



## SELECTED CONSULTATION GOALS

The experts at LOZANO Schindhelm are proficient in the entire spectrum of corporate law advice. In the sense of holistic consulting, we solve the tasks assigned to us quickly and efficiently in teams with colleagues from neighbouring departments and participating countries: Interdisciplinary and international.

### Advice in the start-up phase

- Advice on the choice of legal form
- Drafting clear and precise company and syndicate agreements
- Advice in connection with public law notification and approval requirements for the planned business activity

### General corporate law advice

- Legal advice on the implementation of corporate governance, in particular the drafting of rules of procedure for managing directors, management boards, supervisory boards and advisory boards
- Legal advice in connection with corporate actions
- Preparation and assistance in the conduct of annual general meetings
- Advising managing directors, board members and supervisory board members on liability issues
- Design and implementation of employee participation schemes
- Advice on restructuring measures such as mergers, demergers, contributions

- Advice on public sector spin-offs and privatisations
- Drafting clear and precise syndicate agreements
- Legal support in proceedings to review the exchange ratio in the event of a merger or the cash compensation in the event of the exclusion of minority shareholders
- Legal advice on the contestation of shareholders' resolutions

### Advice in crisis situations

- Legal advice on crisis management
- Restructuring advice and insolvency law advice

### Conflict resolution

- Conflict resolution between shareholders or between shareholders and corporate bodies
- Representation before state courts and national and international arbitration tribunals



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## YOU CAN RELY ON US

Real estate economic factor: Forward-looking and long-term planning is an essential factor in the real estate industry. We are your reliable partner who develops sustainable solutions for your property together with you.

Structures that minimise risks are the basis for successful real estate projects. Sound legal advice is essential, especially for a sustainable real estate industry. Real estate and construction law with all its facets is therefore one of the core competences of our advice. We accompany you throughout the entire life cycle of a property, starting with the structured acquisition, through planning and construction, including financing, to management and realisation.

We advise our clients on private land purchases as well as on the acquisition of commercial properties, the expansion of business locations, the implementation of new construction projects or the investment in real estate. Our guiding principle is: Advice should be as comprehensible as possible and always focus on the people behind the project.

In complex and international real estate transactions, we work in an interdisciplinary and cross-border manner. Experts from real estate and construction law, civil law, public procurement law and procedural law work hand in hand to find solutions that are precisely tailored to your needs.

Even if it is our aim to avoid conflicts from the outset by drafting the contract accordingly: Our advice does not end in the event of a dispute. We also accompany and advise you on dispute resolution and choose the appropriate way to resolve the conflict together with you.

Our clients are as diverse as the real estate industry itself. Industrial companies, architectural and engineering firms and project developers are among our clients, as are public institutions and private individuals.

### Three good reasons – what sets us apart:

**Your challenges are our day-to-day business.** Our lawyers combine the full range of skills required to successfully implement your strategic and operational objectives.

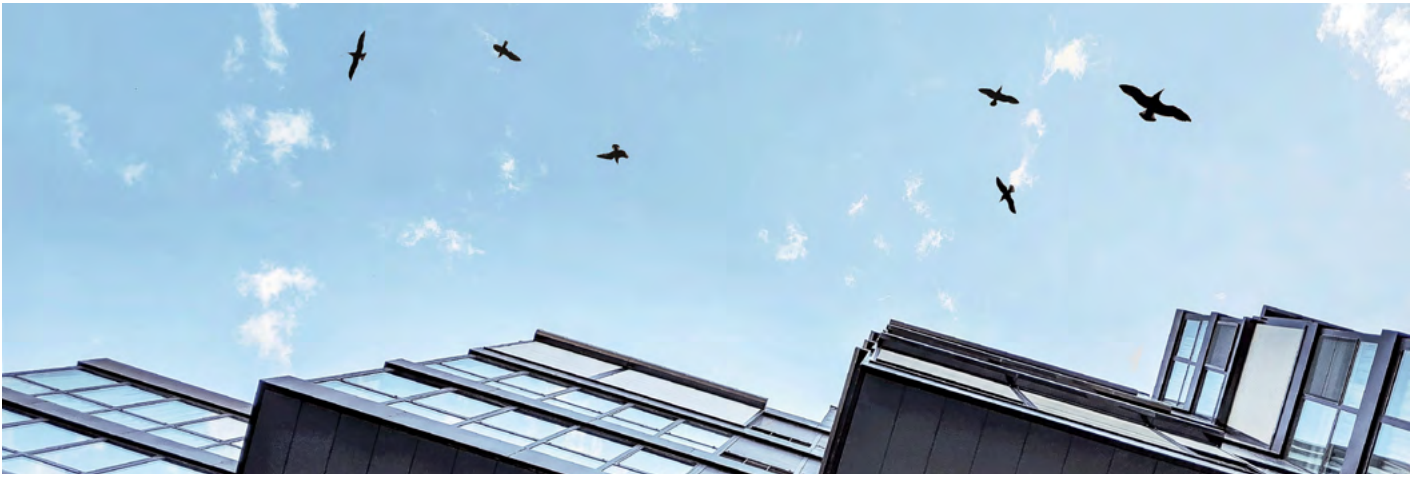
**We want to understand your business.**

