acquisition of D&M Holdings by Bain Capital, and financing the acquisition of Benex Corporation by Canadoil. One of the several MTN programmes the team was instrumental in establishing was Toyota Industries' US\$1 billion programme.

Linklaters

Linklaters remains a top choice among international firms for its seamlessly integrated practice of Japanese *bengoshi* and foreign lawyers. Its financing capability brings a strength and depth of experience across all major practice areas with standout teams in the capital markets including structured finance and securitisation. Offering top-notch advice on banking, derivatives, complex debt products, and innovative securitisations, Linklaters covers all grounds with deft skills. Clients include all the major Japanese banks and leading issuers such as Rabobank, which the team acted for on its ¥27.5 billion float rate *samurai* bond issuance.

Respected lawyers Christopher Bradley, Akihiro Wani, Andrew Carmichael, Peter Frost, Paul Kruger and Kozo Sasaki form part of the finance team. One highlight deal for the firm was its role advising the joint lead managers and bookrunner in Sumitomo Mitsui Financial Group's US\$1.8 billion issuance of Tier I securities. Additionally, the team acted for manager and lead arranger Citi in the cross border residential mortgage-backed securities issuance of US\$228 million secured floating rate notes due 2038 issued by Korea Ace Mortgage Company.

Morrison & Foerster

Morrison & Foerster has an especially strong capital markets practice as part of its finance group. With over 120 lawyers, the US firm has a blend of *bengoshi* and foreign practitioners who cover a wide spectrum of financing work and offer solid advice on US, Japanese and UK law. Its capital markets practice made a major hire two years ago, bringing on board leading specialist Tony Grundy from Linklaters. To partners within its finance group include Grundy, Fuyuo Mitomi, Saori Nakamura, Andrew Winden and Dale Caldwell. On project financings, the firm is a leader in greentech deals and regularly advises clients like Toshiba, Tokyo Gas and Mitsui. A notable area within this group is its real-estate finance practice, which many regard as the finest in the market.

Last year, the team advised Mitsubishi UFJ as initial purchaser in connection with the ¥300 billion global share offering by Nomura Holdings. Another highlight mandate had the team representing Mitsui on its joint ventures with Brazilian state-owned oil company Petrobras in connection with bioethanol production.

Baker & McKenzie GJB Tokyo Aoyama Aoki Koma

Baker & McKenzie GJB Tokyo Aoyama Aoki Koma's finance practice consists of nine partners and 17 fee-earners. It is a full-service firm with specialty advice on all types of banking, capital markets, and structured finance and securitisation transactions. Naoaki Eguchi and Seishi Ikeda are two prominent names within the practice.

Davis Polk & Wardwell

Davis Polk & Wardwell operates a highly-respected capital markets practice in Tokyo with two of the most prominent international lawyers, Theodore Paradise and Eugene Gregor. The firm provides excellent US securities advice on top quality capital markets transactions and has a track record of being involved on some of the market's most complicated and high-profile deals in the past.

Lovells

Lovells has a recently formed finance group that provides premier legal advice in all areas with specialties in capital markets, project finance, and derivatives, structured finance and securitisation. Top lawyers Philip Hyde and Anthony Raven, who spent a year on secondment at Mitsubishi advising on energy projects before joining Lovells, lead the team.

Norton Rose

Norton Rose opened up its Tokyo office in the summer of 2009 and presents expert advice to clients on a wide range

of financing types including asset finance. The latter is due to the specialty of partner Jeremy Gibb, who formerly led the firm's banking team in Hong Kong. Chris Viner is a corporate finance specialist. The English-law team is led by these two partners and has five associates.

Simpson Thacher & Bartlett

Simpson Thacher & Bartlett is renowned for its capital markets practice. The Wall Street firm's fundraising advice in the equity and debt capital markets sphere is regarded by many as market-leading. It has two key partners who are equally renowned for their quality, Alan Cannon and David Sneider and the office continues to bring premier counsel on securities in US law to its clients.

Sullivan & Cromwell

Sullivan & Cromwell is home to one of the most highly-regarded capital markets lawyer in Tokyo, Izumi Akai, who is qualified in both Japanese and US law. The firm currently staffed with two partners, five associates and an of-counsel and focuses on major and sophisticated financing deals with US elements.

Freshfields Bruckhaus Deringer

Freshfields Bruckhaus Deringer offers advice to clients in UK, US and Japanese law. Its finance practice consists of quality advice on all capital-raising matters with focus on structured finance and securitisation, asset finance, project finance and commercial banking. Clients include Swiss National Bank, Daiwa Securities and Deutsche Bank.

Latham & Watkins

Latham & Watkins' finance practice is particularly strong in asset and aircraft lease financing. It is also a favourite by Japanese sponsors and participants in large project financings around the globe, such as Jbic, Marubeni Corporation and Mitsubishi Materials Corporation. Hisao Hirose is head of the finance group which includes well-known practitioners Robert Melson and Michael Yoshii.

Milbank Tweed Hadley & McCloy

Milbank Tweed Hadley & McCloy was the first US law firm to establish its Tokyo office under its own name in 1977 and has a market-leading project finance practice. In addition to this area, the finance group has solid experience with capital markets and leveraged finance. Gary Wigmore, Mark Plenderleith and Brad Edmister are high-profile practitioners at the firm.

O'Melveny & Myers

O'Melveny & Myers' corporate finance practice brings

a deep knowledge of securities regulations in the US and Europe. Its work range includes deal financings, syndicated loans and debt offerings. Key clients include principals and financial institutions such as Bain Capital, Capmark, Shinsei Bank and Deutsche Bank Group.

Orrick Herrington & Sutcliffe

Orrick Herrington & Sutcliffe has a full-service finance practice with a noted specialty in the capital markets with structured finance and securitisation. In the latter market, the firm has a leading reputation representing underwriters, arrangers, issuers, credit enhancement providers and other participants. The firm is active too on cross-border infrastructure project financings and IPO-related matters.

Paul Weiss Rifkind Wharton & Garrison

Paul Weiss Rifkind Wharton & Garrison is a small but effective capital markets team that primarily focuses on representing corporates. The financing team, led by Kaye Yoshino and Tong Yu, offers top quality advice on an array of transaction types involving stock consideration, tender offers and other securities-related activities. A majority of the group's experience involves representing non-US issuers in cross border offerings.

Paul Hastings Janofsky & Walker

Paul Hastings Janofsky & Walker offers a wide variety of counsel on corporate finance matters and claims a long-standing reputation as one of the top firms for real estate financing and leveraged financing. It also has a Japan-China practice that offers Japanese and international clients advice on their China investments.

Shearman & Sterling

Shearman & Sterling has an experienced finance team with a proven track record in capital markets, banking and project finance transactions. Masahisa Ikeda leads its capital markets team, working with issuer and underwriter clients in a range of equity and debt deals. Etienne Gelencser runs the banking and project finance side that has excellent ties with a few of Japan's biggest banks like Sumitomo Mitsui Banking Corporation and Bank of Tokyo-Mitsubishi UFJ.

