

The logo for moulislegal, featuring the word "moulislegal" in a lowercase, sans-serif font inside a white, rounded, teardrop-shaped container.

moulislegal

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# COMMERCIAL + INTERNATIONAL LEGAL ADVISORS

# ABOUT MOULIS LEGAL

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Moulis Legal is a progressive modern legal business handling commercial and international matters.

We are Australia-based **commercial+international** legal advisors. We are client-centric, fully committed, focused on success, and service-driven.

Our focus areas are:

- international trade and investment
- China investment
- dispute resolution
- energy and resources
- intellectual property
- government procurement
- corporate advisory
- sports law
- property acquisition and development

Moulis Legal has offices in Canberra, Brisbane and Melbourne.

## OUR MISSION STATEMENT

Our mission is to deliver legal services of the highest level on a personal basis. We deliver services with understanding and commitment to help our clients achieve the outcomes they want.

## OUR CULTURE

Moulis Legal is collegial and egalitarian in our work practices. We care for our work colleagues and our clients. We will always seek true value, reward merit and look to innovate.

## WE DELIVER ON PROJECTS

Moulis Legal takes care when accepting instructions. We ensure that we are able to effectively and directly commit our time and resources to represent our valued clients.

Accomplishing an objective requires definition, planning, implementation, collaboration, roll-out and completion. More detailed capabilities including project examples and testimonials are available on request.



# SERVICES

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## INTERNATIONAL TRADE AND INVESTMENT

Almost every modern business interacts with the international business community and foreign legal systems in some way, whether through importing products; selling goods and services overseas; investing into a new market; or seeking capital from foreign investors.

Moulis Legal is a truly international law firm that advises and represents businesses from Australia and globally on a range of cross-border commercial matters. Our lawyers have extensive experience and training in various legal jurisdictions and understand the unique challenges faced by businesses engaging in transactions, disputes and investments in foreign countries.

International investment – whether into Australia, or from Australia – requires strategic thinking, understanding of different jurisdictions, collaboration and contacts, and artful negotiation. We provide international investors with advice and representation on regulatory compliance, government policies and investment approvals in multiple countries and jurisdictions. We also provide specialised advice and representation for all kinds of international business transactions and activities – from business establishment and financing arrangements to commercial contracting and international dispute resolution.

International trade law is a multi-faceted discipline. Cross border trade in goods and services, and investment flows, are increasingly impacted upon by international legal agreements and the manner of their implementation. We regularly provide advice to clients on regulatory compliance, competition, subsidies and countervailing, anti-dumping, safeguard measures and quarantine. The depth of our experience is evident from

the steady and continuous representation of clients in trade matters by our principal Daniel Moulis over three decades of practice.

Our clients include major Australian companies and NGOs, large multinationals, foreign exporters and foreign governments and their agencies. We handle court and administrative review procedures in Australia and have also advised on matters in Argentina, Brazil, Luxembourg, the European Union, the United States and China.

## CHINA INVESTMENT

Foreign businesses operating in China that are not structured properly face significant risks – from increased taxation burdens and the inability to transfer profits; to critical delays in company registration and failing to protect intellectual property.

At Moulis Legal, we have the knowledge, skills, qualifications and experiences in Australia and China at a truly bi-lingual, bi-cultural and bi-jurisdictional level. Our people regularly advise Australian businesses on the structure and risk management strategies for investment into China, giving businesses a roadmap for the structure and steps for their investment. Our detailed and specific advice provides the answers sought by directors and management needing to understand the process and risks of their Chinese business investment.

Our people regularly address Australia-China trade conferences. They are also well known to Australian and Chinese government agencies and officials who are regularly in a dialogue with each other in two-way trade affairs. The width and depth of our resources have given us access to influential government officials and key government agencies in charge of Australia-China economic and trade relations for many years.



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## DISPUTE RESOLUTION

The careful and efficient management of disputes is critical to overcoming adversity and allowing a business to move forward. At Moulis Legal, we understand that disputes must be managed in a way that is commercially focused and business-centric.

Moulis Legal resolves disputes for our clients in many ways; through negotiation and compromise; legal proceedings in courts and through arbitration; and by developing extra-legal solutions relevant to our clients' needs.

Moulis Legal offers a range of services for our domestic and international clients. We provide comprehensive advice on legal options, and representation in a diverse range of forums and dispute resolution bodies, including domestic courts, specialist tribunals and arbitral tribunals in various jurisdictions. We also offer agency services in Australia for overseas law firms.



At Moulis Legal, the key dispute resolution services we offer our clients include:

- trade defence for international businesses facing unfair and anti-competitive conduct
- conducting formal legal proceedings in relation to various domestic and cross-border commercial and administrative law disputes
- managing and responding to regulatory investigations and prosecutions
- protecting and enforcing intellectual property rights in Australia and internationally
- alternative dispute resolution in cross-border commercial disputes

## ENERGY AND RESOURCES

Fluctuating demand; legislative and regulatory change; international investment; rising costs and shifting prices. The energy and resources sector is dynamic and increasingly internationally focused.

