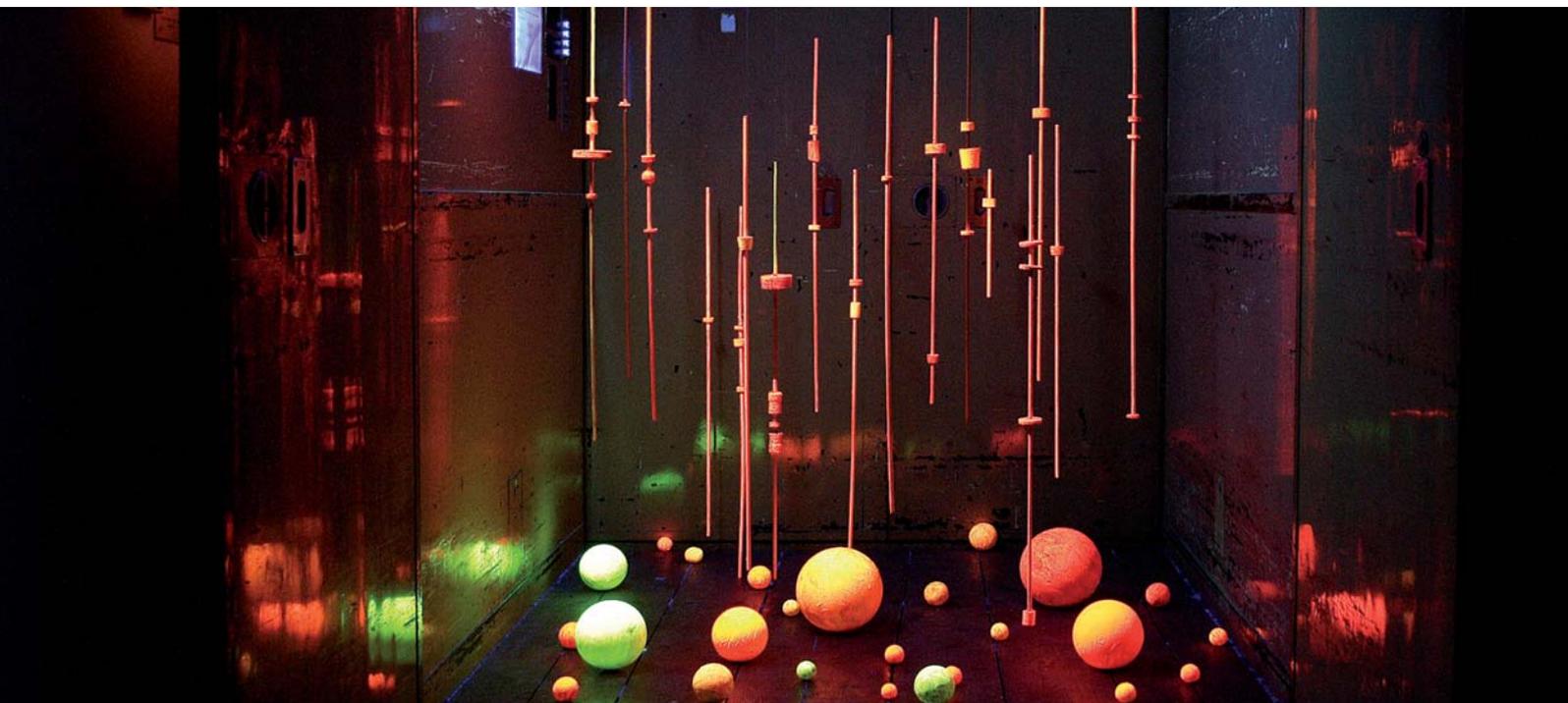




BusinessLawFirm

# kochański **zięba** rapala & partners

Professional Legal Solutions for Businesses



**Your Full Scope  
Litigation and ADR  
Practice**

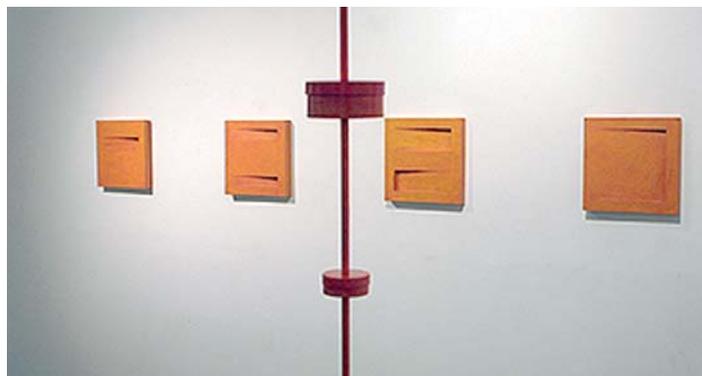
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## Our Firm

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### **Kochański Zięba Rapala & Partners**

– laureate of the Business Center Club, the Polish Ministry of Foreign Affairs and the European Economic and Social Committee European Medal 2013



**Kochański Zięba Rapala & Partners** was established in 1998 by Piotr Kochański, advocate and member of the Warsaw Bar Council and the District of Columbia (Washington, D.C.) Bar. Our Firm currently consists of more than 60 lawyers, tax counselors and patent attorneys. We are a full-scope, business-orientated law firm dedicated to providing clients with innovative and efficient legal solutions of the highest professional standards.

The distinct advantage of our Firm is that we do not just provide clients with a “standard” law service, but we handle each case in a multidisciplinary manner, combining experience and knowledge from related fields of law. This comprehensive “one-stop-shop” approach is highly appreciated by our clients, as it is extremely efficient and leads to the best quality and results.

Our lawyers are experts in various fields of the law, including banking and finance, real estate law, civil, company and corporate law, M&A, tax law, industrial, telecommunication law, competition and distribution law, as well as European law. Our philosophy is to work closely with clients in order to understand their businesses and tailor our services to their needs.

## International Practice

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**Our Firm is a Polish law firm with global capabilities through its professional relationships with groups of international law firms operating under various brands.**

Since 2004, we have been a Polish member of the International Lawyers Network ([www.iln.com](http://www.iln.com)). The ILN is a group consisting of over 5,000 lawyers in 91 member firms representing 66 countries. Through our membership in the ILN we have been engaged in various top level transactions, including international M&A projects, project finance or significant transactions on the real estate market.



