



DISPUTES SETTLEMENT IN VIETNAM

Apolat Legal brings the most multi-dimensional,
risk-reducing and cost-effective solutions to each
dispute.



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WHO?

WE ARE

With a mission to provide the most excellent and optimal legal services to Clients, Apolat Legal participates in the dispute settlement process through negotiations, conciliation or proceedings at Courts and Arbitration. With a team of experienced lawyers who are also arbitrators at various Arbitration centers and won many complicated business cases, Apolat Legal is confident to be the Clients' reliable strategic partner in handling cases in all sectors.

The Clients of Apolat Legal are individuals, enterprises and organizations operating in Vietnam, as well as other countries all over the world such as: The United States, the United Kingdom, China, etc. Apolat Legal's Clients, do businesses in a wide range of sectors including high technology, hotel-restaurant services, telecommunications, consumer goods and retail, biological technology and healthcare, etc.

Apolat Legal, with the motto of being conscientious and minimizing risks to Clients, always tries our best to come up with the most optimal plans and solutions to resolve disputes economically, quickly and appropriately. Professionalism, combined with extensive expertise and multidisciplinary experience, has helped Apolat Legal create the position and build trust in both domestic and foreign Clients.

Apolat Legal has also been honored to receive numerous recognition and has many articles published by leading national and international organizations including: The Law Society of Asia and the Pacific (LawAsia, 1966), The Legal500, IP Link, IP Coster, Lexology, Global Trade Review (GTR), SaigonTimes, etc.

WHAT? WE DO !

As society is developing non-stop, civil and commercial transactions are getting more and more interconnected and complicated with the collaboration of multiple parties, making the legal rights and interests of such parties highly susceptible to violations, arguments and disputes. Selecting the appropriate dispute settlement solution is a critical factor in resolving conflicts and simultaneously minimizing damages to the partnership between parties, which helps to govern social relations in accordance with the law.

Through many years of working in the litigation field, we have found that the dispute settlement process is usually cumbersome, expensive, time-consuming and the parties are regretfully unaware of their legal rights. Therefore, in order to select the most optimal plan and exhaustively resolve disputes in a quick and effective way, the participation of lawyers as protectors of legal rights and interests plays a crucial role.



Represent to participate in pre-trial negotiations and conciliation.



Represent to participate in mediation in and out of the Court




Participate in civil proceedings to protect the legal rights and interests of Clients at the People's Courts (hereinafter referred to as "Court") or Commercial Arbitration (hereinafter referred to as "Arbitration").



Represent to participate in the judgement enforcement process to ensure the enforcement of judgments and decisions.

WHY? CHOOSE APOLAT LEGAL

Throughout the years, Apolat Legal never stops renovating ourselves and perfecting the settlement procedures to focus on developing and enhancing service quality based on 03 main pillars, including (i) **Personalizing**; (ii) **Specializing** and (iii) **Committed**.



Personalizing: Different Clients will have different requirements and targets depending on the specific circumstances of the case. Each case, then, will have various approaches with different procedures and possible solutions. With a personalized approach to each circumstance and each requirement of the Client, Apolat Legal can easily attain the essence of each case, come up with the appropriate solution and satisfy the Client's needs.

Committing: Apolat Legal deems the credibility, professionalism and empathy for our Clients the core factor to success in dispute settlement. Apolat Legal operates with the commitment to accompany our Clients to best protect their legal rights and interests.

Specializing: At Apolat Legal, specialized knowledge is a top priority. Each lawyer participating in the litigation process is carefully selected from our best team in the field to provide the Client with the best result. Moreover, our specialization and long-time operation have helped Apolat Legal acquire a team of experts with profound experience in assisting Clients in dispute settlement and this is also the key to Apolat Legal's success.

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We believe that, with the flexibility and professionalism of our services, Apolat Legal is the worthy place of Clients' trust when handling dispute cases.

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PROCEDURES

DISPUTE SETTLEMENT

01

Stage 1

**Pre-litigation
consultancy**

02

Stage 2

**Bargaining,
negotiation,
reconciliation**

03

Stage 3

**Acting in
Litigation
Proceedings**

04

Stage 4

Enforcement



Pre-litigation consultancy



Analyzing documents, collecting evidence, consulting, giving solutions and evaluating advantages, disadvantages which help the client choose the way to deal with the case.

This stage plays the role in completing documents, helps the Client to grasp his/her rights, executes works needed for the client's benefit in case the dispute cannot settle via mediation, and must attend a proceeding.

