

# Baker Hostetler Global Reach

*We would like to share with you a few examples of Baker Hostetler's global capabilities which reflect diverse practice areas, geographic regions and industries.*



*Today, our lawyers provide sophisticated, international business and tax advice, regularly representing clients in significant transactions, including cross-border mergers and acquisitions. Our litigators are involved in international disputes, both civil and criminal. Our intellectual property lawyers provide patent and trademark services to major global corporations working through a comprehensive network of foreign law firms when needed. We have international trade, export control, customs and immigration lawyers assisting clients every day with the movement of products, technology and people throughout the world.*

*Directly, and through long-term relationships with foreign firms, we help clients with their legal needs in Europe, Asia, North and South America, the Middle East and Africa. We have extensive experience in the international aspects of many industries, including automotive, energy, hospitality and manufacturing.*

*Our goal is to heighten your awareness of our firm's substantial international experience and 'global reach' with the hope that you'll see synergies between our firm's capabilities and your needs.*

## ***Global Reach in a Legal World without Borders***

*We support international clients in more than 100 countries with their legal service needs. Our lawyers work with many United States-based companies on complex legal matters around the globe. We also assist many foreign-based clients with matters in the United States. Baker Hostetler lawyers regularly represent a wide range of clients in complex international cases and transactions, helping clients achieve their goals in diverse jurisdictions, multiple languages and unique cultures around the world.*

### *About Baker Hostetler*

Baker Hostetler lawyers help clients establish, maintain and protect market-leading positions across the United States and around the world.

We offer the strength of more than 600 lawyers in a full range of practices, a unique geographic platform of offices and alliances, a knowledge of industry issues and a 90-year track record of excellence and achievement.

### **Managing Patent Portfolios Worldwide to Save Multinational Clients Millions**

Baker Hostetler develops sophisticated patent portfolio solutions for global clients seeking efficiencies in their worldwide patent management processes. One example is a multinational manufacturer of high-tech products—a publicly traded company with a \$2 billion market capitalization value, operations in 25 countries and more than 1,000 patents worldwide.

After being appointed outside counsel to the company, Baker Hostetler became familiar with the company's business goals and IP assets. The firm quickly identified an opportunity for the client to increase efficiency in patent management, since the company was using over 200 law firms to handle global patent work for some 30 business units worldwide. Engineers managing the IP assets locally had little perspective of the company's overall patent portfolio. In today's global economy, that fragmented approach proved to be a significant disadvantage for the client.

In consultation with the client's corporate offices and business units, Baker Hostetler consolidated the company's patents into one comprehensive portfolio. The plan leveraged our client-focused software and technology development skills as well as our considerable patent experience. The new portfolio reduced the company's patent costs significantly, particularly in the areas of foreign annuities and administrative efficiency.

With their intellectual property consolidated in a comprehensive online system with Baker Hostetler, clients can view all of their valuable IP assets and determine if a patent used in one division could be used to help another part of the corporation – or if they own a patent that could be used to block a competitor. The tools and systems we implement are a great asset to the client in many ways, but the greatest value is what they offer in terms of enhancing competitive strategy. The Baker Hostetler patent portfolio solution is an exceptional way for corporations with large, international patent holdings to increase efficiency, competitiveness and profitability in today's increasingly global business environment.



## At the Forefront of International Arbitration Issues



In the 15 years since NAFTA came into force, 2,500 new bilateral investment treaties have led to an exponential increase in the number of international arbitrations between foreign investors and governments. Baker Hostetler attorneys are at the forefront of this exploding practice area, representing both investors and governments in these high-stakes disputes.

Our firm defended the Peruvian government at the International Centre for the Settlement of Investment Disputes in an arbitration brought by a French investor claiming it was denied justice when the Peruvian Supreme Court granted ownership of South America's largest gold mine to a Peruvian-United States consortium. We also represent a Greek investor seeking compensation from Ethiopia over the expropriation of a factory and the largest office building in Ethiopia's capital, Addis Ababa.

Our attorneys have long been active in international business arbitration, handling disputes arising out of a variety of complex agreements and

financial transactions. Among other matters, we have arbitrated major disputes before the International Chamber of Commerce (ICC), the American Arbitration Association and other international venues involving securities, construction agreements, intellectual property agreements and shipping disputes.

One of our partners was recently appointed to the prestigious roster of arbitrators of the International Centre for Disputes Resolution, the international arm of the American Arbitration Association, and is a fellow of the Chartered Institute of Arbitrators, the world's largest arbitration organization, based in London. As chairman of an international tribunal, this attorney decided a dispute between a Japanese consulting firm and the Peruvian government over a project to alleviate rural poverty in the Andes.

In today's complex global economy, more companies have a significant need for legal counsel experienced in using international arbitration as an effective business tool, and the Baker Hostetler team is well-equipped to fill that need.

## Handling International Issues for a U.S. Multinational

In 2004, a U.S. multinational faced an important issue that crossed law, business and politics in an African country. Although it had more than 100 in-house lawyers to choose from, the company needed unique and experienced representation to handle the issue. The company turned to the head of Baker Hostetler's Government Policy Practice, a lawyer who formerly served as U.S. Ambassador to Zimbabwe, and his team. With his insight into the law, governments and cultures of Africa, this attorney traveled to Africa to represent the company's interests in meetings with high-ranking government officials and achieved an excellent outcome.



