We are an international, full service Italian law firm.
Our Firm traditionally engages in international and European commercial work in both contentious and non-contentious matters.

Our operative seats are our own stand-alone offices.
Our Italian offices are located in Milan and Rome and we have been having for decades fully operative offices in Brussels and Moscow. We are now also offering a dedicated US desk in Los Angeles.

We all can speak and work fluently in Italian, English and French and frequently use German, Russian, Spanish and Swedish.

Our Clients can count on more than 80 professionals

We have forged over the years close relationship with first class law firms virtually all over the world to assure optimal standards, speed of response and quality.
We regularly enlist the support of leading professors and academics, as special counsels and expert witnesses.
A number of our partners have teaching and academic assignments, are legal authors and serve in scientific and editorial committees.

Our expertise embraces almost all the areas of law
The core of our practice consists of:
We are frequently involved in domestic and international arbitration and mediation, both as counsels and as neutrals.

Over the years, we have developed a deep knowledge of more than 30 industrial sectors
We advise a large number of domestic and foreign clients active in the following industries:
A significant part of them are multinational companies ranking among the 500 largest companies worldwide (Fortune Global 500) besides a large number of Italian SMEs.
Milano

Opened in 1975, our Milan office is in the very heart of the city, ideally located for maintaining close contacts with the economic, business and banking communities. Milan is ideally connected with all of Europe and the rest of the world through a transport and infrastructural networks that converges on the city.

At our office in Milan all of the Firm’s specializations are practiced and we are able to act as a single point of contact and management for cases and issues requiring a multi-disciplinary approach, as well as for litigation in any venue.

Roma

Established in 1983 and close to the main institutions, our Rome office covers all practice areas and, in particular, administrative, public and constitutional law, commercial law, energy law and litigation.

It has particular expertise in regulatory matters, including pharmaceuticals, urban planning, competition, securities, media and telecoms. It is also the contact point with the State Agencies, central Government and the Independent Authorities.

Our Rome office undertakes litigation in all domestic and Community jurisdictions (Supreme Court, Council of State, Constitutional Court, High Court of Public Waterways, Court of Auditors, Court of Justice and General Court of the European Union).

Bruxelles

The Brussels office was established in 1990. It provides assistance and advice, embracing all different areas of EU law, particularly on competition law matters, and works in direct contact with the Community Institutions and in cases before the European Commission, the General Court and the European Court of Justice.

The office boasts considerable expertise in regulated sectors, including pharmaceuticals, chemicals, biotechnology and energy and cooperates with prestigious Italian legal periodicals in relation to legislative and judicial developments at EU level.

Moscow

The Firm has had its own offices in Moscow since 1995. The Moscow Office is in a position to offer high quality legal services covering the Russian Federation, the Commonwealth of Independent States and the territories of the former Soviet Union in general. Areas of practice include commercial and corporate law, employment law, IP, tax and dispute resolution.

The Moscow Office is an ideal resource for foreign investors coming to Russia, as well as a valuable facility for Russian companies who need legal assistance in Italy and elsewhere in the European Union, serving as the contact point towards the Italian offices of the Firm and their professionals.

The Moscow Office is staffed with resident lawyers fluent in Russian, Italian and English. Clients can count on an in-depth knowledge of the Russian legal system as well as the assistance of the professionals located in the other offices of Da Berti Jacchia Franchini Forlani.
We developed a wealth of experience assisting and representing clients in contentious cases before Public Administrations, Independent Authorities (such as the Securities Commission, the Competition Authority, the National Anti-Corruption Authority, the Telecoms Authority, the Data Protection Authority, the Medicines Agency and the Customs Agency), the Regional Administrative Courts throughout the country, the Italian Council of State, the Court of Auditors and the Constitutional Court.

We also advise companies in obtaining dual use export licenses and licenses with respect to transaction subjected to trade restrictions from the Ministry of Economic Development.

Our Administrative and Public Law Team works in close liaison with the Firm’s other practice areas, such as the M&A, IP, Corporate and Commercial and Tax Teams.

Our Administrative and Public Law Team has been actively advising national and multinational clients on public and regulatory law issues in Italy for more than 20 years both in judicial and extrajudicial matters.

Our main areas of activity include:
• International trade and commerce
• Corporate disputes
• Joint Ventures
• M&A
• Construction and Engineering
• Intellectual Property
• Real Estate
• Telecommunications
• International investment.

We assist a number of major clients belonging to the pharmaceutical, medical devices, betting and gaming, energy, automotive, environmental, luxury, food/beverage and audiovisual industries. The Team has gained specific experience and expertise in particular in relation to urban and town planning issues, pharmaceutical and life sciences regulatory work, betting and gaming, energy, automotive and environmental regulatory work, as well as public procurement, public tenders and public concessions.

Our Arbitration and ADR Team is one of the largest and most qualified in Italy, with a dedicated group of partners and associates practicing in a wide variety of domestic and cross-border dispute work, with arbitration seats in Italy and abroad.

Our main areas of activity include:
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• Corporate disputes
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• Construction and Engineering
• Intellectual Property
• Real Estate
• Telecommunications
• International investment.

Likewise, we take part in the Vienna and Hong Kong Willian C. Vis International Commercial Arbitration Moot and at the ICC International Commercial Mediation Competition, as arbitrators, mediators and coaches of two Milan university teams.

Our Arbitration and ADR Team has been active in advising national and multinational clients in complex cross-border disputes, with particular focus on the automotive and energy sectors.

We act as lead counsel and co-counsel in both domestic and international disputes, and have coordinated teams of lawyers involving complex multi-jurisdictional disputes with parallel litigation and arbitration proceedings.

Members of the Team are regularly appointed in arbitration panels and as sole arbitrators, both by the parties and by international arbitral institutions. We are frequently involved either as counsel or mediator in both domestic and international arbitrations.

Our Administrative and Public Law Team has worked together since the early 2000s: the strong understanding among its professionals and their habit to team work allows them to be very proactive and to assist clients promptly and effectively.