Bargaining, negotiation, reconciliation

02

Meeting with parties in the case, negotiating, bargaining about each party's ability to make mutual concessions to find out common solutions by applying and explaining the law to balance parties' benefit.

Apolat Legal always wants the case to be resolved at this stage to minimize expenses for the Client, avoid making conflicts worse leading to the break of the commercial relationship that can affect parties' reputation.

Acting in Litigation Proceedings



- **Settling the case at the court**

In this stage, Apolat Legal shall take actions at the highest level to protect Client's benefits, carry out every essential action to ensure the best result at the court.

Based on the case's specific circumstance, Client's ability and good faith of parties, Apolat Legal with our experience shall give litigation tactics at the court to get the most effective result and can be enforced in practice.

- **Settling the case through an arbitral procedure**

This procedure needs agility and deep knowledge in legal practices. Apolat Legal having a team of lawyers who are Arbitrators shall ensure the case will be resolved quickly, in accordance with Arbitral rules of domestic and foreign Arbitration centres.

Refer to a dispute settlement, Apolat Legal also encourages the Client to choose arbitration for resolving the dispute (if any) because Arbitration can explain the law thoroughly, understand the business environment of parties and have the necessary flexibility of a jurisdiction.

Enforcement

04

This is the stage that decides whether a judgement, an arbitral award shall be enforced in practice or not.

The judgement enforcement procedure needs participation in practice with the competent enforcement agency, verify assets of judgment debtors, closely monitoring the enforcement process to ensure the client's benefits.

NOTABLE CASES



Labor disputes:

Representing Employees to participate in the proceedings and successfully defended the interests of the Client in the case of "Claiming compensation for the damage caused by the illegal termination of the Labor Contract". The case ends with the result that the employer is forced to receive the employee back to work and compensate 13 months' salary in accordance with the Labor Contract.

Representing Employers to negotiate and advise on disciplinary action plans, termination of the Labor Contract in accordance with the law for employees causing damage to the asset, regularly violating regulations, company rules.

NOTABLE CASES



Commercial Contract disputes:

Representing a company to participate in the proceedings and successfully defending the interests of the Client in the case of "Dispute over Freight Transportation Contract " that came from the fault of the carrier for not ensuring the temperature of frozen seafood goods. The Client is compensated for all losses of goods, shipping fees, lawyer fees in the case.

Representing a company to successfully bargain and negotiate disputes occurring when performing the Purchase and Sale Contract because the partner delivered the goods with wrong quality and specification.

NOTABLE CASES



Real Estate disputes:

Representing the Client to participate in the proceedings in the case of "Dispute in the purchase and sale contract of a house to be formed in the future" due to the Investor's failure to comply with the construction schedule in the Contract and request a refund that the Client paid to the Investor, contract penalty and overdue interest etc.

Representing the Client to participate in the proceedings in the case of "Dispute of the right to use public space" at the apartment project. The case took place when the Apartment Investors often occupied common spaces such as gyms, community houses, etc. to renovate them into the site for rent. The case sparked a thorough inspection of the apartment project in the area.

NOTABLE CASES



Copyright/ Trademark infringement:

Representing the Client to participate in the proceedings in the case of "Requesting termination of the domain name use that infringes the ownership right of the trademark " for fashion items that cause loss of the Client's profits and business opportunities.

Representing the Client being a famous singer in Vietnam to participate in the proceedings and successfully defend his rights in a case of requesting payment for author on an online music streaming platform posted by users. The case laid the foundation for online music streaming platforms to start collecting royalties from listeners in Vietnam.

NOTABLE CASES



Inheritance disputes:

Representing the Client to participate in the negotiation and providing advice on legal provisions to resolve conflicts due to division of inheritance among family members.

Participating in the proceedings and successfully defending the interests of the Client in the case of "Division of inheritance" in which the inheritance is the shares in the Company left by their parents.

NOTABLE CASES



House/factory lease contract disputes:

Representing the Lessee who is a Garment Company with 100% Korean invested capital, to participate in the proceedings in the case of "Claiming compensation for the damage and return of the asset under the lease contract" in order to terminate the Factory Lease Contract prior to the due date due to the Coronavirus (COVID-19) impact. The Lessor did not allow to terminate the contract and occupied the Client's asset. The lawyers of Apolat Legal have succeeded in participating in the proceedings, asking the Lessor to return the Lessee's asset that the Lessor was holding, offering options to protect the asset that the Lessor was occupying and damaging.

Representing the Lessor to negotiate and request the Lessee to pay the rent and return the ground due to violation of the payment terms in the contract.

OUR TEAM



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