

Best wishes for 2013

First of all, we would like to wish you a very happy year 2013 and thank you for the for your trust conferred upon us. We are very glad to share with you some of our recent accomplishments and the growth of our practice into areas which might be of your interest.

Highlights

Wöss & Partners accomplished its 11th anniversary

In 2012, Wöss & Partners (W&P) completed the first 11 years of its existence with many of our clients being with us since the early 90ies. We have established a solid practice in different areas such as arbitration and dispute resolution, competition law, corporate law, credit restructurings, customs-, national and international trade law, and infrastructure projects.

Arbitration and Dispute Settlement

The firm has been listed once again as one of the leading arbitration law firms In Mexico by Law Business Research in London in the Who's Who Legal: Commercial Arbitration Mexico.

Two of the awards, in which Dr. Wöss acted as co-arbitrator were confirmed in Mexican court procedures. One of them produced three judicial precedents, which clarified the notion of public policy in Mexico. In another arbitration, where Dr. Wöss acted as sole arbitrator, the parties settled their dispute.

Also during 2012, Dr. Wöss rendered an arbitral award in a complex public infrastructure project based on multiple claims.

In 2012, W&P successfully closed the post-award negotiations of two arbitrations based on damages claims that W&P won in 2011.

W&P prepared the strategies for several potential arbitrations in construction and power plant projects and performed different claim management procedures under the FIDIC turnkey, public EPC and similar contracts.

W&P also continued to consolidate its position as a leading arbitration firm for damages claims under complex contracts and by the end of 2012, started analysing two potential arbitrations with respect to joint ventures and M&A transactions, one of which stretches over five countries.

The partners of the firm are currently working together with international institutions on a major dispute resolution project in Washington DC.

Trade remedies, foreign trade and customs law

W&P has been listed as one of the leading trade law firms in the International Who's Who of Trade & Customs Lawyers since 1998, with a success rate in trade remedy procedures of more than 90%.

In 2012 the firm won the anti-circumvention investigation against one of the major Mexican steel pipe manufacturers for one of the largest German steel conglomerates. This adds to the success in the anti-dumping investigation against imports of steel pipes for oil and gas pipelines from the US in 2011, where our client, is now the only US exporter of such products able to attend the growing Mexican pipeline market. Currently, W&P is engaged in another steel anti-dumping investigation.

We also obtained different authorisations from Mexican authorities for the importation of restricted materials used for the construction industry, based on the non-discrimination provision of the investment protection treaty between Mexico and Germany.

Our practice includes the law of WTO, NAFTA, FTAs, rules of origin, intellectual property, tariff classification, technical norms, barriers to trade, customs laws and procedures. In particular, we provide comprehensive solutions for the structuring of manufacturing operations including international tax law and Mexican in-bond procedures.

Corporate, Labour, M&A, Competition Law

During 2012, W&P continued growing its corporate practice through the incorporation of new companies, the negotiation and execution of several several joint ventures.

We took care of our clients in their day to day business, assisting them in major negotiations, and protecting them against legal risks through the elaboration of contracts such as toll manufacturing, gas and energy supply, distribution, technology transfer, labour and trade mark license agreements.

2012 was characterized by corporate and fiscal restructurings to optimise our clients' operations. This aim was achieved through the creation of structures using suitable contracts, real estate (SIBRAS), investment (SAPIs) and other types of companies.

W&P continued enhancing the business of some of its clients through host and other legal structures for the manufacture and distribution of their products in the pharmaceutical industry, as well as the execution of administrative procedures before COFEPRIS as regards pharmaceutical drug registrations.

The registration of trade marks, intellectual property and protected works, continues to be part of our daily legal practice.

Our immigration practice grew considerably, while W&P maintains its track record of 'no requests' in visa procedures before the Mexican immigration authorities

In 2012 W&P continued to support Mexican scientists, engineers and medical doctors launching start ups for their projects and provides them with the appropriate legal tools to become successful businesses.

The firm has performed several merger notifications in Mexico reporting to major international law firms and is currently participating in a price fixing investigation before the Mexican competition authority.

Construction and Infrastructure Projects

W&P was engaged with the structuring, execution, contract administration and claim management in construction contracts and infrastructure project agreements.

Credit restructuring for financial institutions and commercial litigation

In 2012, we performed major credit restructurings on behalf of financial corporations and banks. These included the support during the negotiations of the credit restructurings, the incorporation of different legal vehicles such as administration & guarantee trusts over accounts receivables, the drafting of the pledge and guarantee agreements, and their corresponding registrations.

Currently W&P is handling several collection proceedings for foreign banks, the execution of two arbitral awards, and a litigation in Canada based on the Convention on the International Sales of Goods (CISG), which is one of our areas of expertise.

Tax and administrative litigation

In 2012 W&P initiated a major tax amnesty procedure related to a highly technical foreign trade case going back for several years.

Publications and Conferences

In 2012, Dr. Wöss published a seminal article in the Spain Arbitration Review in order to provide solutions for the the problem of partial non-arbitrability in public contracts, the correct notion of public order and its distinction to public law, as well as the legal issues involved in the annulment of the US\$300 million ICC Comissa award. Dr. Wöss is also co-editor and co-author together with prominent investment arbitration specialists, WTO-experts and economists, of the second book of the Investment Arbitration Forum which will be published by Ed. Porrúa early 2013. He also wrote a note on dispute resolution under the new Public-Private Partnerships law which was published in the Global Arbitration Review. Dr. Wöss continues as special editor for Latin America of the prestigious Transnational Dispute Management, the leading international think-tank on dispute resolution.

In June 2012, the firm organized together with the Instituto de Investigaciones Jurídicas of UNAM, as sponsored by all Mexican arbitration institutions, the Fifth Investment Arbitration Forum about

Dispute Resolution under Public Contracts. Prof Pablo Spiller, distinguished professor for economy at the Haas School of Technology, took part as key note speaker. The conference analysed the dispute resolution procedures of the new Mexican Public-Private Partnerships law and relevant issues of commercial and investment arbitration. The conference took place at the Club Piso 51 and was again a great success with the participation of several of the largest public and private corporations and institutions in Mexico. The conference report is about to be published in the Global Arbitration Review. The details may be found on our web page <http://www.woesetpartners.com>.

In October, Dr. Wöss was invited as panelist at the Juris Conference on Damages in International Arbitration in New York.

By mid-2012 the partners of the firm commenced writing the book "Damages for breach of complex long-term contracts in international arbitration" for the arbitration series of Oxford University Press. This book is being co-authored together with two prominent economists, Prof. Pablo Spiller, distinguished professor at the Haas School of Technology of the University of Berkeley, and Santiago Dellepiane, both of Compass Lexecon in New York. The book is inspired by different arbitrations on damages claims in which the authors took part and will be finished by summer 2013. We will be pleased to invite all our clients and friends to its presentation.

Pro bono

In 2012, W&P donated part of the proceeds of one of its arbitrations to the Institute for the Achievement of Human Potential in Philadelphia, an institution, which treats brain-injured children and enhances the capabilities of well children (www.iahp.org).

W&P has been advising pro bono on the development of a pharmaceutical drug against the leishmaniasis disease which currently affects millions of poor people in Mexico, Brasil, India and other countries with tropical zones.

Dr. Wöss is frequently lecturing in the area of infrastructure project agreements, international trade law, commercial and investment arbitration, and claim management, in order to contribute to the education of young lawyers.