Clients of the Administrative and Public Law Team benefit from a consolidated expertise that combines legal competences, understanding of the underlying economics and academic culture.

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• M&A
• Construction and Engineering
• Intellectual Property
• Real Estate
• Telecommunications
• International investment.

We have a very practical approach and provide strategic advice to help our Clients to identify the available and most appropriate dispute resolution method to best suit their objectives.

While we focus both on early problem solving and avoiding court intervention through negotiation, mediation and emergency and expedited arbitration, we are ready and able, as the case may request, to provide robust defense and support in the case of no holds barred disputes.

Our Team enjoys a high standing among peers. We have been constantly present in professional lists (such as the Who’s Who Legal of Arbitration and Mediation) as leading practitioners within and outside their jurisdiction as well as in the lists of recommended arbitrators and mediators under the auspices of several Arbitration and ADR providers.

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CONSTRUCTION

Our Construction Law Team works closely with engineers, project developers, experts, quantity surveyors, quantum specialists, time impact analysts and all the other professionals usually involved in the construction field. Several of our lawyers are qualified mediators (teaching on the subject also at university level) and have very effective negotiation techniques.

**WHY US?**

We know what construction is all about, from many different perspectives. We have been players in this industry for decades and have clients active in almost every area of the industry.

Internally, lawyers from our Construction Law Team frequently work with professionals from other practice areas in the Firm to address the several issues associated with any particular project — including finance, tax, environmental, energy, real estate, and, when necessary, white-collar criminal defense, arbitrat, corporate investigations and regulatory compliance.

Thanks to the fact that we are a full service Firm, we can offer our Clients sophisticated legal services that are coordinated and streamlined domestically and internationally. When there is a dispute, the experience of our construction lawyers in mediation, arbitration and litigation is unparalleled.

Our lawyers appear in domestic and international arbitration, frequently in relation to contracts governed by foreign law as well as in the Italian Courts (both Civil and Administrative). For details of our top-notch experience in arbitration (which includes with ICC, ICDR, CAM and many other primary arbitral institutions) please refer to the relevant practice description.

**Our areas of expertise include:**
- infrastructures (highways, bridges, overground and underground railways and tramways, as well as ports and marinas)
- Utilities sector (pipelines, sewage systems)
- Oil and gas and power generation industry
- Transport
- Insurance.

We assist our Clients from the procurement and tendering process to the negotiation, drafting and execution of the contract including the early initial advisory work, as well as with regard to any disputes that may arise.

Our Construction Law Team is familiar with domestic and international forms of contract, both bespoke agreements and standard contracts such as FIDIC and other contract structures such as:
- PPP schemes
- Turnkey, EPC contracts
- Guaranteed Maximum Price contracts
- Design & Construct forms of contract
- Joint Ventures.

We also gained a quite unique experience in dispute management related to construction projects, supporting our Clients in the interests of dispute prevention and, if disputes should nevertheless arise, in managing them.

Our dispute resolution services also include dispute adjudication and dispute review boards, statutory and contractual adjudication, expert determination and neutral evaluation.

Our Construction Law Team has been involved include projects in Middle East, Europe, Asia, Russia and Africa.

CORPORATE AND COMMERCIAL

Our ability to establish long-term relationship allows us to get to know our Clients, their business and their goals.

Our Corporate and Commercial Team assists a number of major clients belonging inter alia to the following industries:
- Automotive and components
- Chemicals
- Medicals and pharmaceuticals
- Environment
- Steel
- Toolings
- Materials technology
- Mining
- Fashion and Luxury
- Travel and Technology
- Food and Beverages
- Real Estate
- Engineering
- Design and Construction
- Retail
- Cybersecurity
- Telecommunications
- Logistics/Transport
- Semiconductors
- Shipping.

On the strictly corporate side, our work covers:
- Setting up of companies and branches
- Due diligence assignments
- Appointing and revoking directors
- Supervisory bodies
- Structuring directors’ powers
- Corporate secretarial duties
- Advising directors on their fiduciary duties
- Ordinary and extraordinary corporate transactions
- Company law Litigation

**WHY US?**

The Corporate and Commercial practice area is not rigidly structured.

The coordination between Team members and the structure of the work is determined on a case-by-case basis and the leadership of the Team is allocated to the professional best suited for each specific matter.

No matter what stage a company is at — starting up, buying, growing, selling, winding up — our Corporate and Commercial Team can competently assist its clients and deliver effective business law advice and solutions.

Our Firm regularly provides corporate counsel and advice on a continuous basis on all aspects of the negotiation and drafting of commercial agreements with customers, suppliers, distributors, franchisees, etc. to numerous domestic and international clients, including those which are initially assisted on transactional work such as an acquisition or a joint venture.

These characteristics allow us to forge longstanding relationships with both national and multinational corporate clients, some of which we have assisted for over 40 years.

Our Corporate and Commercial Team assists a number of major clients belonging inter alia to the following industries:
- Construction
- Engineering
- Real Estate
- Telecommunications
- Oil and gas and power generation industry
- Utilities sector (pipelines, sewage systems)
- Infrastructures (highways, bridges, overground and underground railways and tramways, as well as ports and marinas)
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- Oil and gas and power generation industry
- Transport
- Insurance.

We assist our Clients from the procurement and tendering process to the negotiation, drafting and execution of the contract including the early initial advisory work, as well as with regard to any disputes that may arise.

Our Construction Law Team has been involved include projects in Middle East, Europe, Asia, Russia and Africa.
EMPLOYMENT AND PENSIONS

Employment focus, business insight

We do know how much human resources are a key asset of the business of our Clients. Some of the professionals of our Employment Team worked as in-house counsels and are thoroughly familiar with corporate logics and issues.

That is why we are business lawyers first focussing on the importance of HR assets.