Skadden Arps Slate Meagher & Flom

Skadden Arps Slate Meagher & Flom's finance practice has advised numerous leading Japanese banks in a diverse array of transactions, ranging from securitisations to loan agreements to acquisition financings. Its 30-strong office operates as a foreign law joint enterprise with bengoshi lawyers and six partners. It targets high-end cross border transactions

involving global markets. Mitsuhiro Kamiya and Nobuhisa Ishizuka are top practitioners part of the group.

TMI Associates

TMI Associates is a leading domestic firm with over 200 lawyers that offers a comprehensive range of legal advice in banking, capital markets, corporate finance and financial services. It is noted for its structured finance and securitisation work, and issuance of securities and derivative products. Yutaka Sakai heads up the finance practice.

Corporate/M&A

RECOMMENDED DOMESTIC FIRMS

Tier 1

Anderson Mori & Tomotsune

Linklaters

Mori Hamada & Matsumoto

Nagashima Ohno & Tsunematsu

Nishimura & Asahi

Tier 2

Baker & McKenzie GJB Tokyo Aoyama Aoki Koma

Freshfields Bruckhaus Deringer

Morrison & Foerster

White & Case

Tier 3

City-Yuwa Partners

Clifford Chance

Hibiya Park Law

Jones Day

Oh-Ebashi LPC

O'Melveny & Myers

Paul Hastings Janofsky & Walker

TMI Associates

RECOMMENDED INTERNATIONAL FIRMS
Tier 1
Freshfields Bruckhaus Deringer
Morrison & Foerster
Skadden Arps Slate Meagher & Flom
Tier 2
Allen & Overy
Clifford Chance
Davis Polk & Wardwell
Herbert Smith
Linklaters
Paul Weiss Rifkind Wharton & Garrison
Shearman & Sterling
Simpson Thacher & Bartlett
Sullivan & Cromwell
Tier 3
Ashurst
Jones Day
Lovells
O'Melveny & Myers
Orrick Herrington & Sutcliffe
White & Case
Tier 4
Latham & Watkins
Paul Hastings Janofsky & Walker

Allen & Overy

Allen & Overy has a corporate practice that focuses on innovative and high profile cross border transactions. It recently built up its team further by adding several international and domestic lawyers who are M&A specialists. As a top global brand, the firm is able to provide for clients access to its international network and excellent advice to Japanese corporations seeking information on outbound investments. A unique feature of the group is its ability to provide integrated strategic advice on domestic and international M&A transactions from both the legal and tax point of view in the structuring stages due to its resident tax specialists.

It advised Sumitomo Mitsui Baking Corporation on its investment into 11% of new shares being issued by Barclays. Also, Mitsubishi Corporation hired the firm as counsel on its strategic investment in a car leasing business in Turkey. Chris Swift, Nobuo Nakata, Osamu Ito and Hidehiro Utsumi lead the corporate team.

Anderson Mori & Tomotsune

As one of the major domestic firms, Anderson Mori & Tomotsune has an M&A practice that is well-staffed and able to represent clients on all sorts of significant and high-profile transactions. The team works independently or in conjunction with overseas counsel for corporate and equity fund acquirers, as well as for acquisition targets. The team participates in early and late-stage negotiations, undertakes or supervises due diligence projects, obtains regulatory approvals, performs required government filings, engages in discussions and negotiations with relevant government agencies. The team allies often with international firm Herbert Smith and includes specialists Akiko Kimura, Kenichi Masuda and Tsutomu Miyano.

A highlight deal was advising JPMorgan Securities Japan in relation to the US\$2.1 billion business and asset transfers in relation to the acquisition of Bear Stearns by the global parent of JPMorgan Securities Japan.

Baker & McKenzie GJB Tokyo Aoyama Aoki Koma

Baker & McKenzie GJB Tokyo Aoyama Aoki Koma provides a diverse array of corporate and commercial legal services to international clients acquiring and investing in Japanese companies. Key areas the M&A team cover for domestic and cross border public and private deals are structuring, due diligence, restructuring, and MBOs. Areas of expertise for the group are telecommunications, pharmaceutical, retail and insurance. Additionally, several of the group's lawyers have focused their practice in niche specialties like MBOs, private equity, investment teams and corporate restructuring and insolvency. Hiroshi Kondo is the high-profile head of the M&A team.

Recently, in a major mandate the team advised Asahi Breweries in the acquisition of Cadbury Schweppes for US\$1 billion. Another highlight was representing Unicharm Corporation on its acquisition of Australia-based APPP Parent for US\$131 million.

Clifford Chance

The M&A practice at Clifford Chance is led by five partners and has 20 associates. It offers advice on a broad spectrum of legal matters including public and private M&A work, joint ventures, inward and outward investment, commercial agreements, and regulatory issues. Its vast global network offers clients comprehensive multi-jurisdictional, as well as domestic service to clients of all sizes. Corporates like NTT Data Corporation and Mitsui & Co use Clifford Chance as preferred counsel. Paul O'Regan is the respected head of corporate at the firm.

Recently the team acted for Fuji Film Medical on the

acquisition of a medical business as a distressed sale, and advised NTT Data Corporation on the disposal of its majority shares in its financial data provider subsidiary NTT Data Financial. A notable highlight for the practice was advising Canadoil Group on its complete 100% share purchase in Benex Corporation.

Davis Polk & Wardwell

A leading US firm, Davis Polk & Wardwell keeps an M&A practice that provides expert legal advice on complex cross-border transactions. It specialises in sophisticated public and private M&A and joint venture deals involving Japanese and foreign enterprises requiring top US securities laws knowledge. The Tokyo office covers a range of industries, but focuses on the technology and financial institution sectors. Its 12-lawyer strong team includes two highly-regarded partners, Theodore Paradise and Eugene Gregor.

The firm recently represented Eramet in relation to its sale to Mitsubishi Corporation of a 34% stake in its Weda Bay nickel and cobalt mining project. Another highlight for Davis Polk was its role advising Bertelsmann on the sale of its 50% interest in the Sony BMG music entertainment joint venture to Sony Corporation.

Freshfields Bruckhaus Deringer

Freshfields Bruckhaus Deringer's corporate/M&A practice is its strongest offering in Tokyo and has lawyers advising on US, UK and Japanese law. It has a stellar reputation for being involved in the market's most complex and high-profile transactions. James Wood heads up the corporate department that also includes Junzaburo Kiuchi. The firm itself has over 35 practitioners, over half of whom are qualified to practice in Japan.

The corporate group covers public M&As, private equity, joint ventures and has antitrust and competition specialists. A recent highlight for the team was advising alibaba.com on its US\$20 million joint venture with Softbank Corporation. Another key deal had the firm acting for Goldman Sachs on a ¥114 billion tender offer for Universal Studios. The group has an established track record of working with domestic clients interested in outbound acquisitions.