We are also members of Mackrell International ([www.mackrell.net](http://www.mackrell.net)), a network of medium-sized law firms in major jurisdictions, dedicated to client satisfaction. Founded 20 years ago, it currently numbers over 60 firms in more than 100 offices on five continents.

International affiliation gives us the possibility to run and manage our cross-border projects globally.

# Commercial Litigation

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**Our Firm is highly experienced in managing complex litigation cases that require expertise in a broad spectrum of legal areas, such as commercial, civil and energy law, etc.** We provide commercial litigation services for large capital groups, commercial companies, to an established and highly successful publishing house, as well as to an international capital group focused on large development and lease projects and other business entities.

We represent clients in contentious matters regarding non-performance or misperformance of agreements, claims resulting from contractual penalties, recourse and unjust enrichment. We successfully manage large and complex legal actions while also covering numerous litigation cases allowing us to fully meet our clients' expectations.



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## Our services:

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- **Comprehensive evidence evaluation and assistance in evidence collection at the pre-litigation stage**
- **Filing statements of claim, motions for claim security and injunctions with the court, drawing up pleadings**
- **Representation in commercial court cases, including advice in court settlement negotiations**
- **Legal assistance and representation in enforcement proceedings**

# Mediation/Negotiation

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**Mediation and negotiation takes place in all areas where decisions are made.** Mediation may be used to resolve conflicts or may be used to support future decision making. KZR&P can assist clients in resolving disputes without litigation through various alternative dispute resolution procedures, including mediation. Our legal advisors focus on real problems that our clients are dealing with, while taking into account their needs. They are able to help clients choose between an alternative way of solving problems or through court procedure. KZR&P also offer professional negotiators who specialize in many practice areas.