We have been advising multinational groups operating in Italy as well as domestic large and medium companies belonging to a variety of industries, amongst which: air-conditioning, air transport, automotive, betting, beverage packaging, cereals, chemicals, components of marine engines, electronic and electromechanical components, energy engineering for the oil and gas industry, fashion and luxury, furniture, garment retail, healthcare medical and dental supplies, inflight catering services, machinery tools, micro-fibres, oenology, pharmaceuticals, pet care, polymers, publishing, semiconductors, silicon rubber, ventilation.

In many instances we have undertaken responsibility for large domestic and international projects entailing the need to mobilise human resources in the legal field for substantial periods of time.

We have full experience and expertise in advising our Clients on employment, labour and social security aspects of acquisitions, mergers and demergers of companies and businesses; arranging for, and carrying out consultations with Trade Unions with respect to transfers of undertakings.

• Advising on hiring employees in Italy and on accomplishments and formalities connected therewith.

• Drafting employment and self-employment contracts, confidentiality and non-compete covenants.

• Drafting employment manuals and policies including policies on the use of information systems and technologies, internet and social media.

• Negotiating and drafting collective agreements, implementing welfare plans.

• Advising on tax and data protection law issues connected with the management of human resources.

• Advising on safety at work issues.

• Arranging for individual and collective terminations of employment.

• Advising on corporate and business re-organisations, mass redundancies, activation of loss of employment shock absorbers and social relief, arranging for, and carrying out consultations and negotiations with Trade Unions.

• Representing the Clients in mediations, arbitrations and employment, labour and social security disputes, whether of a collective or of an individual nature, up to the Supreme Courts.

Our Employment Team is coordinated and regularly collaborates with the other practices of the Firm, typically for due diligence assignments with the M&A and Corporate Team, as well as for general advice.

Our EU and Competition Team provides counsel to national and multinational companies on:

• Cartels

• Abuse of dominant position

• Restrictive agreements

• Leniency

• Block exemptions

• Self-assessments

• Free movement of goods, services, persons and capital

• Competition related litigation, private enforcement and antitrust damages

• Domestic, EU and multi-jurisdiction merger clearances

• Regulated sectors

• State aid

• Compliance programs

• Proceeding and investigation of the European Commission, of the Italian Competition Authority, of other national competition authorities, dawn raids

• Competition proceedings before the General Court and the Court of Justice of the European Union

• Contentions antitrust proceedings before the Administrative Courts.

WHY US?

Having assisted companies belonging to a variety of industries, we have clearly in mind the mission and the peculiarity of each business. Our next-generation associates contribute new energies which ideally contribute to the mission and the peculiarity of each business. Our next-generation associates contribute new energies which ideally contribute to the management of human resources.

Academic, educational and training activities complete the background of the professionals of the Team and result in in-depth experience of EU and employment shock absorbers and social relief, implementing welfare plans, and regularly collaborates with the other practices of the Firm, typically for due diligence assignments.

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WHY US?

Besides being a fully operative unit, our Firm’s office in Brussels is a privileged source of information and a dedicated research “think tank.”

Our Brussels Team regularly provides alerts and updates on EU law to all offices of the Firm as well as clients, and publishes the “Transportwatch.eu” blog, an innovative project providing information to operators of the transportation and logistics sector, and the “dejelajenbrexit.eu” blog, which follows closely and regularly reports on the Brexit saga.

We regularly collaborate with forensic economists, economic intelligence and research companies and the economic world in matters of identification and quantification of market effects and antitrust damages and have an outstanding record of cases, work and projects in such respects.

Our Firm also uses the regular logistic and liaison basis for all domestic antitrust work, as well as for dealings and proceedings with the Competition Authority.

Through our Italian, Brussels and Moscow offices we moreover advise clients on issues of:

• International trade law and WTO law

• Structural funds

• Competition features of intellectual property

• Public procurement

• Lobbying actions at the domestic and EU levels.

Our Firm has gained extensive experience in the field of antitrust compliance, supporting the Firm’s Clients on a
INSOLVENCY AND RESTRUCTURING

In particular, our Insolvency Team has developed specialized expertise in assisting large groups in the aviation industry. Many of our clients are suppliers and joint venture partners of the main Italian airline company, currently in extraordinary administration procedure, to whom we provide advice, including on how to structure their commercial agreements in order to obtain maximum protection and assist them in the claim filing process.

Similarly, we have been assisting for some years the counterparties of the main Italian steel manufacturing group in extraordinary administration, as well as, more recently, the counterparties of a large Italian construction group in extraordinary administration.

Over the years, we have assisted a number of important foreign groups in purchasing assets and businesses from companies in distress and involved in insolvency proceedings, suggesting the appropriate protections and negotiating with receivers agreements for the lease and subsequent purchase of the business as a going concern.

In general, we assist creditors in dealing with all phases of cross-border insolvency proceedings and in the resulting litigation.

Thanks to our efficient credit recovery unit, we provide assistance to a large number of multinational groups in the collection of their debts from insolvency and restructuring proceedings all over Italy.

Through our network of foreign correspondents, we regularly assist companies subject to insolvency procedures or extraordinary administration in handling litigation, winding up foreign subsidiaries, sale and recovery of assets, debts and capital.

Our extensive experience in insolvency law, restructuring and distressed investment is the result of many years spent in assisting various players either involved in insolvency procedures or having relations with counterparties in insolvency procedures, including several multinational groups belonging to a variety of industries; to name a few, tourism and travel, aviation and onboard products and services, steel, construction, workwear fabrics, machine tools, water treatment, food, retail, betting and gaming.

Why Us?

We have long and consolidated experience in assisting claimants and creditors around the world in large-scale insolvencies and are well equipped to help them understand and go through the intricacies of these procedures, which are strictly regulated and complex under Italian law.

We combine such experience with our considerable M&A expertise, allowing us to assist clients in relation to all the possible implications of a transaction.

When a company is facing a difficult financial situation, time is more essential than ever; our consolidated experience allows us to propose speedily the most appropriate ways to act in each specific case and considering all commercial and legal risks.

At the same time, we never lose sight of the fact that every distressed situation is unique, and we can offer a "tailor made" approach, where necessary with the support of the economists and business consultants we cooperate with.
We have engaged for decades in the practice of IP law.