And make every effort to really get to know you. Our goal is to build a long-term partnership and work closely with you – side by side with your management teams.

**Locally rooted, nationally and internationally networked.**

At our locations, lawyers are at work who know the legal and economic particularities on site and are at home in the respective cultures. As a team, we develop solutions for you that take you further. No matter whether on the national or international stage.





## SELECTED CONSULTATION GOALS

The only static thing in real estate is the property itself. Your individual interests and the real estate project with its specific risk structure are the focus of our advice. We take into account the respective special features and find the optimal solution for you.

### Analysis and structuring

- Advice on the acquisition and disposal of individual properties and real estate portfolios at home and abroad
- Advice on structuring (asset and share deals, sale & lease back transactions, real estate funds)
- Due diligence as a complete solution ("One Stop - One Shop")
- Private pension provision, gift and transfer agreements, early succession

### Development and utilisation

- Advice on project development and financing

- Establishment of condominium ownership, post-parcelling and property division, builder models
- Advice on all aspects of property law (tenancy and lease law)
- Construction, architect, general contractor and general contractor agreements
- Facility management contracts and advice on the management of properties, business parks, shopping and office centres

### Dispute resolution

- Representation before arbitral tribunals
- Judicial enforcement of real estate-related claims



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# INSOLVENCY AND RESTRUCTURING

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## WE SEE THE OPPORTUNITIES EVEN IN THE CRISIS

Entrepreneurial success is not a matter of course, but the result of numerous factors that cannot always be influenced by the entrepreneur. The existence of a crisis therefore does not necessarily mean an entrepreneurial failure. The only decisive factor is their rapid recognition and sustainable management.

We have many years of experience and expertise in managing and working through corporate crises as advisors to affected companies, insolvency administrators and advisors to creditors.

### **Advising companies in a crisis**

The primary objective is to ensure the sustainable existence of the company. We accompany all phases of restructuring from a legal perspective and work hand in hand with the auditors, tax advisors and management consultants involved. Crisis and insolvency place high demands on managing directors, boards of directors and supervisory boards as well as shareholders. Especially in insolvency-related situations, the personal liability risk increases. In the event of failure, there is a risk that, in the light of the subsequently better state of knowledge from an ex ante point of view, correct entrepreneurial decisions will be judged ex post to be in breach of due diligence and that liability claims will be derived from this. It takes a lot of experience to minimise the liability risk without losing sight of the goal of rehabilitation. In the event that the restructuring fails, the existing legal options must be used in the best possible way to achieve the restructuring goal. This can be done by discharging residual debt or by selling the company or parts of the company by way of a transferring reorganisation from insolvency.

