

DIS@Tokyo

Japanese and German Perspectives on Post M&A Disputes

14 March 2024, 2.30 – 4.30 pm
(GMT+9)

Tokyo Facilities for Arbitration Hearings (TFAH), Hearing Room (Room 14)
36F, Ark Mori Building,
1-12-32, Akasaka, Minato-ku,
Tokyo 107-6036, Japan

DIS

German Arbitration Institute

 Japan Association of Arbitrators



DIS@Tokyo: Japanese and German Perspectives on Post M&A Disputes

Arbitration is a popular choice for dispute resolution in Japanese-German cross-border corporate transactions. In Germany, it has become the common method of resolving post M&A disputes. Typical scenarios include disputes about contractual representations and warranties, purchase price adjustments, MAC (Material Adverse Change) clauses, earn-outs, escrowed funds, and statutory tort claims. Often legal and accounting questions are intertwined.

In a Japanese-German cross-border M&A deal, some common questions arise: Should I select arbitration? If so, what choices should I make in the arbitration clause? Is splitting the seat from the applicable substantive law a good compromise?

In this seminar, we will invite panelists who are active on the front line from both Japan and overseas, who will discuss typical challenges that arise from cross-border M&A transactions, and how they can be addressed in contract drafting, and whether those typical issues could be solved through arbitration

This seminar is open to non-members of the Japan Association of Arbitrators. Please note that you can only participate at the venue and not online.

Registration

Please send an email to the Secretariat of the Japan Association of Arbitrators (jaa-info@nichibenren.or.jp) and the person in charge of this seminar (takahashi@kojimalaw.jp) to inform them of your name, affiliation, contact details, and whether you are a member of the Japan Association of Arbitrators, by 13 March 2024. (Please add both two e-mail addresses above to the email.)

German Arbitration Institute (DIS)

Deutsche Institution für Schiedsgerichtsbarkeit e.V.

www.disarb.org

2.00 pm

Registration

2.30 pm

Welcome remarks

Hiroyuki Tezuka

Vice-President Japan Association of Arbitrators (JAA),

Partner at Nishimura & Asahi (Gaikokuho Kyodo Jigyo), Tokyo

2.35 pm

The German Arbitration Institute (DIS) and Post M&A Arbitration Proceedings – A Short Introduction

Rouven F. Bodenheimer

BODENHEIMER GBR, Berlin/Cologne

3.00 pm

Overview of Post M&A Arbitration in Japan

Lars Markert

Partner at Nishimura & Asahi (Gaikokuho Kyodo Jigyo), Tokyo

3.10 pm

Panel discussion

Rouven F. Bodenheimer

BODENHEIMER GBR, Berlin/Cologne

Hiroyuki Tezuka

Partner at Nishimura & Asahi (Gaikokuho Kyodo Jigyo), Tokyo

Lars Markert

Partner at Nishimura & Asahi (Gaikokuho Kyodo Jigyo), Tokyo

Moderator:

Aiko Hosokawa

Partner at OH-EBASHI LPC & PARTNERS, Tokyo

4.00 pm

Q&A session

4.20 pm

Closing remarks

Rouven F. Bodenheimer

BODENHEIMER GBR, Berlin/Cologne