Herbert Smith

Herbert Smith Tokyo's M&A practice brings a wide range of transactional experience and advisory capability to its clients. With 29 foreign lawyers, including four partners committed to corporate transactions, it has one of the largest on-the-ground teams in Tokyo of the international firms. It advises Japanese clients investing and doing overseas business as well as servicing clients wishing to

establish and operate in the country. The firm's strategic focus is to do purely cross-border transactions.

The team additionally has specialist industry expertise in telecommunications, media, technology, financial services, oil and gas, mining, infrastructure, heavy industry, power, heavy industry and chemicals. Of note is the firm's high number of secondees to many major Japanese trading houses and energy companies like Sumitomo, Mitsui, Sojitz and Mitsubishi. The M&A team also brings expert advice on international merger control and competition law issues. A highlight deal for the team recently was representing NTT DoComomo on its US\$350 million acquisition of a 30% stake in Bangladesh-based TM International.

Linklaters

The Linklaters M&A practice has four partners and over 20 fee-earners exclusively dedicated to M&A transactions. Its team is a balanced mix of international and *bengoshi* lawyers at all levels and this offers an integrated service to clients by seamlessly crossing product, practice and jurisdictional lines. As with all the top tier firms, Linklaters' M&A group focuses on innovative and cutting-edge public and private deals which often can make use of the firm's expansive and deep global network. Clients include Nomura Securities, UBS, Olympus Capital Holdings, Bain Capital Japan, Diageo and Mitsubishi.

Its biggest highlight last year was advising Lehman Brothers on its US\$225 million sale of Lehman Brothers' Asian business to Nomura. Other highlights include representing PwC Advisory on its US\$45 million sale to a BearingPoint subsidiary, and advising Square Enix Holdings as bidder in relation to its cash acquisition of Eidos. Well-regarded partners Paul McNicholl, Hideo Norikoshi, Hiroya Yamazaki, Jiro Toyokawa and counsel Stephen Webb run the team.

Morrison & Foerster

With eight partners and 38 associates dedicated to M&A work, Morrison & Foerster has a vibrant and market-leading M&A practice. The group has an established record of experience on a wide spectrum of transactions including public and private acquisitions, carve outs, divisional spin-outs and the formation of strategic alliances and joint ventures. The firm has worked on a number of the market's most groundbreaking and innovative M&A deals and its client roster includes leading corporates Fujitsu, Toshi, TDK, Ricoh and Hitachi.

The firm has been active in a range of industries such as technology, telecommunications, life sciences, financial services, consumer products and cleantech. Recently, the team advised Ricoh on its purchase of Ikon Office

Solutions for US\$2.4 billion. It is currently representing Astellas Pharma on its US\$1 billion cash bid for CV Therapeutics. Ken Siegal and Fuyuo Mitomi are leading lawyers in the practice group.

Mori Hamada & Matsumoto

Mori Hamada & Matsumoto's M&A practice brings a deep wealth of experience and knowledge to handling corporate transactions. It brings quality advice on domestic and cross border M&As, private equity investments, hostile takeovers, privatisations, MBOs, and takeover defence strategies. The team has handled many innovative transaction structures like share and asset purchases, tender offers, mergers, corporate splits, share exchanges, third party allotments of new shares, issuances of class shares, stock acquisition rights and subordinated loans.

The M&A group additionally offers practice group specialists for its cross border deals in labour, antitrust, real estate and bankruptcy. Its sizable team includes partners Yuto Matsumura and Satoko Kuwabara. A recent noteworthy transaction for the group was acting for Mitsubishi UFJ Financial Group on its US\$7.8 billion acquisition of preferred shares in Morgan Stanley. Another key deal was advising Asahi Breweries on its US\$668 million purchase of a 19.9% stake in Tsingdao Brewery from Anheuser-Busch InBev.

Nagashima Ohno & Tsunematsu

Holding a leading position in the M&A market, Nagashima Ohno & Tsunematsu offers a full range of corporate services. The firm is able to assist the client from the inception of the acquisition or sale process, from strategy and due diligence to the drafting and negotiation of all related contracts and assisting clients with their takeover defence measures. Acting for domestic entities as well as advising international participants, the Nagashima Ohno team is well-versed in sophisticated and high-profile M&A deal. Leading lawyers Kenichi Fujinawa and Hiroto Inoue are part of the team.

A notable domestic transaction was advising Meiji Dairies Corporation on its joint venture with Meiji Seika Kaisha to establish a holding company Meiji Holdings, which is valued at over US\$2 billion. Another highlight was representing target Acom on its US\$1.5 billion acquisition by Mitsubishi UFJ Financial Group.

Nishimura & Asahi

Nishimura & Asahi is the largest of the dominant big four firms and offers a large corporate M&A team that is experienced in a broad range of transactions. The firm was formed in 2007 after a merger between Nishimura & Partners and Asahi Koma Law Offices and

its M&A team alone includes 45 partners, led by Takashi Ejiri, Koichi Kusano and Masakazu Iwakura. Its legal services in this area are classified into five categories: planning, due diligence, documentation, negotiation and implementation. Its leading clients include Carlyle Group, Toshiba, Goldman Sachs, NTT KK, Mizuho Securities and Nikko Citi Holdings.

In the past year alone, the large team was involved in over 55 prominent M&A transactions. Two examples of these include advising Advantage Partners and the acquisition vehicles in a leveraged buyout transaction of The Tokyo Star Bank worth US\$2.5 billion, and in acting for private equity firm MBK Partners in its share subscription agreement with Japanese jeweller Tasaki Shinju and capital injection into the company.

Paul Weiss Rifkind Wharton & Garrison

Paul Weiss Rifkind Wharton & Garrison offers a high-end M&A practice which has a long tradition of working on complex and challenging transactions, from public mergers and acquisitions to divestitures and takeovers. The team develops strong ties with corporate clients and works with them throughout its lifespan, able to offer quality counsel on financing for acquisition matters to the merger or acquisition itself. The firm regionally is well-known for its private equity clients and experience. Kaye Yoshino and Tong Yu lead the compact M&A team. Clients include Citibank, Mitsubishi and Toyama Chemical.

Two deals for the team last year were advising Toyama on its share exchange transaction which resulted in Fujifilm Holdings and Taisho Pharmaceutical jointly acquiring Toyama for US\$1.44 billion, and representing Oaktree Capital management on its first tender offer in Japan for a JReit.

Shearman & Sterling

Shearman & Sterling offers an M&A team which advises top domestic corporates, investment banks and financial institutions on sophisticated premier transactions. The range of the practice's work includes cross-border investments, joint ventures, outbound investments in US and European corporations, foreign direct investments and public and private acquisitions and divestitures. Key clients include Fujifilm, Mizuho, Mitsubishi and Nomura. Well-regarded corporate specialist Kenneth LeBrun leads the team which includes Masahisa Ikeda and Gregory Puff, the former head of M&A Asia for O'Melveny & Myers.