## Our services:

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- **Mediation assistance – acting as mediators**
- **Representing clients in negotiations**
- **Assistance with defining and clarifying the issues under consideration**
- **Assistance with communicating and exchanging relevant information**
- **Assistance with carrying out a preliminary assessment and estimate of the successful outcome of potential disputes**

# Investment Arbitration

Our Firm offers arbitration services based on international investment treaties to both private investors and governments, as well as investment agreements between investors and States.

International investment treaties guarantee no expropriation without compensation, fair and equitable treatment, full protection and security, non-discrimination, non-impairment and free transfer of funds.

**International Investment Arbitration is an attractive alternative to settling investment disputes by the national courts of the host State or through diplomatic protection.**

We provide arbitration services before any forum including ICSID, the Permanent Court of Arbitration, the Court of Arbitration of the International Chamber of Commerce in Paris, the Arbitration Institute of the Stockholm Chamber of Commerce or ad hoc tribunals.

## Our services include:

- Detailed fact finding and evidence gathering
- Case assessment
- Preparing sound, cost effective investment arbitration strategies
- Drafting and preparing all documentation for the proceedings
- Representation before international investment tribunals
- Advising on any investment arbitration-related court proceedings



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*"Working with Kochański and Partners brings professionalism, innovation and their integrated service delivers efficient, practical and cost effective solutions. Their teams of Lawyers in particular Marek Jeżewski provide comprehensive legal advice and expertise on all aspects of construction and engineering".*

– Martin Maher, Managing Director at SIAC CONSTRUCTION Ltd.

# Commercial Arbitration



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Commercial arbitration is the most business-friendly solution to resolve commercial disputes. **The advantages of arbitration include: privacy, flexibility, speed and effectiveness.**

Our Firm provides to commercial arbitration services before both international and municipal arbitration courts and institutions.

We also provide ad hoc arbitration services, based on municipal or international rules, including the UNCITRAL Arbitration Rules and the Arbitration Rules of the ICSID Additional Facility.

**We offer a broad range of services in all areas of arbitration, including FIDIC arbitration, commercial arbitration, contractual arbitration, corporate arbitration, energy law arbitration and competition law arbitration.**

## Our services:

- Drafting arbitration agreements, including arbitration clauses in contracts
- Pre-arbitration case assessment and collection of evidence
- Evaluating the costs of proceedings in order to find the most cost-efficient option
- Assisting with the selection of the arbitration court, forum and suitable arbitrators
- Representation during the course of proceedings, including hearings
- Assistance with any arbitration-related court proceedings
- Assistance with the recognition and enforcement of arbitration awards

# Penal and White-Collar Crime Proceedings

White-collar crime is generally identified as economic crime that public officials and business people commit predominantly for their own personal gain.

**Clients who are under government investigation require robust representation.** Our Firm is experienced in representing companies, boards of directors, company officers and directors, and individuals at all stages of government investigations. Our lawyers tackle cases from initial agency inquiries to full-scale investigations, and from preliminary government interviews to trial and beyond. Clients often come to us with their most sensitive matters. We aim to develop effective, cost-efficient solutions to protect their reputations.

White-collar crime includes the following: commercial fraud, trade secrets theft, public corruption, tax evasion, bribery, counterfeiting, money laundering, environmental law violations, illegal pharmaceuticals, antitrust violations and internet scams. We help establish whether an alleged act was really a crime or simply a legitimate business risk necessary to be taken while managing a company.

Our lawyers assist with criminal proceedings in white-collar cases and with tax and civil issues, which usually form the basis in these type of cases.



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## Our services:

- **Assessment of the liabilities of management board members regarding their legal and personal responsibility**
- **Representation in preparatory proceedings carried out by the public prosecutor's office**
- **Representation before courts of all instances**
- **Representation in tax and administration proceedings**
- **Drafting legal claims and other documents related to claims against management board members and senior management**

# Patent and Trademark Litigation



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**Industrial property disputes often have complex scientific and technical issues at their core.** Our experienced trademark and patent attorneys, advocates and legal counselors represent clients before common courts, including the Polish Community Trade Mark and Designs Court. As a part of our litigation strategy we also represent clients in related contentious matters before the PPO (Polish Patent Office), EPO (European Patent Office) and OHIM (Office for Harmonization in the Internal Market), in particular in opposition and cancellation proceedings in all instances. In the event of anti-counterfeiting actions we cooperate closely with customs offices. We also have extensive experience in cross-border litigation cooperating with lawyers from other jurisdictions.

