

# Nordic Region

The Nordic region is a diverse market requiring perspective on a host of legal and regulatory issues. Pillsbury has a long standing history of advising Nordic clients on a variety of issues across its practice sectors. Pillsbury is uniquely capable of assisting global companies in handling global issues. With a focus and expertise on export controls, sanctions, foreign investment and international disputes, among other areas, Pillsbury's integrated team of practitioners assists clients in the Nordic region with navigating complex legal and regulatory questions.

Global businesses require global solutions. We help Nordic region clients navigate a variety of legal and regulatory hurdles in the United States and abroad.

The U.S. government implements and enforces multiple export control programs regulating transfers of both defense and "dual use" items. Pillsbury's highly regarded International Trade Group helps its clients answer complex questions concerning the export and licensing requirements presented. We also conduct internal investigations, prepare voluntary disclosures, and represent companies in OFAC enforcement actions, including negotiation of reduced civil penalties for violation of sanctions regulations. We further counsel clients seeking to acquire U.S. companies in the defense sector or other sensitive areas potentially raising national security questions. When advisable, we help companies proceed through a voluntary review before the Committee on Foreign Investment in the United States (CFIUS).

The firm's International Arbitration practice comprises lawyers who provide international perspectives to resolve disputes in global markets. As needed, we combine international arbitration with litigation and alternate dispute resolution processes such as mediation designed to secure an expeditious resolution of disputes to our client's benefit. Pillsbury's lawyers advise clients in international disputes before virtually every major international arbitration institution, ranging from the ICC, the ICDR and LCIA to ICSID.

We engage in a coordinated effort to counsel our Nordic region clients with a host of other legal issues, including those related to litigation, intellectual property, anti-corruption and other regulatory matters.

Our recent work in these areas include:

### Export Control

- Advised on TAA and strategic export planning and registration for Swedish satellite services company relating to plans in Europe and Australia, including preparation of an export compliance plan.
- Advised Nordic small satellite manufacturer with voluntary self-disclosure, services and support authorization, and de minimis calculation regarding satellite component.
- Assisted Swedish aircraft ground system manufacturer in obtaining export control classifications for its product.
- Designed and implemented export control internal compliance programs for domestic and multinational clients in the aviation, technology, satellite services and other industries.
- Took over day-to-day responsibility for all export control compliance functions associated with U.S. sourcing of a Swedish aerospace and defense firm when it unexpectedly lost its internal compliance personnel, including assuming primary responsibility for classifying products under the ITAR and EAR, obtaining product and technology licenses, reviewing license compliance, and auditing the company's global compliance structure, and streamlining its licensing process to reduce the average number of license applications from one per day to one every few weeks.
- Conducted internal investigation and designed a strategy of complementary licensing, export control classifications and voluntary disclosure filings to address the export of encryption software and potential prior violations.
- Utilized administrative procedures to appeal denial of license filing with BIS and the Department of Commerce.
- Obtained EAR99 classification ruling under recently revised encryption rules for network management software with encryption call functionality based on decontrol for operations, administration and maintenance.

### Sanctions

- Advised Finnish manufacturers on the impact of the JCPOA on U.S. and EU sanctions on Iran, including analysis of secondary sanctions.
- Provided guidance to Nordic companies on U.S. state sanctions on foreign companies with business activities in embargoed countries.
- Advised Nordic air carriers with compliance and licensing issues in connection with proposed travel services to Iran and Cuba.
- Counseled Nordic company on challenges related to screening sanctioned parties and assessing ownership and control issues. Our review included a comprehensive analysis under both U.S. and EU sanctions in determining whether an entity partially owned by several separately sanctioned parties was a restricted entity.

### International Investment in U.S. Sensitive Sectors

- Successfully advised a Nordic government-owned aerospace corporation based in Europe on the foreign ownership restrictions implicated by the Defense Security Service (DSS) and the Committee on Foreign Investment in the U.S. Extensive negotiations with DSS, CFIUS and the State Department were required to achieve a successful outcome. Assisted the company with the necessary Technology Control Plan and electronic communication plan and advised the client on an on-going basis regarding compliance with the Special Security Agreement with DSS. Worked with the company and a specialized board search firm to identify key board members to serve as outside directors.
- Assisted U.S. security screening company obtain CFIUS clearance in connection with potential foreign acquisition from a Swedish buyer. Advised company on compliance with related notifications to other U.S. agencies, including DSS.
- Advised Nordic automation company on the original 1988 Exon-Florio legislation.