National and multinational companies belonging among others, to the pharmaceutical and life sciences, luxury & fashion, entertainment & media, IT and automotive sectors are our regular clients. Our expertise encompasses all aspects of IP including:

- Patents (national and European)
- Trademarks (national and European)
- Domain names
- Copyrights
- Trade secrets
- Unfair competition
- Data protection
- IP litigation
- Copyrights
- Industrial design (national and European)
- Trademarks (national and European)
- Patents (national and European)
- New technologies and media

Our services include counselling on all IP issues connected with extraordinary transactions, mergers, acquisitions and JVs, IP due diligence and compliance programs, licensing, commercial contracts and technology transactions with IP contents.

Criminal infringement work is carried out in close liaison with our criminal law counsels. We regularly collaborate with leading forensic economists and academicians in infringement damages cases.

The IP Team has worked together since the mid–early ’90s of the previous century, and has built up a wealth of multi-disciplinary contentions experience, both, regularly working with the Firm’s own criminal lawyers, and collaborating with experts, expert witnesses, technical experts and forensic economists.

We combine a highly structured and accurate expertise in litigation with a deep understanding of the client’s business. We handle all IP related contentions, with a particular emphasis on IP enforcement and defense of their IP rights in Italy and the European Union.

The IP Team has always handled both domestic and international litigation, including multi-jurisdictional disputes, both civil and administrative in the following principal areas:

- Contractual and company law
- IP law
- Infringement, unfair competition and damages cases.
- Infringement, unfair competition and damages cases, in ordinary as well as preliminary proceedings before the Specialized Chambers of all Courts and Courts of Appeal, the EPO, the EPTO Board of Appeal and the Supreme Court.

In particular in patent litigations, we ordinarily operate in multi-jurisdictional contexts in strict liaison with other lawyers and correspondents in numerous European and non-European jurisdictions. We are familiar with the Specialized Chambers of all Courts and Courts of Appeal, the EPO, the EPTO Board of Appeal and the Supreme Court.

In particular, we have repeatedly acted before the Specialized Chambers of all Courts and Courts of Appeal, the EPO, the EPTO Board of Appeal and the Supreme Court.

We love to establish long-standing relationships. Most of our IP clients are regular clients whom we have advised and represented over decades in the enforcement and defense of their IP rights in Italy and the European Union.

We are well versed in representing our Clients before the EU and Italian Courts in particular: the Italian Patent and Trademark Office (UITM) and the Board of Appeal, the Specialized Chambers of Italian Courts and Courts of Appeal, the Italian Supreme Court, Council of State and Constitutional Court, the European Union Intellectual Property Office (EUIPO) and the General Court and the Court of Justice of the European Union.

Our emphasis is on problem solving, avoiding litigation where possible by seeking early resolution of disputes through negotiation and mediation.

Our large Team of dedicated litigators have developed proven experience of multidisciplinary work, in coordination with criminal law counsel, foreign lawyers, technical experts and consultants.

The most frequent industry sectors include:

- Energy and Green energy sectors
- Property investment
- Leisure resorts
- Construction
- Project Engineering
- IT services
- Agri-Food
- Automotive
- Pharmaceutical and Life Sciences
- Luxury and Fashion
- Automotive
- Agri-Food
- Insurance
- Private international law
- Medical malpractice
- Mass debt recovery.

Different from other practice areas in the Firm, there is no rigidly defined professional practice called litigation. Teams are often formed on a case-by-case basis from a broader pool of our lawyers in order to provide the optimum assistance, having regard to the nature and type of matter.

We assist, on a regular basis, a number of top international clients in major litigations.
In recent years, we have reinforced our expertise and developed extensive experience in assisting clients in situations involving companies in distress, in particular with regard to the sale/lease of their businesses and assets.

Clients are assisted throughout the entire transaction: in planning financial and tax structures during negotiations and organizing due diligence processes, in drafting and negotiating agreements, including shareholders’ agreements and by-laws, as well as in pre-closing, closing and post-closing activities, drafting and filing notices with the Italian Competition Authority or EU Commission and participating in or coordinating antitrust filings in other jurisdictions.

Our M&A Team works closely with the Firm’s other practice areas, such as the Tax, Employment, IP Administrative & Public Law Teams, and the EU & Competition Team, in order to deliver to the client a seamless, fully integrated service.

Our Clients belong inter alia to the following industries:

- Automotive and components
- Chemicals
- Pharmaceuticals and Medical devices
- Environment
- Steel
- Toolings
- Materials technology
- Mining
- Fashion and Luxury
- Travel and Technology
- Food and Beverages
- Real Estate
- Engineering
- Design and Construction
- Retail
- Cybersecurity
- Telecommunications
- Logistics/Transport
- Semiconductors
- Shipping.

Besides the significant cases of our M&A Team track record, our capacity to provide legal advice on a regular basis on commercial and corporate matters of all kinds to all our national and international clients, contributes to setting us apart from traditional Italian M&A boutiques, which do not tend to follow clients’ needs across the board after the transaction is finalized.

Our Tax Team works closely with the Firm’s corporate and private Clients to provide "ad hoc solutions" and comprehensive and adequate advice on both tax opportunities and risks.

In order to do so our professionals regularly collaborate with the Firm’s other practice areas, such as the Corporate and M&A, IP and Employment Teams to deliver a fully integrated service.

We constantly assist and represent a large number of domestic and foreign MNEs belonging, among others, to automotive, fashion and luxury, agri-food, tourism, IT, banking sectors.

The core practices are:

- Corporate tax
- VAT and other indirect taxes
- National and international tax planning
- Tax structuring connected to M&A transactions
- Transfer pricing (including unilateral and multilateral APA and MAPs)
- Permanent establishment risk analysis
- Tax settlement procedures
- Tax litigation
- Succession tax planning

We are well represented in Russia at our Moscow office, where we work intensively on tax needs and tax issues of European corporations investing and operating in Russia and CIS jurisdictions.
Our clients can count on an all-round service that also extends to linked activities - such as commercial contracts, misleading and comparative advertising, unfair commercial practices, competition, IP and data protection - through a support network, if required, comprised of economists and IT engineers.