Due to our in-depth industry orientation we consider the legal aspects of each case and the industry-specific environment. Our practice specializes in disputes concerning patents for pharmaceutical and biotechnology innovations.

## Our services:

- **Preparing freedom-to-operate opinions to assess and reduce the risk of a potential dispute**
- **Representation in disputes concerning infringement before common courts**
- **Representation in preliminary injunction proceedings, whether on the side of the claimant or the alleged infringer**
- **Representation in related opposition and cancellation proceedings**
- **Coordination of cross-border industrial property disputes**
- **Representation in settlement negotiations**
- **Advice on anti-counterfeiting actions in cooperation with customs offices**

# Unfair Competition Litigation

**As the economy continues to become more competitive there is an increasing number of disputes between entrepreneurs based on unfair commercial practices.** Unfair competition disputes often involve issues related to many branches of the law, in particular IP law and EU and national competition rules.

Our Firm is highly experienced in unfair competition disputes within a wide range of industry sectors. We provide comprehensive legal services in unfair competition disputes, particularly in disputes related to unfair advertising, trade dress infringement, product imitation and disclosure of trade secrets. We represent clients in proceedings before common courts and arbitration tribunals as well as in negotiations with their competitors at the pre-litigation stage. We also help clients at the decision making stage to assess and eliminate potential future risks. Our knowledge and experience enable us to create complex solutions based on combatting unfair competition rules as well as on regulations and case law related to a specified industry.

## Our services:

- **Representation in cases related to unfair advertising, including comparative advertising, before common courts and arbitration tribunals**
- **Representation in cases concerning trademark infringement, trade dress infringement, passing off and product imitation**
- **Assistance in cases connected with trade secret disclosure**
- **Assistance in disputes between suppliers and retail chains connected with upfront access payments**
- **Assistance in proceedings before the Competition and Consumer Protection Office concerning infringement of collective consumer interest**



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*“In our tradition, morality is the moral norm according to which no one should benefit groundlessly from somebody else’s work [...] the manner and competition mechanism between competitors on the market should be examined every time, in the context of the observance of the principles of morality.”*

(Supreme Court judgment of 23 October 2008, V CSK 109/08).

# Litigation and Arbitration: Internet Domain Name/ New Technology/Software/Computer Games



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**Aware of the opportunities and challenges driven by the rapid growth and expansion of the Internet**, we help our clients to develop optimal strategies of online IP rights protection, assuring effective digital marketing, brand integrity and cyber security for e-commerce.

Our IP experts combine extensive experience in IP rights management and protection with an open-mindedness to new technologies and new communication channels. We provide comprehensive legal assistance in all matters concerning online IP rights infringements, from searches and investigations regarding brand misuse and abuse on the Internet to effective online IP rights enforcement. Helping all kinds of Internet businesses – from startup companies and rapidly growing SMEs, to large global players – to gain a competitive advantage online, we assist them in trademark infringement cases arising from search engine optimization and social network activity. We also regularly represent clients in cybersquatting and typosquatting cases, helping either to recover a domain name or defend the case.

*KZR&P is a leader in handling domain name cases in Poland with the largest number of domain name disputes settled each year by the Polish Alternative Dispute Resolution Court.*

## Our services:

- Due diligence reports on internet IP rights
- Domain name clearance searches
- Comprehensive advice in domain name recovery proceedings, including risk assessment and representation in ADR and court proceedings
- Full-scope assistance in cases concerning IP rights infringement in social networks
- Complex advice on contentious matters regarding SEO (i.e., keyword advertising)

# Copyright Litigation

As one of the leading Polish law firms advising businesses from the media, entertainment and technology industries, we offer our clients complex assistance in contentious copyright protection areas.

Copyright is crucial to efficient exploitation of intellectual capital in contemporary businesses, be it blue chip companies, SMEs or startup entities. Thus, effective enforcement of copyright is fundamental to developing and maintaining the intangible assets upon which all of these businesses operate.