A noteworthy deal for the team recently had it advise JP Morgan Securities Japan as financial advisor to NTT Docomo on its US\$2.7 billion strategic alliance with Tata Teleservices in India by a 26% share acquisition of TTSL's common shares. Another key transaction was

representing eAccess in its acquisition of the remaining shares of Acca Networks that it does not already own for US\$25.7 million.

Simpson Thacher & Bartlett

Established in 1990, Simpson Thacher & Bartlett's M&A practice brings high quality US legal advice to clients seeking innovative solutions to their complex transactions. Its Tokyo office provides lawyers who speak Japanese and have a wealth of experience in the market on all types of corporate matters. The team regularly advises private-equity firms, strategic buys and Japanese corporations in connection to cross border transactions.

Prominent partners David Sneider and Alan Cannon lead the corporate practice.

A highlight deal for the team was its role advising Shinsei Bank on its US\$5.4 billion acquisition of General Electric's Japanese consumer finance business. Another worthy transaction had the firm representing Fast Retailing in relation to its tender offer to acquire all the outstanding shares of common stock of Link Theory Holdings it did not already own.

Skadden Arps Slate Meagher & Flom

Skadden Arps Slate Meagher & Flom's M&A practice is led by top partners Mitsuhiro Kamiya and Nobuhisa Ishizuka. The market-leading group offers quality advice on all corporate matters including public and private acquisitions and joint ventures. The firm has a growing private equity practice. Focusing on premier cross border M&A transactions, the firm's clients are Japanese corporations and financial institutions going outbound to the US and international companies engaged in business in Japan.

The team recently advised NTT Docomo on its acquisition of a 26% stake in Tata Teleservices for US\$2.7 billion. Another highlight had the firm acting for private equity firm MBK Partners as part of a consortium that paid US\$1.2 billion for a MBO privatisation of an additional 23% stake of Japan-based USJ Corporation.

Sullivan & Cromwell

The eight-lawyer team at Sullivan & Cromwell has a highly-regarded M&A practice led by distinguished practitioner Izumi Akai. Since 1987, this top US Wall Street firm has acted on the market's most groundbreaking and high-profile M&A transactions, its Tokyo experience mimicking its global reputation.

For example, this past year the firm advised Mitsubishi UFJ Financial Group on its US\$9 billion acquisition of a 21% stake in Morgan Stanley. Another highlight for the team is currently advising Panasonic Corporation on

its proposed \$11.1 billion acquisition of Sanyo Electric Credit.

White & Case

White & Case has a sizable M&A practice with nearly 50 practitioners part of the corporate team, including twelve partners and one senior counsellor. Robert Grondine heads up the team and he is supported by Brian Strawn, Koichiro Ohashi and Tom LaMacchia. It offers US, English and Japanese legal advice and has a breadth of experience in numerous complicated M&A transaction types including domestic and cross border M&As, spin-offs, leveraged buyouts, joint ventures, strategic alliances and equity investments. Abeam Consulting, Mitsubishi UFJ Lease & Finance, Saudi Aramco, Shinsei Bank, NSK and Nordic Capital are a few of the practice's key clients.

A highlight deal for the team recently was in serving the selling shareholders of Oak Lawn Marketing in relation to its US\$308 million purchase by NTT DoComo of a 51% stake. Another significant transaction was advising Gildemeister on the complex cross shareholding transaction and strategic alliance between Gildemeister and Mori Seiji, a deal valued at US \$65 million.

Ashurst

Ashurst has been a solid contender in the Tokyo market since 1990 and is led by the highly-regarded John McClenahan. It works on a public and private M&As in a range of sectors including power, oil and gas, transportation, petrochemicals, shipping, mining and telecommunications.

City-Yuwa Partners

City-Yuwa Partners is a full-service firm with 31 partners and over 75 other fee-earners. Its M&A practice offers strong expertise in corporate law and public and private M&As. All of the firm's attorneys are fluent in English and uniquely, it has a German practice.

Jones Day

Jones Day's M&A team handles global outbound public deals on behalf of Japanese companies as well as inbound public and private M&A transactions for foreign participants. The corporate practice is led by Nobutoshi Yamanouchi. Clients include Daichi Sankyo, Bridgestone and Sumitomo Corporation.

Hibiya Park Law

Hibiya Park Law was founded in 1998 and provides clients with a full range of corporate services. In particular its corporate group focuses on holding company structuring,

M&As, assignments and transfers of business, divestiture and other restructurings.

Latham & Watkins

Latham & Watkins works for clients such as Marubeni Corporation, Beckman Coulter, Yahoo! Inc and a number of significant other public and private companies and financial institutions across a range of industries. The firm's M&A practice is led by corporate head Michael Yoshii and brings a depth of expertise on local business practices and law with top US advice.

Lovells

Lovells boosted its M&A practice considerably this year by hiring corporate specialist Rika Beppu from Simmons & Simmons Tokyo and adding several new associates. The firm services clients such as SoftBank, Sojitz and Mitsubishi Corporation on a range of complex and challenging M&A transactions.

Oh-Ebashi LPC

Oh-Ebashi LPC has offices in Tokyo, Osaka and Shanghai. Its M&A practice is formed by specialists who represent clients in all types of merger schemes, such as increases in capital, business transfers, share transfers, share exchanges, corporate splits, joint ventures, corporate establishments and holding company establishments. With all these transaction types, the M&A group provide quality advice concerning acquisition strategies, financing methods, due diligence, and contract drafting and negotiation.

O'Melveny & Myers

O'Melveny & Myers is a strong US firm with an M&A practice which deals with domestic and international clients in both domestic and cross border transactions. It has significant experience defending against hostile bids and has a track record of acting on complex deals which incorporate numerous securities, IP, tax, labour and regulatory issues. Key clients include Japan Airlines, Goldman Sachs and Honda Motors.

Orrick Herrington & Sutcliffe

Orrick Herrington & Sutcliffe was established in Tokyo in 1997 and offers a one-stop commercial transactions practice. Its US-qualified and *bengoshi* lawyers provide clients with an amalgamation of domestic law expertise, US-style deal making skills and the ability to document and negotiate deals in Japanese and English. Top partners Shintaro Kuroda and Mark Weeks lead the M&A practice, the latter its US side and the former the Japanese side. The Tokyo office offers a unique group of Japanese-speaking Russian lawyers led by Sergey Milanov.

Paul Hastings Janofsky & Walker

Paul Hastings Janofsky & Walker does cross border M&A work and has been a formidable presence in the Tokyo market for over 30 years. It has both US lawyers and *bengoshi* practitioners as a one-stop shop and specialises in a range of industries including financial services, telecommunications, manufacturing, retail, internet, e-commerce and biotechnology.

TMI Associates

TMI Associates offers a full range of corporate and financial legal services to clients and its M&A practice has experience handling domestic and foreign M&As. It has extensive knowledge on deal execution, conducting due diligence, and drafting and negotiation agreements. Other key areas of expertise include buyouts, sophisticated structuring techniques, takeover defence strategies and post-merger advice, among others. The corporate team is led by Kunio Namekata.