Thereafter, the company asked Baker Hostetler to represent it more broadly in Africa, including matters in South Africa, Zimbabwe, Senegal, Ghana, Nigeria, Mozambique, Guinea and Egypt. The firm achieved other successful results, and the relationship with the company continued to grow.

Baker Hostetler's work on behalf of the company now extends around the globe: Pakistan, Russia, Romania, Colombia, Venezuela, Thailand and India. The firm also has handled an employment matter for the company and has become its worldwide compliance counsel. This successful and growing relationship is a result of our ability to take advantage of our attorneys' global experience and expertise.

## Advising Clients on Offshore Outsourcing Issues in India and Elsewhere



Offshore outsourcing, hiring an external entity to perform business functions in a country other than that in which the products or services originate, is a growing trend. It has become a strategic management option enabling companies to increase operational efficiency, obtain advanced technologies without significant upfront costs, and acquire innovative concepts and products. Baker Hostetler represents both suppliers and customers in these complex arrangements, working with clients in such industries as computer technology, financial services,

healthcare, manufacturing and management consulting/ professional services.

Our attorneys have extensive experience in analyzing, structuring, negotiating and completing a wide variety of outsourcing transactions. We counsel clients on a number of outsourced business functions and processes, including payroll, software development/maintenance, litigation management and pharmaceutical research. We also assist clients in drafting requests for proposals, evaluating and recommending vendors, evaluating project structures and developing as well as negotiating contracts.

The core outsourcing team includes individuals experienced in technology transfer, product development arrangements, international corporate structures, export controls and data privacy. In addition, the team focuses on intellectual property issues including access, licensing, development and protection and assignment of intellectual property rights. Since outsourcing transactions regularly involve multiple legal disciplines, our attorneys capitalize on the depth of the firm's practice by building integrated, multidisciplinary teams that coordinate with subject matter experts in the firm and with local counsel.

Baker Hostetler's clients also benefit from core team members' first hand knowledge of various foreign legal systems, including India's—providing critical insight that helps bridge cross-border differences in business and social culture, language, geopolitical risk, logistical infrastructure and dispute resolution processes.

## Bilateral Trade War: Ensuring the Survival of the Canadian Lumber Industry

Even before the announcement in 2001 that the United States was initiating antidumping and countervailing duty investigations on softwood lumber from Canada, Ontario lumber companies knew their very survival was at stake. It was the fourth round of the world's largest bilateral trade war since 1982. Seeking top-flight legal counsel with expertise in international trade and a comprehensive understanding of NAFTA and Canadian politics, the companies turned to Baker Hostetler. The firm has represented the Ontario lumber industry and many other Canadian lumber companies in more than 30 administrative proceedings, international arbitrations, WTO proceedings and U.S. lawsuits since 2001.



These actions centered on whether Canadian softwood lumber truly had been sold in the United States at unfairly low or subsidized prices. Baker Hostetler was instrumental in persuading virtually every tribunal and court that it was not.

The firm's international trade attorneys were largely responsible for several historic legal decisions. Among other achievements, they overturned the pernicious practice of zeroing in dumping cases, the first such victory under U.S. law, and helped get the practice overturned by the WTO. They developed the legal theory overturning the application of the infamous Byrd Amendment to Canadian and Mexican merchandise that assured the return of \$4.5 billion to Canadian companies. They won for their Ontario clients the only province-wide exemption from duties awarded in the legal proceedings.

## Tax Attorneys Secure Private IRS Ruling for Client in \$13 Billion International Deal

Baker Hostetler tax attorneys were contacted by a longtime *FORTUNE* 100 client concerning the structuring of a proposed \$13 billion business combination involving a large Asian competitor. The countries involved included China, Hong Kong, Singapore, Malaysia and India. Over the course of six months, the firm worked with the client's in-house counsel and foreign advisors to ensure that the transaction could be accomplished with minimal tax exposure.

Six weeks before the transaction was to close, it became apparent that foreign law and regulatory concerns were raising several structural issues. To address our client's potential exposure, the Baker Hostetler team proposed seeking an advance private letter ruling from the IRS that would minimize the client's risk.

Based on the strong working relationships of our attorneys with senior IRS administrators, the Baker Hostetler team was able to meet with the IRS to discuss the issues. Within a virtually unprecedented two and one-half months after the initial request was filed, the Baker Hostetler team delivered a final private letter ruling securing an extremely favorable tax ruling for the client and the transaction.



# Global Practice Contacts

## International Business Transactions

Christoph Lange  
clange@bakerlaw.com  
T 212.589.4267

## International Commercial Transactions

Stephen J. Petras Jr.  
spetras@bakerlaw.com  
T 216.861.7862

## International Government Relations

Tom McDonald  
tmcdonald@bakerlaw.com  
T 202.861.1664

## International Intellectual Property

John H. Weber  
jweber@bakerlaw.com  
T 202.861.1526

## International Law – Litigation, Regulation & Trade Remedies

Elliot J. Feldman  
efeldman@bakerlaw.com  
T 202.861.1679

## International Litigation & Arbitration

Mark A. Cymrot  
mcymrot@bakerlaw.com  
T 202.861.1677

## International Tax

Paul M. Schmidt  
pschmidt@bakerlaw.com  
T 202.861.1760

## International Trade - Customs & Export Controls

Mark C. Joye  
mjoye@bakerlaw.com  
T 713.646.1313

## White Collar Defense & Corporate Investigations

George A. Stamboulidis  
gstamboulidis@bakerlaw.com  
T 212.589.4211