### International Disputes

- Served as co-lead counsel on behalf of a Finnish corporation in an ICC arbitration and defended claims arising from the construction of a paper mill in western Canada.
- Acted as lead counsel to a Finnish company in an ICC arbitration concerning the design, procurement and installation of paper machine equipment at a paper mill in Michigan.
- Served as co-lead counsel on behalf of a Finnish corporation in an ICC arbitration with collateral proceedings and prosecuted claims concerning construction of a barge-based power stations in the Dominican Republic.
- Defended a Finnish company claims in an ICC proceeding concerning the design and manufacture of engines installed onboard fishing trawlers.
- Successfully represented a Finnish company in international arbitration dispute regarding state-of-the-art paper processing equipment, resulting in a final award to our client in excess of €10 million.
- Successfully defended a Finnish company in ICC tribunal against claims arising from the design, procurement and construction of a processing plant.
- Successfully defended a Finnish company in an ad hoc proceeding brought by an Iranian company related to earlier work performed in connection with the construction of off-shore drilling platforms.
- Served as lead counsel to a Finnish company in a Geneva Chamber of Commerce and Industry arbitration concerning the design and furnishing of equipment for a paper machine at a paper mill in Georgia.
- Defeated the claims against a Finnish company in an ICC proceeding arising from the design, procurement and construction of a panelboard facility in central China.
- Defended the Canadian and U.S. subsidiaries of a Finnish company in an ICC arbitration involving allegations that defects in the equipment supplied by our client resulted in damages in excess of US \$170 million.
- Achieved a favorable result in proceedings before the International Centre for Dispute Resolution defending claims against a Finnish equipment manufacturer regarding claims arising from claimed defects in connection with a utility plant in the Caribbean.
- Successfully defended a Finnish company in an ICC arbitration involving allegations that defects in the equipment supplied by our client resulted in damages in excess of \$40 million.

### Litigation

- Provided contract advice to Swedish construction and engineering company regarding large U.S.-based infrastructure projects, including rail and buildings. Defended company in construction dispute.
- Advised airline on litigation and European Union and U.S. arbitration matters.
- Represented airline on matters before the U.S. National Mediation Board.

### Intellectual Property

- Advised a Norway-based semiconductor company on various IP matters, including agreements that have IP-specific issues. Settled a contentious patent dispute with a well-known patent troll prior to litigation.
- Successfully defended a Sweden-based industrial machinery company in a patent infringement and trade secret jury trial where over \$270 million was sought.
- Achieved a successful result for a Swedish technology company relating to an intellectual property licensing dispute in a U.S.-based arbitration.
- Provided rocket fuel patent licensing advice to Sweden-based aerospace company.
- Provided trademark advice to Nordic airline.
- Assisted a Sweden-based company in licensing its patented rocket fuel to a large, rocket supplier based in the United States.

### FCPA

- Advised Norwegian company on drafting and implementing a global anti-corruption compliance program including the FCPA, UK Bribery Act and Norwegian anti-corruption laws.
- Counseled Finnish companies on FCPA best practices.

### Transactions

- Represented Swedish technology company in its acquisition of various operating businesses from a healthcare equipment during a pre-bankruptcy sale.
- Advised Swedish company on technology licenses with U.S. partners.

### Licensing and Regulatory

- Advised a Nordic airlines on commercial and licensing matters for starting and expanding United States operations.
- Provided tax advice to Nordic airlines relating to United States operations.
- Advised Nordic airlines on matters before the U.S. Department of Transportation, Federal Aviation Administration (FAA) and Transportation Security Administration.

### Inbound Real Estate Investment

- Advised a Swedish real estate company in its acquisition of four (4) development sites in Manhattan, formation of a joint venture with a New York based developer, and development, construction, financing and leasing of office buildings on each of the sites.
- Advised a Swedish real estate investor in an early-stage investment in a company in the real estate shared commercial space market.

### About Pillsbury

Pillsbury Winthrop Shaw Pittman LLP is an international law firm with a particular focus on the technology & media, energy, financial, and real estate & construction sectors. Recognized as one of the most innovative law firms by *Financial Times* and one of the top firms for client service by BTI Consulting, Pillsbury and its lawyers are highly regarded for their forward-thinking approach, their enthusiasm for collaborating across disciplines and their authoritative commercial awareness.

### Global Trade & Sanctions Law Blog

For news and insights on all issues related to international trade and sanctions activity, please visit our blog at [www.globaltradeandsanctionslaw.com](http://www.globaltradeandsanctionslaw.com)

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