### **Advice to creditors and contractual partners**

Creditors, especially suppliers and banks, are interested in the highest possible enforcement of their claims. Therefore, when entering into a business relationship, it is necessary to draw up a contract that also prevents the insolvency of the contractual partner. As a rule, security creditors are restricted in exercising their rights in insolvency proceedings. A continuation or at least the best possible realisation of the company is regularly also in the interest of the creditors. Our team has the necessary experience and tactical skills to achieve the best possible economic outcome for you as a creditor in negotiations or disputes with insolvency administrators. Insolvency may also have significant adverse effects on other contractual partners of the insolvency debtor, such as customers who are dependent on deliveries from the insolvency debtor or who have jointly undertaken with the insolvency debtor to provide work services to a third party (joint ventures).

### **Acquisition of companies from the crisis**

A company's crisis can open up opportunities for competitors and investors to take over. While the risk of successor liability is more or less excluded in the case of an acquisition out of insolvency, the acquisition outside of insolvency proceedings requires.





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Corporate restructuring is a complex cross-sectional task that can only be solved by interdisciplinary teams from the legal fields and countries involved.

### **Restructuring and reorganisation**

- Legal status analysis of the company in crisis
- Legal support in the preparation of reorganisation concepts and expert opinions
- Advising the management and other bodies in the performance of their special tasks and duties in the crisis
- Development of restructuring strategies, legal implementation of restructuring measures
- Legal guidance and support in the area of restructuring financing

### **Transferring restructuring**

- M&A transactions in crisis situations and out of insolvency (transferring reorganisation)

### **Insolvency-related advice**

- Legal support in the examination of insolvency and/or over-indebtedness
- Legal support in the preparation of continuation forecasts
- Preparation of the initiation and structuring of insolvency proceedings, drafting of the petition to open insolvency proceedings and ongoing legal support and representation as a party to the proceedings

### **Creditor advice**

- Advising and accompanying creditors or important contractual partners (customers, suppliers, financing banks) in the crisis or (impending) insolvency of a contractual partner



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## WE ARE ONE STEP AHEAD OF DEVELOPMENTS

Innovation is invaluable in today's globalised economy. It secures the market position and economic success of companies. This makes it all the more important to protect your company's innovations and intangible assets in the long term. The protection and defence of intellectual property and the secure design of IT systems have become an indispensable part of corporate risk management.

LOZANO Schindhelm's IP/IT team offers you the full range of IP and IT legal advice. We have made it our business to protect your rights and technologies and defend them in court so that your innovations are safe.

Technological developments, legislation and case law are continuously changing IP and IT law. We have our finger on the pulse for you, observe the developments and can give you predictive advice.

In doing so, we work closely with other business areas of our firm, for example in transactions, antitrust issues or employee inventions.

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## OUR EXPERTISE IN IP/IT LAW

Tailor-made and economically pragmatic solutions for your company are our top priority. This is how we adapt our team to your individual needs. For complex and cross-border projects, we work in interdisciplinary teams across locations and countries on the optimal solution for you.

Do you need legal advice on trademark law, utility model law or design law? We advise you on the registration and defence of your IP rights and thus secure the growth of your business. In the event of infringements of your IP rights, our IP/IT team will defend your rights immediately and comprehensively in and out of court. Our special expertise lies in the immediate obtaining of interim injunctions at trade fairs, also in the trade fair metropolises. In addition, we cooperate with law-enforcement agencies and customs to effectively combat violations of the law.

Are you being sued by a competitor for injunctive relief? We advise and represent you in connection with claims asserted against you by third parties. Where possible under national law, we seek to oppose the issuance of interim injunctions by depositing protective letters.

### **What about copyright protection for your products?**

Music, software, photographs, drawings, plans and texts are your personal intellectual creation and are subject to copyright protection. We advise you as early as the copyright emergence stage and ensure that you can provide priority evidence.

In the second step, we draft and negotiate contracts for you on the granting and transfer of copyright usage rights, in particular licence and cooperation agreements, and enforce your rights in the event of copyright infringements out of court or represent you in infringement proceedings in court. It goes without saying that we will support you in the pursuit of and defence against claims for injunctive relief and damages.

Our range of services in IT law includes the legally secure drafting of licence agreements of all kinds, software development agreements, delimitation and priority rights agreements, know-how agreements and legal advice on all issues relating to internet law, domain and e-commerce law and data protection.



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