In the ever changing and complex telecommunications and audiovisual sectors, we assist their players offering specialized advice on current legislation and new regulatory developments as well as highly-qualified assistance before Ministries and independent Authorities and in any related national and European litigation.

We also have longstanding experience of the concession, authorization and licensing processes and the payment of related dues and fees.

TELECOMMUNICATIONS AND AUDIOVISUAL

WHY US?
Besides assisting as external counsels leading operators, some of our professionals have worked as in-house counsel in companies of those sectors. Therefore, we benefit from a deep understanding of the transformation that the audiovisual sector is experiencing due to the increasing convergence between television and services distributed via the internet and between media and contents, besides the emergence of new operators and new business models, and the need to introduce a total flexibility with regard to advertising.

We can count on our Firm’s office in Brussels, which, besides being a fully operative unit, a privileged source of information and a dedicated research “think tank”. We regularly monitor the modernization and development of new technologies, which have given rise to the proposal for the amendment of Directive 2010/13/EU on audiovisual media services and the new frequency allocation plan.

REAL ESTATE AND RETAIL

Our Team operates in co-ordination with the litigation and Administrative Law Teams, as well as the M&A and Tax Teams.

The Team also assists foreign private clients in purchasing and selling high-end residential property in all parts of Italy.

Through the Firm’s office in Moscow, the Real Estate Team regularly assists wealthy Russian private clients in the purchase of high standing properties in Italy.

Our Real Estate Team assists both national and international, business and private clients, in relation to a wide range of day to day problems and services as well as extraordinary property investments, financing, utilization and management transactions, issues and projects.

In particular, we are well versed in the negotiation and drafting of contractors’ agreements, as well as in town planning issues, leases and leasing, and the sale and purchase of properties and property portfolios.

We have gained extensive experience in advising clients in the retail sector on the acquisition and development of brown and greenfield sites, and related environmental, administrative and financial aspects, and in particular on related regulatory and town planning issues, as well as in the hospitality sector, and the purchase of hotels and tourist residences, also by means of extraordinary and M&A transactions.

WHY US?
Most professionals of our Real Estate Team are also experienced M&A lawyers, and are hence able to assist our Clients also from a real estate angle when assisting them in extraordinary M&A transactions involving real estate issues.

Our multi-disciplinary capability and our ability to assist and advise in all areas of the law, make our Firm an ideal “one stop” partner for Real Estate clients of all kinds.
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<td>AUTOMOTIVE</td>
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<tr>
<td>BETTING AND GAMING</td>
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<tr>
<td>FASHION AND LUXURY</td>
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<td>INDUSTRIAL PRODUCTS AND EQUIPMENT</td>
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<td>PHARMACEUTICALS AND LIFE SCIENCES</td>
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<td>RAILWAYS, AVIATION AND LOGISTICS</td>
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<td>MEDIA AND ENTERTAINMENT</td>
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De Berti Jacchia Franchini Forlani has acquired over many years in-depth experience of the automotive industry.

Our lawyers have been assisting their Clients on every aspect of their operations, advising them on complex changes in their business models in order to meet new and more sophisticated customer needs and market challenges.

Our Firm’s services include advising and assisting on:

- Dealership, workshop and agency distribution networks
- Competition and regulatory issues
- Corporate advice and M&A transactions
- Retail Finance
- Tax
- Real Estate
- Administrative, public procurements and public authorities’ relations
- Reorganization, restructuring and insolvency
- Product liability and end-user quality claims
- Litigation
- Employment law
- IP rights.

More in particular, we have assisted major automobile, truck, bus, motorcycle, earth-moving and marine engine manufacturers as well as OEMs providers and manufacturers of spare parts in, inter alia:

- The review of the compliance of business operations in Italy with requirements of competition law
- The disposition of Italian subsidiaries
- The setting up of subsidiaries in Italy
- Revising and updating the contractual structure of the distribution network (dealership agreements, workshop agreements, agency agreements etc.) in relation to the implementation and assessment of network and dual distribution models under relevant EU BERs (1400/2002/EC, 461/2010/EU, 330/2010/EU) and related antitrust aspects;

organisation, negotiation, and drafting of qualitative and quantitative selective distribution dealer and workshops agreements, self-assessment according to EC Regulation no. 1/2003, antitrust compliance programs

- The revision and update of inter-company agreements
- Public procurement issues
- Negotiations with dealers, workshops and agents as well as drafting agreements with financial companies, credit line allocation, transfer of receivables, retention of title, financial guarantees
- Litigation and pre-litigation with dealers, workshops and agents
- Litigation and pre-litigation with end-customers and other counterparties
- Real estate deals and contracts
- Data protection issues and regulatory issues
- Providing corporate assistance (both ordinary – including keeping the company books, taking care of board and shareholders meetings, etc. – and extraordinary)
- Custom duties issues (for example related to the import and storage of oils)
- Negotiation of repayment plans and supply plans vis-à-vis customers or suppliers in financial difficulty
- Assistance vis-à-vis Italian and foreign tax authorities in issues ranging from transfer pricing to permanent establishment, including with MAPS (mutual agreement procedures) in various jurisdictions
- Product safety and liability claims
- Employment issues
- Regulatory and product compliance issues (including UN/ECE Regulations and relevant homologation standards and type approval requirements etc.)
- Tax, custom, and international trade compliance
- Regulatory and product compliance issues (including UN/ECE Regulations and homologation standards and type approval requirements, safety assessment reports, equivalent certification under EU BER n. 461/2010)
- Product safety and liability, labelling and packaging issues, EN standards etc.

In spite of the continuous growth recorded in the past years, the automotive industry does show some signs of slowing down.

To succeed in the new automotive environment, suppliers are asked to transform their existing business models and, before that, rethink their overall strategy both to catch new growth opportunities and/or consolidate the market around their existing portfolio.