Dispute Resolution

RECOMMENDED DOMESTIC FIRMS

Tier 1

Anderson Mori & Tomotsune
Mori Hamada & Matsumoto
Nagashima Ohno & Tsunematsu
Nishimura & Asahi

Tier 2

Freshfields Bruckhaus & Deringer
Matsuo Kosugi

Tier 3

Abe Wada & Watanabe
Atsumi & Partners
TMI Associates

Anderson Mori & Tomotsune

As part of the big four Japanese firms, Anderson Mori & Tomotsune provides a litigation, arbitration and dispute resolution practice that has extensive experience in all facets of cases. The team frequently represents foreign clients in domestic disputes and offers a total dispute resolution service, from preliminary advice to conducting high-profile and complex trials. Its solid roster of quality attorneys include former judges and some of the top names in the market such as Hiroki Wakabayashi, Yoshimasa

Furuta, Kenichi Sadaka, Shinji Kusakabe, Naoki Iguchi and Takeshi Sato.

The team's domestic practice frequently engages in various litigation matters like financial transactions cases, international trade cases, intellectual property case, labour cases, tax cases, commercial cases, antitrust case and real property disputes among others. Its global practice is varied and possesses over 50 years experience counselling international business clients on their disputes.

For example, the team advised a Japanese importer in a product liability case filed by its customers in Japan. Anderson Mori lawyers filed a formal notice of lawsuit with the court as the manufacturer of the defective product was a third party German company. Another matter involved the team representing a Swiss-based bank against a Japanese trading house in a damage claim case seeking over ¥20 billion, one of the highest amounts ever disputed before the Japanese courts.

Mori Hamada & Matsumoto

Mori Hamada & Matsumoto offers a well-regarded full-service dispute resolution practice that is highlighted by the market for its antitrust dispute expertise. The team represents clients in a wide range of disputes such as stockholder derivative actions, M&A lawsuits, shareholder agreements, internal disputes, labour disputes, IP, unfair competition, real estate, consumer protection, taxes, investor claims against false disclosure and liability of auditing professionals.

Alternative dispute resolution has flared up in Japan of late and the attorneys at Mori Hamada have gained a strong track record of handling arbitration and mediation cases for its clients. The team has a long history of representing Japanese corporate clients in multi-jurisdictional or international litigation and arbitrations occurring in an overseas forum in liaison with other leading international law firms. Key lawyers include Yoshio Iteya, Yoshiko Takagi and Masayuki Matsuda.

Nagashima Ohno & Tsunematsu

Nagashima Ohno & Tsunematsu keeps an excellent dispute resolution practice that specialises in representing corporate clients. Major figures on team include Ijuin Isao, Jun Naitoh, Seiichiro Umeno and Masahiro Matsuoka. The firm offers comprehensive and experience-honed legal advice on a wide range of dispute resolution cases such as different types of domestic litigation, arbitration and mediation procedures, involving the commercial, civil, administrative, labour, pharmaceutical, environmental, product liability, construction, IP, securities, insurance, financing, and franchise sectors, matters arising during insolvency proceedings and criminal law cases.

In addition to local business entity representation, the firm has often acted for international players and their Japanese subsidiaries. In many cases, the practice will interact and cooperate with leading foreign law firms in other countries if its clients are facing lawsuits and disputes overseas.

Nishimura & Asahi

Renowned lawyer Hiroyuki Tezuka heads up Nishimura & Asahi's dispute resolution practice, one of the biggest of the domestic firms. The team covers a full spectrum of disputes work, from civil and commercial to tax, IP and international arbitrations. Particularly in civil and commercial disputes, the team has a solid track record being involved in high-profile cases defending its clients' interests. The practice offers a specialised expertise in product liability suits, defamation case, corporate governance litigation, conflicts on the control of corporations, breach of representations in M&A transactions, and derivative action cases. Along with Tezuka, Masakazu Iwakura is another leading name on the fine cast of 27 partners within the practice. Last year, the team welcomed Suelo Kito, the former department chief judge of the Tokyo High Court, Mitsuru Shishido, a former IP High Court judge, and another former Tokyo High Court judge Atsushi Hosono.

A recent case highlight had a team advising the Sumitomo Trust & Banking in a six-year dispute with the national tax authority over the legality of withholding tax on securities repurchase transactions. The team won a final judgment for its client in October 2008 and this resulted in the recovery of US\$80 million from the Supreme Court of Japan. Due to the impact of this decision, the government immediately proposed a change to the tax code.

Freshfields Bruckhaus Deringer

The dispute resolution team at Freshfields Bruckhaus Deringer Tokyo is active in domestic and cross-border disputes. Under the capable watch of dispute resolution specialist Kazuki Okada, the practice provides for clients a solid record of experience in arbitration proceedings, insolvency, employment issues, commercial litigation and regulatory matters. Akiko Yamakawa is another top practitioner in this field. Key clients of the group include Bloomberg, Morgan Stanley Japan and Shinsei Bank.

A landmark case the team handled affected all of corporate Japan and was related to a Japanese court ruling on overtime compensation for white-collar employees. Both Okada and Yamakawa are well-known for their employment litigation expertise and currently the firm is handling a number of employment and general corporate related litigations.

Matsuo & Kosugi

Matsuo & Kosugi's dispute resolution practice has amassed a solid reputation for quality advice in this area. Offering a broad range of dispute counsel, the practice excels in cases which are related to contracts, banking, IP infringement, securities transactions, and creditor and tort claims. The firm houses one of the domestic market's most noted litigators, Tasuku Matsuo and other notable names on the team include Takeo Kosugi and Yasuhei Taniguchi, a Director at the International Council for Commercial Arbitration. The team has solid arbitration experience and has been involved in proceedings before the Japan Commercial Arbitration Association and the Construction Dispute Examination Committee among other alternative dispute resolution bodies.

Abe Wada & Watanabe

Formerly known as Abe & Matsutome, the firm became Abe Wada & Watanabe in June 2009. The mid-size domestic firm has a strong dispute resolution experience in the areas of product liability, corporate, trade mark and patent infringement, unfair competition, and employment law. Clients of the practice include corporate entities and multinational businesses in numerous sectors such as automotive, telecommunications, high technology, sporting goods, medical equipment, information service, food, and entertainment.

Atsumi & Partners

Atsumi & Partners' dispute resolution practice offers expert counsel on a wide spectrum of dispute matters. These include working with clients in relation to civil litigation matters, product liability, medical malpractice suits and damages compensation, corporate matters, finance, labour, administration, antitrust and criminal cases. The team additionally has a relevant track record in international arbitration representations across a range of fields. The team recently defended a marine freight company against a claim made by a dismissed employee.

TMI Associates

Respected domestic firm TMI Associates offers a dispute resolution practice staffed by a growing team of *bengoshi* attorneys and *benrishi* lawyers. The team specialises in several areas of law including patent litigation, general IP litigation and dispute resolution related to antitrust law or labour and employment law. Leading lawyers in the group include Hidetoshi Masunaga and Atsushi Sato.