Our IP specialists successfully represent an extensive portfolio of copyright owners, comprised of TV and radio stations, publishing houses, press publishers, design, advertising and creative agencies, record companies, film producers and distributors. We also advise authors, artists and inventors on how to protect the results of their creative activity. Our expertise in this field is focused not only on traditional copyright institutions, but also on their adaptation and application in a rapidly evolving digital environment.

## Our services:

- **Complex assistance in copyright disputes, covering both preparation of dispute strategy and legal representation**
- **Comprehensive assistance in disputes with collective management organizations**
- **Full-scope advice in disputes connected with database rights, public performances, live and recorded broadcasting and mechanical reproduction rights**
- **Effective support in finding means of alternative dispute resolution in disputes connected with copyright and neighboring rights**



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*“KZR&P’s highly qualified lawyers are a pleasure to work with and substantially contribute to the company’s position in the market.”*

– Jakub Kudła, Head of Legal, Ringier Axel Springer Polska

# Media and Press Litigation



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**Our Firm has wide experience in representing press publishers and web portal owners.** Owing to long-term advice provided to one of the largest publishers in the Polish and international market, we have developed the specialized know-how necessary to represent editors-in-chief and journalists in civil and criminal proceedings.

We have successfully created our own database, including jurisprudence of the Supreme Court, Courts of Appeal and Regional Courts, which allows us to accurately assess the procedural risk and to choose the most effective legal solution in collaboration with our clients.

Our legal work always aims at better protecting our clients' rights during trials and on shaping jurisprudence trends.

We have also gained extensive experience representing clients before the Supreme Court and the European Court of Human Rights in Strasbourg.

## Our services:

- **Representation during:**
  - **Civil proceedings for infringement of personal interests and to obtain compensation**
  - **Civil proceedings seeking the publication of corrections**
  - **Criminal proceedings for libel and insult**
  - **Criminal proceedings concerning the disclosure of confidential information from an investigation and a closed hearing**
  - **Criminal proceedings under press law**
  - **Criminal proceedings concerning journalistic secrecy**



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# Labor Litigation

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The number of individual labor disputes has increased in recent years. Increasingly, employers are becoming involved in lengthy proceedings before the labor courts and the average waiting time for scheduling a hearing can even last several months.

**We focus on ways of effectively preventing labor disputes, but if such do occur, we find solutions aimed at mitigating the conflict and allowing our clients to focus on conducting their business activity.**

Excellent knowledge of the relevant provisions of law and understanding of our clients' needs, allows us to provide comprehensive and effective legal advice at the stage of conciliatory negotiations, and if necessary, professional representation in the court proceedings as well.

Our procedural team has extensive experience in conducting various labor court disputes.



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## Our services:

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- **Risk assessment of employees' claims with respect to potential litigation**
- **Mediation and amicable settlement**
- **Representing employers before labor courts with regard to disputes concerning all aspects of the employment relationship, in particular:**
  - **redundancy**
  - **working time**
  - **bonus payments**
  - **workplace discrimination and mobbing**
  - **employee's private interests protection**
  - **unfair competition and non-competition agreements**
- **Support to employers during inspections or investigations by the administrative authorities (Social Insurance Institution, National Labor Inspectorate)**

# Efficient Debt Collection



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**Our Firm provides legal assistance at every stage of debt collection,** from pre-trial calls and negotiations with debtors, through court proceedings to enforcement. We assist our clients in both business-to-business and business-to-consumer cases. Clients can monitor the debt collection process via RAACS, our unique electronic tool, accessible on-line. We adapt our services to our clients' individual needs, in particular by balancing the speed of proceedings and the cost incurred by the client.

## Our services:

- **Assessment of the effectiveness of potential litigation and the chances of successful debt recovery**
- **Assistance in assessing the financial standing of a debtor**
- **Mediation and amicable settlements**
- **Pre-trial calls and negotiations**
- **Representing clients before courts of all instances**
- **Supporting clients in enforcement proceedings**

# Insurance Litigation

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**Our Firm specializes in providing legal assistance for both criminal and subsequent civil liability litigation arising from traffic accidents, and personal injuries, including medical malpractice.**

Our lawyers are highly qualified in areas of expertise otherwise reserved for expert witnesses which allows us to monitor and act accordingly during every phase of civil and criminal procedures. This expert knowledge gives us the unique ability to assist our clients beyond the usual scope of work that other law firms can provide.



