

Benchmark Litigation Asia-Pacific Practice Area Definitions

Commercial and transactions Disputes:

- This category encompasses a broad range of disputes that arise from commercial transactions and business relationships. This includes disputes over the breach of contracts, the sale, purchase, or distribution of goods and services, mergers, acquisitions, and joint ventures, the interpretation and enforcement of commercial agreements, business partnerships and shareholder relationships, as well as the termination or restructuring of commercial relationships.
- The cases in this category often involve issues such as non-payment, non-performance, misrepresentation, and the allocation of risks and responsibilities between commercial parties. These disputes can arise from a wide variety of business activities and contractual arrangements, reflecting the dynamic and complex nature of modern commercial interactions.

Commodities and Trade Disputes:

- This category covers disputes related to the trading and exchange of commodities, such as agricultural products, metals, energy resources, and other raw materials.
- The cases in this category often involve issues such as price fluctuations, supply chain disruptions, trade restrictions and tariffs, as well as disputes over the interpretation and enforcement of commodities trading contracts and international trade agreements.

Competition/antitrust Disputes:

- This category encompasses disputes related to antitrust and competition law. It includes cases involving alleged anti-competitive behaviour, such as price-fixing, market allocation, abuse of dominant position, and mergers that may result in a substantial lessening of competition.
- The cases in this category often involve proceedings before competition authorities, as well as private actions for damages by individuals or companies affected by anti-competitive conduct.

Construction Disputes:

- This category covers disputes that arise in the context of construction projects, including disputes between contractors, subcontractors, developers, and owners.
- The cases in this category often involve issues such as delays, defective work, cost overruns, changes in scope, and disputes over the interpretation and enforcement of construction contracts.

Energy Disputes:

- This category encompasses disputes related to the energy industry, including disputes over the exploration, production, transportation, and distribution of energy resources, as well as disputes related to energy infrastructure, such as power plants, pipelines, and renewable energy projects.
- The cases in this category often involve issues such as contract disputes, regulatory compliance, environmental and land use disputes, and disputes over the allocation of resources and profits.

Family and Matrimonial Disputes:

- This category encompasses legal matters related to family relationships and marital issues, including disputes arising from marriage, divorce, child custody, and adoption. Key issues in this area often involve the legal processes for divorce and separation, child custody arrangements, child support obligations, and the enforcement of domestic violence protections.
- The cases in this category frequently address topics such as property division during divorce, paternity establishment, and relocation of custodial parents. Practitioners must navigate state-specific statutes and case law, employing mediation and alternative dispute resolution methods to resolve conflicts and achieve equitable outcomes for individuals and families during significant life changes.

Financial services regulatory Disputes:

- This category covers disputes related to the regulation of the financial services industry, including disputes between financial institutions and regulatory authorities, as well as disputes between financial institutions and their clients or counterparties.
- The cases in this category often involve issues such as compliance with financial regulations, enforcement actions, licensing and registration, and disputes over the provision of financial services.

Government and Regulatory Disputes:

- This category encompasses disputes between private parties and government or regulatory authorities, such as disputes over the implementation and enforcement of laws and regulations, as well as disputes over the exercise of government powers and the allocation of public resources.
- The cases in this category often involve issues such as public procurement, privatization, licensing, and disputes over the interpretation and application of administrative laws and regulations.

Insolvency:

- This category covers disputes that arise in the context of insolvency and bankruptcy proceedings, including disputes between debtors and creditors, disputes over the distribution of assets, and disputes over the validity and enforceability of claims.
- The cases in this category often involve issues such as fraudulent transfers, preference actions, and disputes over the scope and application of insolvency laws and regulations.

Intellectual property Disputes:

- This category encompasses disputes related to intellectual property rights, including disputes over patents, trademarks, copyrights, trade secrets, and other forms of intellectual property.
- The cases in this category often involve issues such as infringement, validity, ownership, and the licensing and enforcement of intellectual property rights.