RECOMMENDED INTERNATIONAL FIRMS

Tier 1

Herbert Smith
Morrison & Foerster

Tier 2

Baker & McKenzie
White & Case

Tier 3

Clifford Chance
Jones Day
Lovells
Paul Hastings Janofsky & Walker

Herbert Smith

With a leading global reputation for dispute resolution, it's no surprise Herbert Smith Tokyo has one of the most sought-after disputes practices in the market. The team includes three partners, one of counsel and 16 associates consistently focused on litigation and dispute resolution work. The firm's sector-specific practice groups ensures expertise in a variety of sectors such as telecoms, media, financial services, oil and gas, mining, infrastructure, power, chemicals, technology, publishing, and heavy industry sectors. The team is led by top lawyer Peter Godwin and includes the well-regarded Dominic Roughton and David Gilmore. Clients include Taisei, NTT Docomo, Sumitomo Corporation and IBM Japan.

An exemplary case the team handled this past year was for Mitsubishi Heavy Industries in two ICC arbitrations valued at over £50 million concerning disputes that arose out of the construction of two power plants in England. The team has seen success with final awards delivered on both arbitrations and its client has made a recovery on its claims. In another highlight matter, the practice was enlisted by Taisei in relation to a claim for US\$25 million in a JCAA arbitration related to a power project in Algeria.

Morrison & Foerster

With a big reputation, leading lawyer Max Olson heads up Morrison & Foerster's Tokyo litigation practice. Its practice has a dedicated team of 25 full-time attorneys, over half of whom are fluent in Japanese. Its litigation strength is well-regarded in the market and offers creative and strategic advice to clients on commercial and IP litigation in courts, administrative agencies and arbitration centres. The practice primarily covers commercial, IP, and domestic litigations, arbitrations, and internal investigations. Clients include Nikon Corporation, Pioneer Corporation, Fujitsu,

and Sharp. This year the practice welcomed the arrival of Jack Londen, a litigation expert with 30 years experience in patent litigation and complex commercial cases. Other notable lawyers in the group are Craig Celniker, Mark Danis and Peter Stern.

A prominent matter the team recently handled was for Rio Tinto against claims that it is responsible for the actions of a Papua New Guinea defence force after a violent takeover of the world's largest copper mine. In another interesting case, the team is acting for Dell and subsidiary Dell Japan in a series of litigation proceedings with over US\$100 million in claims at stake related to certain transactions for its client's goods and services.

Baker & McKenzie GJB Tokyo Aoki Aoyama Koma

Baker & McKenzie GJB Tokyo Aoki Aoyama Koma carries weight in the dispute resolution market with a consistent quality practice that offers the services of 25 focused lawyers. The firm counsels clients on all facets of dispute resolution including cross-border litigation, interactive commercial arbitration and mediation, regulation and compliance, investigations and domestic litigation. The team is led by leading lawyers Yoshiaki Muto and Haig Oghigian.

The practice recently handled two ICC arbitrations for clients CSL Behring and PPG Industries. The awards are valued at US\$25 million and US\$90 million respectively. Oghigian is currently leading a team that is advising FedEx in the crash of FedEx Flight 80 at Narita Airport.

White & Case

The respected dispute resolution practice at White & Case offers clients quality arbitration and litigation advice. The group has represented domestic corporates in cross-border disputes and has a strong track record in arbitral proceedings, helping clients to negotiate and prepare arbitration clauses in contracts, evaluate comparative costs of different types of arbitrations and select arbitrators.

Key sectors the practitioners have expertise in are international trade, commercial, construction, employment and IP. Leading figures on the team include arbitration expert Robert Grondine, Yuji Ogiwara, David Case, Mark Goodrich and Gary Thomas. Major clients of the group include Mattel Japan, General Electric and Abeam Consulting.

Clifford Chance

Clifford Chance offers a quality litigation and dispute resolution practice that has a team of international and *bengoshi* lawyers. The team, which includes Atsushi Yamashita and Michelle Mizutani, gained a new department head in Jim Jamison, who joined from Hong Kong this year

and is the magic circle firm's Asia Head of International Arbitration. The practice covers litigation, arbitration, mediation, regulator and investigation services.

Jones Day

Jones Day's practice primarily has experience in corporate-related disputes, particularly those involving antitrust or IP issues. Respected practitioners on the team include Shinya Watanabe, Yuichiro Mori, and Scott Jones. The firm is allied with Showa Law Office.

Lovells

Lovells brings international insight to its Tokyo dispute resolution practice with a specialised and integrated *bengoshi* and international team. It provides clients with a full range of services including litigation, dispute resolution, arbitration and alternative dispute resolution. The practice serves leading domestic and foreign corporates on the entire lifespan of dispute matters, from offering advice about rights and obligations during early contractual difficulties through to conducting international arbitration of an unresolved dispute.

Paul Hastings Janofsky & Walker

Paul Hastings Janofsky & Walker's dispute resolution practice has enviable assets in leading disputes lawyers Yoshihiro Takatori, Etsuo Doi and Joy Fuyuno. The practice counts Walt Disney Japan, New World TMT and Sourcnext as major clients. The US firm has been established in Tokyo for over 30 years and operates an integrated team of US lawyers and *bengoshi*.

Intellectual Property

RECOMMENDED DOMESTIC FIRMS

Tier 1

Nakamura & Partners

Tier 2

Abe Ikubo & Katayama

Anderson Mori & Tomotsune

Mori Hamada & Matsumoto

TMI Associates

Yuasa & Hara

Tier 3

Abe Wada & Watanabe

Nagashima Ohno & Tsunematsu

Nishimura & Asahi

Seiwa Patent & Law

Tier 4

Atsumi & Partners

Ohno & Partners

Nakamura & Partners

With a reigning IP practice, Nakamura & Partners is widely-regarded by the market as being the top IP boutique firm. The firm was established in 1914 and its practice encapsulates a broad range of IP matters which includes specialties in both prosecution and litigation. The prosecution group is staffed with 60 patent lawyers and its legal group employs 20 lawyers. Both groups are supported by nearly 100 staff members. The practices handle various patent, utility model, design, trademark and service mark applications, oppositions, trials, counseling, litigation and arbitration. Yoshio Kumakura and Koichi Tsujii are two of the top practitioners in this field.

A highlight case for the team this year was in advising Philips Lumileds Lighting Company in a Supreme Court Decision from July 10 2008 regarding a patent correction of claims. The Supreme Court cancelled both the decision of the IP High Court and the Patent Office and concluded that the correction of claims in the opposition procedure should be allowed must be decided claim by claim. In a recent high-profile case, the firm was hired by Bandai on a September 29 2009 IP High Court decision relating to patent infringement.

Abe Ikubo & Katayama

Abe Ikubo & Katayama's IP practice boasts an expertise in patent litigation and prosecution, particularly in advanced technologies like life science, medicine, biotechnology

and chemistry, and industries such as semiconductors, electronics and machinery. Its patent attorneys are noted for its strength in these areas. The firm was formed in 1959 and now employs a staff of more than 80 lawyers, attorneys and support members. The well-regarded litigator Eiji Katayama is the Chairman for the Intellectual Property Law Committee of Japan Federation of Bar Associations.