In order to do so a new company mindset and culture to foster innovation, which is of paramount importance to compete in the new technology areas, will have to be created.

In fact, technology will be at the basis of products and services, also impacting on the organizational structure and governance models that will have to change in order to accompany the transition from the old declining technologies until when they will coexist under the same roof.

Efficient cost base, adequate financing and new partnerships will also have to be put in place and built up in order to start thinking in open innovation ecosystems and implement the upcoming transition.
BETTING AND GAMING

The legislation on betting and gaming is one of the areas in which there are significant moral, religious and cultural differences between Member States. Although Member States are free to set the objectives of their policy on betting and gaming and, where appropriate, define in detail the level of protection sought for their citizens, the restrictive measures that they impose must satisfy the conditions laid down in the case-law of the Court of Justice.

De Berti Jacchia Franchini Forlan is one of the few Italian law firms that has developed for two decades a very strong specialization and experience of betting and gaming not only in Italy, but also at the EU level and in other Member States.

OUR SERVICES

We provide betting and gaming operators with legal advice and services in all sectors and phases of their development and establishment, as well as assist them in litigation before all national and European regulators and jurisdictions (General Court, Court of Justice and European Court of Human Rights).

Our expertise includes regulation, competition, public tenders, commercial contracts, data protection, tax and IP, and allows us to provide our Clients with an unparalleled full service.

We regularly deal with all regulatory aspects falling within the competence of the Customs and Monopolies Agency and other administrations.

We advise operators on licence applications and compliance in the betting, gaming and lottery sector, as well as public procurement procedures in all stages and phases.

We assisted and represented one of the truly leading European gambling and betting operators (in Italy as well as other European jurisdictions and at EU level) in the field of internal market and competition since 1999.

FASHION AND LUXURY

Fashion has always expressed Italian excellence in the world, and, despite the economic crisis which began in 2008, keeps developing middle high/high-end products achieving global success.

In Europe, almost half the added value generated in the footwear, leather and textile/clothing industries is provided by Italian firms, and the whole sector is expected to consolidate its recovery in both foreign markets and domestic consumption.

What are the characteristics of the Italian fashion system?

• A highly fragmented supply, which includes small and even micro enterprises, medium and large firms, as well as top brands of outstanding worldwide repute
• Firms usually specialized in specific productions, in a context where apparently only major players can diversify the brand is visible at the high as well as down the chain, and a huge number of minor enterprises operate as subcontractors for specific productions or components
• Highly competitive enterprises in all market segments, as a result of strong industrial know-how and quality standards of recognized excellence, and, especially amongst the top players, efficient distribution policies and amazing brand value
• A high degree of competition, mainly based on prices, particularly in the lower market segments, while competition is visible at the higher ends.

Trends and developments

Supply side, a general restructuring is underway. Particularly in the textile industry, which is experiencing a gradual reduction in the number of players and workforce alike, enterprises more open to changes are working on the rationalization of their direct and indirect sales networks and overall strategies, sometimes converting their core business from manufacturing to vertical commercialization.

The integration of traditional distribution networks with the new on-line channels, in their always evolving forms, is becoming more and more crucial in the development of all commercial strategies.

Demand side, it is ever more important to develop quality products at attractive prices, as evidenced by the growth of outlet stores and, above all, the booming of e-commerce. Travel retail, which makes shopping a compant (and even a driver) of the journey, is steadily increasing as well.

Notwithstanding its success, it is a sector that is facing formidable challenges such as:

• The integration of the online and the offline channels, given that the former has grown exponentially as an indispensable tool not only to reach customers but also to provide them with extra services’ added value and opportunities to interact with other games, entertainment and players through mobile devices
• Uneven national legislation and regulation that forces international players to cherry pick their target markets looking at administrative procedures rather than or besides economics
• Taxation levels that are still unsustainably high in many jurisdictions, severely limiting the operational reach of gaming companies but at the same time ensuring that governments maintain control over revenue flows.

Our Clientele has always included leading companies of the fashion and luxury sector, as well as medium, and even small enterprises and start-ups. All professionals assisting these clients have proven expertise and specific experience of the industry. We are in a position to provide consultancy services to fashion, luxury and design companies on all of their activities, in all areas and at all levels of their development, as well as assist them in connection with relevant litigation in domestic, EU and foreign jurisdictions, including:

• Commercial contracts – agency, distribution, franchising, other commercial and retail agreements, procurement contracts and operation of commercial premises, lease and transfer of ongoing concerns, lease agreements, other property transactions, agreements with department stores, commercial centres and similar facilities
• Industrial property – acquisition of trademark and other IP rights, management of trademark portfolios, trademark and know-how licensing, other IP contracts
• M&A and joint ventures with IP content – assistance with planning and negotiation, drafting of contractual and corporate documentation, assistance in the development and implementation of partnerships
• Outsourcing of in-house legal services – management, also for specific areas, purposes or periods of time, of the in-house legal affairs of companies, branches or departments, consultancy regarding the implementation and organization of in-house legal offices.
Dating back from the industrial revolution, nothing has affected the manufacturing industry more than the age of digital mutation.

Consumers have become more and more demanding and their expectations, combined with the advent of connected devices and platforms, represent the key-challenge to corporations who are required to implement and put to use technology to move from mass to customized production.

At the center of this transformation is IoT ("Internet of Things"), that can provide real-time deliveries, but likewise feedback and alert companies to defective or damaged goods.

But besides IoT, also the current trend of automation and data exchange known as Industry 4.0, has widened the vision to interconnected facilities where production is online, and in some way is intelligent and capable of extents of own decision-making.

And this is not all: intelligent robots and the need to take advantage of enormous quantities of data – Big Data – Analysis are two more critical issues the that industrial manufacturers have to deal with.

All these factors operate downstream ultimately at the distribution and consumption stages, but necessarily and even before at the upstream levels of projects, manufacturing and supply chain design.

The advent of the 4.0 industrial revolution is having a significant impact likewise within the life sciences sector, both as far as drugs and medical devices are concerned.