Insurance Disputes:

- This category covers disputes that arise between insurance companies and their policyholders, as well as disputes between insurance companies and third parties.
- The cases in this category often involve issues such as coverage disputes, claims disputes, disputes over the interpretation and application of insurance policies, and disputes over the conduct of insurance companies.

International Arbitration:

- This category encompasses disputes that are resolved through international arbitration, which is a private, alternative dispute resolution process that is often used to resolve cross-border commercial disputes.
- The cases in this category often involve issues such as the enforcement of arbitration agreements, the interpretation and application of international treaties and conventions, and the recognition and enforcement of arbitral awards.

Labour and employment Disputes:

- This category covers disputes that arise in the employment context, including disputes between employers and employees, as well as disputes between unions and employers.
- The cases in this category often involve issues such as wrongful dismissal, discrimination, harassment, wage and hour disputes, and disputes over the interpretation and enforcement of employment contracts and collective bargaining agreements.

Private client Disputes:

- This category encompasses disputes that involve the personal affairs of individuals, such as disputes over wills, trusts, estates, and family matters.
- The cases in this category often involve issues such as the interpretation and enforcement of wills and trusts, disputes over the distribution of assets, and disputes over the guardianship and care of vulnerable individuals.

Product recall and liability Disputes:

- This category covers a range of cases that arise from product defects, safety issues, and product recalls. This includes disputes between consumers and manufacturers/sellers over injuries or damages caused by defective products, as well as disputes between various parties in the supply chain (such as manufacturers, distributors, and retailers) over responsibility for product recalls and liability.
- These cases can also involve disputes over the scope and application of product liability laws and regulations, the disclosure of product risks, the adequacy of product warnings, and insurance coverage for product liability claims. They often require the assessment of complex technical and scientific evidence related to product design, manufacturing processes, and consumer use. They can raise important issues of corporate accountability, regulatory compliance, and the balance between consumer protection and business interests.

Shipping Disputes:

- This category covers disputes that arise in the context of the shipping and maritime industry, including disputes over the carriage of goods, charter parties, marine insurance, and maritime liens.
- The cases in this category often involve issues such as cargo damage, delays, and disputes over the interpretation and enforcement of shipping contracts and maritime regulations.

Tax Disputes:

- This category encompasses disputes between taxpayers and tax authorities, including disputes over the assessment and collection of taxes, as well as disputes over the interpretation and application of tax laws and regulations.
- The cases in this category often involve issues such as tax audits, tax assessments, tax refunds, and disputes over the legality and constitutionality of tax measures.

Technology, Data and Privacy Disputes:

- This category covers disputes that arise in the context of technology, data, and privacy, including disputes over the use, protection, and regulation of data, as well as disputes over the development, licensing, and use of technology.
- The cases in this category often involve issues such as data breaches, data privacy and protection, intellectual property disputes, and disputes over the interpretation and application of technology-related laws and regulations.

Trade and customs Disputes:

- This category covers a wide range of disputes related to the cross-border movement of goods, services, and capital. This includes disputes over the interpretation and application of international trade agreements, such as the rules of the World Trade Organization (WTO), regional trade pacts, and bilateral trade deals. It also encompasses disputes over the imposition of tariffs, quotas, anti-dumping duties, and other trade remedies by governments, as well as disputes related to customs valuation, classification, and the assessment of duties and taxes on imported goods. Additionally, this category covers disputes over non-tariff barriers to trade, such as regulatory requirements, licensing, and standards, as well as disputes related to subsidies, government procurement policies, and other trade-distorting measures. Finally, this category includes disputes over the protection of intellectual property rights in international trade.
- The cases in this category often involve complex legal and economic analysis, as well as the need to navigate the intersection of national sovereignty, international cooperation, and the ongoing liberalization of global trade.

White-Collar Crime:

- This category encompasses civil and criminal disputes that arise in the context of white-collar crimes, such as fraud, corruption, embezzlement, and money laundering.
- The cases in this category often involve issues such as the investigation and prosecution of white-collar crimes, the seizure and forfeiture of assets, the civil and criminal liability of individuals and organizations, and the enforcement of laws and regulations aimed at combating white-collar crime.