The practice has handled numerous clients in many prominent IP litigations in the areas of patent, trade mark, copyright and unfair competition. The practitioners within the group have strong backgrounds as examiners or appeal examiners for the Patent Office, and some have experience as judicial research officials in IP at the Tokyo District Court. Clients of the firm include a broad range of businesses like manufacturers, financial institutions, distributors, and numerous service industry enterprises. The practice has advised clients on Japanese law in international patent disputes.

Anderson Mori & Tomotsune

As one of Japan's largest firms, Anderson Mori & Tomotsune has a strong IP practice that offers expert counsel on patent litigation, and copyright and trade mark matters. The group comprises two dedicated IP partners, Yasufumi Shiroyama and Yoshikazu Iwase and a group of 10 associates. The practice has continued to hone its specialisation on the science industries and has brought on board attorneys with this type of background. Clients include Hitachi, Denso Corporation, and Sekisui Medical.

A highlight case for the team is an ongoing matter where the outcome may affect the foreign client's market entry into Japan. This particular case has been proceeding parallel to those pending in other jurisdictions and the final decision may impact the outcomes of the foreign cases along with the client's global business strategies.

Mori Hamada & Matsumoto

Mori Hamada & Matsumoto significantly grew its IP team this past year with a number of associate hires and two promotions to the partnership in early 2008. The group's litigation practice is renowned with Masayuki Matsuda and Takuya Iizuka as leading lawyers. Practice head Matsuda has been a member of the Copyright Section Group of Cultural Council of Agency for Cultural Affairs since 1993. The team offers quality advice on possible infringements, license negotiations, terms analysis, M&A involving IP, litigation and dispute resolution. In addition to domestic expertise, the team has an extensive track record of being involved in cross-border IP cases.

Recent noteworthy matters the firm handled include acting for a European client that managed the copyrights

of a filmmaker by bringing a copyright lawsuit against Japanese companies selling DVDs of the films. The Japanese companies alleged the film had entered the public domain, but the Tokyo District Court and IP High Court were persuaded by the Mori Hamada team that the firms were not yet in the public domain after a correct understanding of the relationship between the former and current copyright law of Japan was deduced. The team also successfully defended a Japanese broadcasting company in a copyright litigation brought on by a foreign company in a Tokyo District Court.

TMI Associates

TMI Associates runs a seamless practice between its lawyers and patent attorneys and has gained a solid reputation for its IP practice. Its 55 patent attorneys are specialists in a broad spectrum of technical fields and bring trustworthy opinions about filing applications for patents, utility models, designs, and trade marks. Its sector specialisations are in IT, media, entertainment and sports. The team's offerings include the fields of copyrights, design and trade marks, patents and utility models, trade secret protection, unfair competition prevention, strategising for brand name protection, agreement drafting, and antitrust law advice. Mitsuko Miyagawa, Hidetoshi Masunaga and Tomohiro Tohyama are top IP lawyers part of the team.

A firm highlight this year had the firm advising a Japanese advertising agency in a patent infringement litigation brought by a Japanese stationery manufacturer in the Tokyo District Court. The TMI team won for its client on the basis of the invalidity of the patent. Another interesting matter was when the firm represented a Japanese subsidiary of a Korean LED manufacturer in a multi-jurisdictional patent infringement litigation brought by a Japanese LED manufacturer in the Tokyo and Osaka District Courts. Both parties reached an agreement on cross-licensing and all the cases were closed by settlement.

Yuasa & Hara

With over 70 patent attorneys, Yuasa & Hara is a top IP boutique in Japan known for its patent expertise. It houses lawyers, patent attorneys and certified public accountants who offer opinions on legal matters, intellectual property protection, accounting and auditing. The firm has been present in the market for over a century, established in 1902 by judge Toyotaro Yuasa. Key areas the firm has developed its expertise include business method patents, computer software protection, cyberspace transactions, domain name disputes, international brand protection of trade marks and designs, and patent protection in

biotechnology, mechatronics, computer science and other advanced technologies. Additionally, the firm handles corporate work, litigation and dispute resolution.

Leading partner Toshiaki Makino was a former Tokyo High Court judge and Kozo Yabe is revered for his knowledge on cyberspace law and domain name dispute resolution. The firm won a major trade mark case in the IP High Court, having it recognise the Coke bottle as one of the first 3D trade marks in the country.

Abe Wada & Watanabe

Abe Wada & Watanabe was formerly known as Abe & Matsutome. The newly-branded firm offers a full-range of IP law services for trade marks, patents, copyrights and design rights. It has extensive experience acting for clients in trade mark prosecutions, licensing, anti-counterfeiting work and the enforcement of patent rights in Japan. The firm is affiliated with Ohtsuka International Patent Office and has three *benrishi* partners: Yoshiki Abe, Hiromi Watanabe and Hiroto Imai.

Nagashima Ohno & Tsunematsu

Nagashima Ohno & Tsunematsu has an esteemed roster of practitioners within its IP practice including a former judge of the IP High Court of Japan, and members of government IP-related councils and working groups among others. The domestic firm covers all core areas of the IP industry from patent prosecution to licensing.

Nishimura & Asahi

Nishimura & Asahi is Japan's largest domestic firm and its sizable IP practice has an expertise in IP matters related to entertainment and engineering industries such as information technology, biotechnology, and life sciences. The group offers a full range of advice from license transactions and trade mark registration to strategic IP litigation counsel.

Seiwa Patent & Law

Seiwa Patent & Law is a boutique IP offering that specialises in traditional patent prosecution, and the protection and utilisation of IP in the business sector. The group has eight lawyers and its patent division provides services for the filing and prosecution of trade mark applications, trade mark searches and opinions, and advice on trade mark infringement. The firm houses veteran engineers and former senior members of the Japan Patent Office.

Atsumi & Partners

Atsumi & Partners recently advised a film production company in relation to its document preparation and

legal opinion on its granting of rights to produce and market a theatrical film based on a Japanese novel. The IP practice has extensive experience working patent, trade mark, copyright and other IP disputes for domestic and international clients in a broad sweep of industries.

Ohno & Partners

Ohno & Partners is an IP boutique firm with an experienced staff that includes 15 patent attorneys and possesses an expertise in advanced technology IP litigation. Areas it covers include filing and pursuing applications for patents, trade marks, designs and utility models, and acting on IP litigations involving patent, trade mark, design rights, utility models, copyrights, and unfair competition.