On top of these:

- Expiration of patent protection for traditional blockbuster medicines, which allows generics and biosimilars to widely step into the market
- Urgency of research for new molecules aimed at treating severe and orphan diseases or to step over increasing cases of drug-resistance
- Opinion movements that strongly oppose drugs and vaccinations
- Continuous increase of life expectancy and the exponentially growing number of elderly patients suffering from complex conditions involving long or permanent treatments, with increasingly heavy consequences on healthcare spend, and the corresponding
- Ever increasing expansion of pharmaceutical spend are, amongst others, some of the major challenges that this delicate sector is actually facing in Italy at the beginning of the third millennium, where primary manufacturers have since a long time deployed a role of excellence in the domestic and international landscape.

The evolution of scientific studies, placing focus on patients’ needs which are not only clinical, along with the implementation of robotized automation processes, require extremely high levels of specialization and expertise; furthermore, manufacturers need to collect and manage big flows of data which entail dealing with ever increasing material issues.

### INDUSTRIAL PRODUCTS AND EQUIPMENT

- **Mission**
  - Our Firm has been assisting and advising for numerous years manufacturers and distributors of industrial products and equipment on key aspects of their operations, including in their global expansion and reach.

  - We worked closely with major manufacturers of to name a few, metal cutting tools for the mining and automotive industries, access control systems and safety systems for industrial plants, automated ticketing systems across multiple local transit operators, also dynamic press and machines, filtration and ultra-filtration systems, cooking equipment and white goods for household use, medical technology systems, water treatment systems and water solutions and many more, providing assistance and counsel on:
  - Decision making processes, functioning of company organs, shareholder agreements and corporate advice
  - Retail finances
  - Relationships with public and local authorities
  - Financial structuring, including at group level through cross guarantees, negative pledges
  - Advice in the setting up and maintenance of multi-jurisdictional distribution agency networks, including in specific regional areas, such as the Middle-east, Africa, Asia and the CIS area comprising the territories of the former Soviet Union
  - Competition, compliance and regulatory issues
  - Reorganization, restructuring recovery, and insolvency
  - Litigation
  - Tax.

### PHARMACEUTICALS AND LIFE SCIENCES

- **Our Services**
  - Right from its foundation, the Firm became pivotal and is presently rated as a key-player in the life sciences sector, providing a wide-range assistance and advice, and being always responsive to the changes and challenges of the market.

  - Our multi-disciplinary team gained through the years a highly qualified expertise in the sector and is proactively present in addressing all features of pharmaceutical products' lives, from research and development up to access to market, continuously monitoring compliance with the domestic and EU-regulatory scenarios, marketing authorizations, patent defence and enforcement, compliance with antitrust laws and advertising rules.

  - We pay special attention to the continuous evolution of technology and the protection of intellectual property (new molecules' registration and protection, license and sale of patents, countering white-claims, patent exploitation, patent box). We take specific care of manufacturers involved in litigations filed by consumers because of allegations adverse reactions to drugs and/or vaccines, as well as protecting manufacturers' reputation, which is often under attack by stakeholders groups challenging pharmaceuticals or alleging they are dangerous for human health.

  - We furthermore provide assistance and advice to devise efficient governance and delegation structures, monitoring in particular mergers and acquisitions, negotiating strategic partnership and joint ventures, with a peculiar focus on compliance with antitrust rules. We finally, developed broad experience and competence in dealing with the regulatory authorities (European Commission, EMA, Italian Medicines Agency, Ministry of Health, awarding entities of the public tenders for procurements of medicines and medical devices) and any related matter-specific administrative and ordinary litigation.
The future of rail appears to be a bright one.

Rising demand for passenger and freight capacity, along with global concerns about climate change, is leading to a global rail renaissance. Even regions that traditionally had no culture of rail travel, such as the Gulf Cooperation Council (GCC) countries, or parts of Asia where there has been historical underinvestment, are now investing in rail with enthusiasm.

There are challenges to overcome, not least in building the required capacity in a timely fashion and at a cost that the market can sustain. Rail will need to focus on being more competitive and placing less reliance on direct public subsidies. Congestion, operational efficiency and reliability, structural and competition issues, and safety and security are other challenges that will need to be faced. Advances in technology will have wide-ranging and unknown impacts.

But we can reasonably expect some major advances as to how railways operate: more driverless trains, real-time monitoring of rolling stock and infrastructure, improved accuracy of passenger information, predictive maintenance planning, and most importantly, seamless journeys integrating with other modes of transport.

According to rail experts (Arup, Future of Rail 2050) passenger and freight rail will form the backbone of the transport system of the future, linking major urban hubs and feeding into multi-modal local transport networks.

Rail services will be able to cross borders without delays or technical barriers, providing a competitive option to air and road travel. As the industry moves towards 2050 and beyond, rail will become increasingly dynamic, innovative, sustainable and competitive.

In the air transport segment, technical developments, new business models and efficiency enhancements have helped absorb inflation which, in combination with raising living standards, have enabled more and more people to fly.

Growth is expected to continue and aircraft manufacturer Airbus forecasts continued healthy annual traffic growth until 2023 of about 5.2% and annual traffic growth of 4.2% from 2023 to 2033. The profitability of traffic specifically within Europe has come under pressure from increased competition and overcapacity. To improve profitability and compete more successfully with Low Cost Carriers (LCCs), airline companies are streamlining operations in parallel with outsourcing an increasing share of short haul operations to proprietary LCCs.

External production models, proprietary LCCs and the use of staffing agencies are increasingly becoming the established industry standard and are changing forever competitive conditions for European aviation.

Mergers have characterized the industry in recent years, leading to increased concentration. Hard competition led many airlines companies to filing for bankruptcy and leave the market place.

Customised seats, robot cleaners and low cost long-haul are on the radar. Biometrics and AI have already revealed their potentialities: a number of carriers have invested in trials of fingerprint and facial recognition technology as well as in the implementation of AI to provide passengers with automated answers to straightforward questions freeing up the human agents to deal with the more complex enquiries.