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## Our services:

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- **Representation of our clients in:**
  - preparatory proceedings carried out by the public prosecutor's office and Police
  - criminal courts of all instance in cases concerning personal and legal liability
  - civil courts of all instance in cases concerning civil liability in the manner of damages, punitive damages, redress and recourse claims
  - proceedings with insurance companies regarding compensation for personal injuries and material damages
  - proceedings with the Social Insurance Institution (ZUS)

# Tax Litigation



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**Dispute resolution before the tax authorities and courts is an indispensable aspect of running a business no matter whether on domestic or international markets.** Our experience enables us to expertly conduct cases before the tax authorities, as well as administrative and civil courts. We also represent clients in arbitration procedures. Our efforts are designed to enforce our clients' rights.

## Our services:

- **Representing clients in tax proceedings, in particular the preparation of appeals, tax refund claims, motions to revive tax proceedings**
- **Representing clients and providing tax advisory services during tax audits carried out by the tax authorities**
- **Preparing motions to the Minister of Finance for individual and general tax rulings**
- **Representing clients before administrative courts, including preparations of appeals and other tax pleadings, representing clients at trials**
- **Representing clients in fiscal penal proceedings**
- **Representing clients before civil courts**
- **Representing clients in domestic and international arbitration proceedings**

# RAACS® – Modern Communication and Project Management

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Due to the rapid development of IT combined with the impact that globalization is having on competition, companies face the challenge of identifying the most successful and cost-effective business solutions. As our clients' business partners, we help them to find such solutions.

**To ensure effective, financially satisfying and advanced IT solutions for our clients, we use RAACS®** – an innovative system, utilizing Cloud Computing, developed and tailored to our clients' needs.

RAACS® provides our clients with round-the-clock secure access to project data and documents, facilitating remote progress monitoring and development of our joint projects. This solution enhances the transparency of our services while maximizing effectiveness and downsizing costs.

## RAACS® is:

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- **24/7 remote control of a project from any place on the globe**
- **Cost-effective communication and administration**
- **Uninterrupted access to updated information on costs and planned project expenditures**
- **Functional on-line access to documents**
- **The intuitive interface of a web browser**
- **Available for BlackBerry, iPad, iPhone**
- **Unique application on the Polish market**

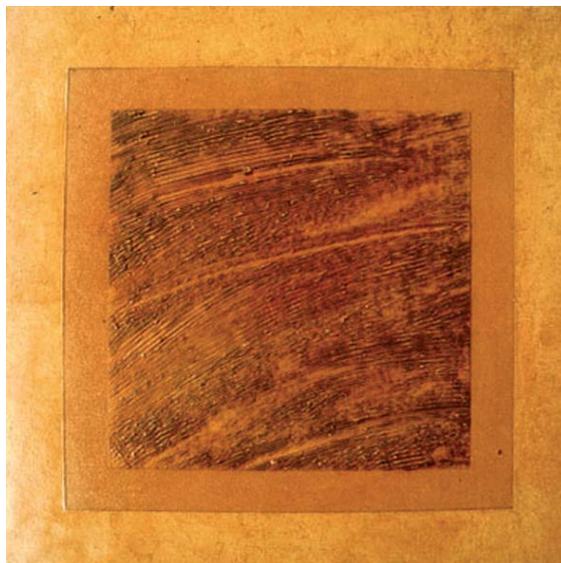


ambitious but respectful  
ambitni ale uprzejmi

creative but clear-sighted  
twórczy ale realistyczny

effective and affordable  
skuteczni i dostępni

local yet global  
lokalni lecz zglobalizowani



efficient and meticulous  
szybcy i precyzyjni

conservative but sharp  
konserwatywni ale nowoczesni

open and dependable  
nowatorscy i rzetelni

traditional but innovative  
tradycyjni lecz innowacyjni

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