RECOMMENDED INTERNATIONAL FIRMS
Tier 1
Lovells
Morrison & Foerster
Tier 2
Baker & McKenzie GJB Tokyo Aoyama Aoki Koma Law Office
Finnegan Henderson Farabow Garrett & Dunner
Hogan & Hartson
Tier 3
Foley & Lardner
Morgan Lewis
Ropes & Gray
Sughrue Mion
Wenping & Co

Lovells

Lovells' Tokyo IP practice remains one of the market's premier groups for top-quality contentious and non-contentious advice on patents, trade marks, designs, copyrights, trade secrets, unfair competition. The team consists of 23 members, including eight bengoshi and four foreign-qualified attorneys. Led by the noted Lloyd Parker and Eiichiro Kubota, the firm's IP offering was strengthened last year after Kubota's firm, Kubota Patent and Law Office merged with Lovells Tokyo in January 2008. The IP practice's areas of advice are divided into four main areas: registration, commercialisation, enforcement and defensive strategies. Its clients include a broad range of international and domestic corporates such as Bridgestone, Toyo and Kao Corporation.

With an extensive track record of leading the charge on a number of groundbreaking cases, one example in particular brought the IP team into the limelight in a high-

profile matter for PepsiCo. In this matter, Kubota and Parker advised PepsiCo on all the IP aspects of its strategic alliance with Calbee Foods. For the same client, the firm has been instrumental in all its trade mark work in Japan. Panasonic is another client of the firm and Parker recently led a team representing it on the registration of Panasonic's trade mark for Panasonic's new range of alkaline batteries.

Morrison & Foerster

Morrison & Foerster boasts the largest IP practice of the international firms in the Tokyo market. With 12 partners and 19 associates dedicated to IP work, the firm's stamp in the space is clear and the market acknowledges the firm's consistent delivery of winning advice. The practice had two major arrivals recently, top patent litigator Jack Londen and Yukihiro Terazawa a partner with specialisation in hi-tech, e-commerce and IP transactions. Leading names on the team with IP expertise include Matthew Berger, Stuart Beraha, Mark Danis, Taro Isshiki and Peter Stern.

The Mofu IP practice advises on patent, trade mark, copyright, trade secret, unfair competition and other related IP matters. The team concentrates on technology areas involving electronics, software, telecommunications, life sciences, biotechnology, chemistry and materials science. Clients include Sharp Corporation, Fujitsu, Apple, Nikon, Hitachi, Mitsubishi Electric and Nikon Corporation. An example of a current case the team is handling is representing Nikon Corporation, Nikon Precision, and Nikon Research Corporation of America in a patent litigation against Anvik Corporation in New York.

Another matter was acting for Osaka-based Funai Electric in an ITC proceeding brought against six groups of television manufacturers and sells in Taiwan, China and the US. This was one of the first trials on patents related to the federally mandated digital television standard and the team successfully obtained an exclusion order for its client banning the importation of the remaining parties' infringing products.

Baker & McKenzie GJB Tokyo Aoyama Aoki Koma Law Office

The IP practice of Baker & McKenzie GJB Tokyo Aoyama Aoki Koma Law Office comprises three partners and four associates within a team of 12 members. The firm's expertise in litigation on copyright licensing, media, sports and entertainment matters is well-known and other core areas it covers includes IP licensing and other non-contentious matters, trade mark and design prosecution, and IP enforcement and litigation. The team is able to liaise closely with other offices within the Baker & McKenzie global network. Leading lawyers Yasunori Hashiguchi and Kenichi Nakayama are respected in this field.

In ongoing matters, the team is acting for Daiwa Seiko in the management of Global Trademark portfolio of new marks, and is acting for a leading US apparel manufacturer defendant in an appellate instance of trade mark registration invalidation trial before the IP High Court in Japan. Additionally, Nakayama is assisting a top domestic electronics corporate on auditing its trademark portfolio of related companies in the country.

Finnegan Henderson Farabow Garrett & Dunner

This US-based firm is a specialist IP firm that opened up in Tokyo in 1988. Its full-service offering includes quality counsel on all aspects of patent, trade mark, copyright, and trade secret law, including advice, prosecution, licensing and litigation. Other IP issues the practice covers are any related international trade, portfolio management, internet, e-commerce, government contracts, antitrust, and unfair competition. Clients include Mitsubishi Heavy Industries, Otsuka Pharmaceuticals, Sony Corporation, and Toshiba Corporation. Naoki Yoshida is the office's managing partner.

The industry sectors the team has expertise in are biotechnology, chemicals, pharmaceuticals, medical devices, electrical and computer-related technologies, telecommunications, heavy machinery and manufacturing, consumer products, entertainment and publishing, and internet services. A recent case undertaken by the team was for defendant Mitsubishi Heavy Industries where it is denying allegations by General Electric that the wind turbines its client manufactured and installed infringes certain patents owned by General electric.

Hogan & Hartson

Hogan & Hartson's Japan IP practice is part of its integrated Asia practice comprising Tokyo, Beijing, Shanghai and Hong Kong. The firm offers a full range of IP advice and has particular expertise in the technology sector and representing companies in complex patent cases. The practice has a strong track record of advising domestic corporates on matters such as patent and IP litigation, licensing negotiations, general litigation, opinions regarding infringement and validity issues, the prosecution of patent and trade mark applications, due diligence and patent portfolio analyses.

The team includes four registered US patent lawyers and litigators. Technology types the firm deals with include biology, biotechnology, business models, chemistry,

computers, electronics, material science, mechanics, semiconductors, and software. Philippe Riesen heads up the office and has over 20 years experience handling patent and other IP matters.

Foley & Lardner

Foley & Lardner's Tokyo office has over 25 years experience handling US-related IP cases for top domestic corporates. It brings the firm's core strengths in a range of litigious matters and the practice is led by Michael Kaminski who also spends time in the firm's Washington DC office. Industries that the relatively modest-sized team has experience in are chemical, pharmaceutical, and chemical engineering.

Morgan Lewis & Bockius

Morgan Lewis & Bockius offers clients a well-rounded IP practice along with its joint venture with Japanese firm TMI Associates. Morgan Lewis TMI specialises in litigation and the areas of life sciences and technology. The joint venture combines the breadth of Morgan Lewis' global network and US law expertise and TMI Associates leading domestic counsel.

Ropes & Gray

Ropes & Gray opened its Tokyo office in 2007 and is staffed with seven attorneys including three IP partners: Hiroyuki Hagiwara, J Steven Baughman and James McGraw. The core area of focus for the team is IP litigation although it does provide a full range of IP services ranging from patent applications, portfolio management and licensing to alternative dispute resolution. Industries served include biotechnology, chemical, materials science, pharmaceuticals and telecommunications.

Sughrue Mion

Sughrue Mion is an established US-based IP boutique firm that offers expert legal counsel on patents, trademarks and various IP-related litigations. The industries the firm covers include biotechnology, chemicals, pharmaceuticals, electrical, internet and nanotechnology.

Wenping & Co

Wenping & Co is a Hong Kong-based IP firm with a Tokyo branch in addition to Osaka, Singapore and Beijing. The firm provides a comprehensive expertise in all IP-related matters including filing and investigation of patents, trade marks and registry, copyrights and trade secrets, and infringement counselling.

Other notable areas of law – recommended firms

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