AI is also used to assist visitors when they are in an unfamiliar environment and don't speak the local language: technology giants are investing heavily in automated translation technologies, and airports and aircraft could provide ideal environments for these technologies to flourish.
The Media and Entertainment industry is a rich and multifaceted market that comprises businesses engaged in the production and distribution of motion pictures, television programs and commercials, streaming content, music and audio content, broadcasting, radio, publishing, video games and related services and products. It can be partitioned into four main verticals: movie, music, book publishing and video games.

No matter the inner distinction, the whole industry was definitely one of the first to navigate and weather the digital disruption, and the transformation, which is far from over, is now experiencing new uncharted challenges forces – such as virtual reality and the output of artificial intelligence.

According to PWC “2018 Media & Entertainment Outlook,” in a world where the distinctions between print and digital, video games and sports, wireless and fixed Internet access, pay-TV and OTT, and social and traditional media are blurring, being able to have access to right technologies and premium content, and to deliver them in a cost-effective manner to an even larger and more diverse audience will be critical.

**OUR SERVICES**

In this area our work involves legal concepts across multiple subject areas, including commercial and corporate law, M&A, intellectual property, litigation, employment law and tax, covering:

- Drafting and negotiating development and production/co-production contracts
- Drafting and negotiating publishing management, distribution, merchandising, corporate sponsorship, licencing agreements
- Drafting and negotiating agreements for producers, director, casting director, executive producers or producer’s representative
- Drafting and negotiating agreements for performers
- Working on financing agreements for sponsorships, co-production lending and investments
- Drafting agreements on appearance releases, location releases as well as licenses of all kinds
- Authors and authorship
- Protecting IP rights
- Advising media and entertainment companies on their corporate and M&A activities
- All related litigation matters
- All related tax legislation, including tax incentives to the movie and performing arts industries

We have represented clients in many facets of the entertainment industry, including:

- Movie/TV production
- Publishing
- Digital publicity
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Partner
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Corporate and Commercial | Insolvency and Restructuring
INDUSTRIES
Construction | Energy and Environment | Railways | Aviation and Logistics | Industrial Products and Equipment | Water Treatment

GIUSEPPE CRISTIANO
Partner
PRACTICES
Banking and Finance | Corporate and Commercial | M&A
INDUSTRIES
Automotive | Fashion and Luxury | Real Estate and Retail

MICHELANGELO CICOGNA
Partner
PRACTICES
Arbitration and ADR | Compliance | Employment and Pensions
INDUSTRIES
Construction | Fashion and Luxury | Insurance | IT&TMT | Pharmaceuticals and Life Sciences

MARCO FRAZZICA
Partner
PRACTICES
Corporate and Commercial | M&A | Contracts | Private Equity
INDUSTRIES
Automotive | Steel | Fashion and Luxury | Pharmaceuticals and Life Sciences

MASSIMILIANO GAZZO
Partner
PRACTICES
Tax
INDUSTRIES
Agr-Food | Automotive | Banking and Finance | Banking and Lending | Fashion and Luxury

SILVIA DORIA
Partner
PRACTICES
Construction | Corporate and Commercial | Intellectual Property | Litigation
INDUSTRIES
Automotive | Chemicals | Consumer Goods | Pharmaceuticals and Life Sciences

FABIO FERRARO
Partner
PRACTICES
Administrative and Public Law | EU and Competition | Constitutional and International Law
INDUSTRIES
Banking and Lending | Entertainment, Sports | Sponsoring and Tourism | IT&TMT | Pharmaceuticals and Life Sciences

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Partner
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GIUSEPPE CRISTIANO
Partner
PRACTICES
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INDUSTRIES
Automotive | Fashion and Luxury | Real Estate and Retail

SILVIA DORIA
Partner
PRACTICES
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INDUSTRIES
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Partner
PRACTICES
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GIUSEPPE CRISTIANO
Partner
PRACTICES
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Partner
PRACTICES
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PARTNERS

GIOVANNA BAGNARDI
Partner

PRACTICES
Corporate and Commercial | Intellectual Property | IT & TMT | Data Protection and Cybersecurity | M&A

INDUSTRIES
Fashion and Luxury | Entertainment, Sports, Sponsoring and Tourism | IT, Digital and Media | Real Estate and Retail | Pharmaceuticals and Life Sciences | Start-up

MATTEO BIONDETTI
Partner

PRACTICES
Intellectual Property | IT & TMT | EU and Competition | Sports and Sponsoring

INDUSTRIES
Fashion and Luxury | Consumer Goods | Automotive | Entertainment, Sports, Sponsoring and Tourism | Agri-Food

TIZIANA ZONA
Partner

PRACTICES
Tax | M&A

INDUSTRIES
Agri-Food | Automotive | Banking and Finance | Betting and Gaming | Fashion and Luxury

CLAUDIO CORBA COLOMBO
Partner

PRACTICES
Corporate and Commercial | M&A | Insolvency and Distress

INDUSTRIES
Travel & Technology | Transport, Shipping & Logistics | Construction

ARMANDO AMBROSIO
Partner

PRACTICES
Corporate and Commercial | M&A | Arbitration and ADR | Construction

INDUSTRIES
Fashion and Luxury | Automotive | Pharmaceuticals and Life Sciences | Food and Drinks

DAVID MARIA SANTORO
Partner

PRACTICES
Litigation | Arbitration and ADR | Product Liability and Safety | Insolvency and Distress

INDUSTRIES
Pharmaceuticals and Life Sciences | Consumer Goods | Chemicals | Energy and Environment | Real Estate and Retail

ALESSANDRA TARISSI DE JACOBIS
Partner

PRACTICES
Data Protection and Cybersecurity | M&A | IT & TMT | Real Estate and Retail

INDUSTRIES
Automotive | Fashion and Luxury | Industrial Products and Equipment | Real Estate and Retail

ELENA MARIA GRANATELLO
Partner

PRACTICES
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43
SHARING VALUE WITH YOU.