Moulis Legal's experienced energy and resources team provides commercially focused advice to industry leading companies across the energy and resources sector, including conventional and unconventional gas, utilities, oil, mining, resources and renewable energy. We advise and represent clients throughout the project lifecycle: from inception through to realisation, including investment, financing, exploration, commercialisation, production and sale. We help our energy and resources sector clients to trade and invest in resource commodities, and to protect and exploit their technologies and processes.

## INTELLECTUAL PROPERTY

Intellectual property and related rights are an important consideration for transactions in a range of industries and circumstances. At Moulis Legal we assist our clients to identify, protect and commercialise their valuable intellectual property rights in Australia and other jurisdictions of interest to them.

Our specialist ICT lawyers also have experience providing legal services on large scale government projects and advising developers looking to protect and commercialise the intellectual property in their products, apps or services.

Moulis Legal regularly advises on:

- intellectual property audits and strategy
- the full range of trade mark services from pre-filing advice, to filing applications, overcoming examiner objections and conducting opposition hearings
- enforcement, defence and recovery of intellectual property rights
- strategic alliances and joint ventures
- distribution agreements
- sale and hire contracts

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- franchising and licensing arrangements
  - telecommunications / broadcasting agreements and associated regulatory advice
  - regulatory matters including competition, privacy, cyber security, consumer contracts and trade-related issues
  - development, licensing, implementation, integration, support and maintenance of ICT systems

#### GOVERNMENT PROCUREMENT

Moulis Legal's government procurement team is based in Canberra, the home of most Australian Government departments and agencies. Moulis Legal is a legal service provider on the Australian Government legal services multi-use list and our team includes lawyers who have been in-house legal counsel at various government departments and agencies.

Government contracting requires lawyers who understand the application of Commonwealth Procurement Rules. Moulis Legal has experience developing contracts for a wide range of minor and major procurement activities for government. For private companies responding to a government tender, we can assist with preparing tender responses and negotiation of arrangements.

#### CORPORATE ADVISORY

The acquisition or disposal of a business, or entering into a new joint venture or corporate tie-up, is an important and strategic milestone for any company or organisation. At Moulis Legal we take the time to understand the business rationale for corporate transactions and then implement a solution that best achieves the desired outcomes. Our focus is to implement each transaction in a way that secures optimal value, and minimises ongoing risk.

Moulis Legal has extensive experience working on corporate transactions, nationally and internationally. We advise clients in various sectors, including resources, energy, media and technology, retail, brands, shipping, logistics and infrastructure. We advise on national and international mergers and acquisitions, incorporated

and unincorporated joint ventures and alliances, shareholder agreements and early stage and later stage fundraisings.

Moulis Legal's corporate team receives essential support from our competition, intellectual property, property, energy and resources, international trade and regulatory compliance lawyers. We also work closely with our clients' other advisers – in finance, accounting, and business – to ensure the best team outcome.

#### SPORTS AND EVENTS



Moulis Legal's experience and expertise in sports law covers professional football codes, Olympic sports and international sporting events. Our lawyers have held various positions within Australian sport's top governing bodies as well as in-house roles at the Australian Sports Commission, the Melbourne 2006 Commonwealth Games Corporation and the Melbourne Stopover of the Volvo Ocean Race.

Our lawyers act for a number of sporting organisations and event organisers and regularly advise on matters including intellectual property protection, drafting a range of commercial agreements, broadcasting and media, sport governance and disciplinary matters (including anti-doping).

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## PROPERTY ACQUISITION AND DEVELOPMENT

At Moulis Legal, we service national-level organisations seeking to secure income streams from landmark properties, or who are rolling out their property development or investment models, in both the ACT and Queensland. We also represent key tenants who deliver those income streams and need appropriate protection from the risks and costs associated with property, and financiers looking for safe returns that are properly investigated and documented.

We regularly advise on the acquisition and sale of commercial property, major leases, development approvals, construction contracts and their negotiation, and ownership structures. Our clients include landlords, tenants, investors, developers and occupiers.

Matters we have advised on include major town centre redevelopments, joint public/private venture development rights, major acquisitions and divestments of Commonwealth tenanted assets in the ACT, industrial property sales, aged care facility developments, divestments of Commonwealth owned properties, property ownership by trust funds, the take-out of contract rights for solar energy facilities, property ownership aspects of utility corridors, and the acquisition and operation of fuel depots.



# COVERAGE AND CLIENTS

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## COVERAGE

We have offices in Canberra, in close proximity to Federal Government officials, as well as in Brisbane and Melbourne.

In addition, Moulis Legal has a strong and extensive network of national and international advisors and specialists. We have a huge amount of matter experience, a deep network of professional contacts throughout the world, and a commercial and practical approach.

We are mobile in our approach to the delivery of our legal services, and flexible in our approach towards fees. And – most importantly - we have a demonstrated record of success for our clients.

We are frequently identified as the partner of choice by multinational companies, major international law firms and consultancies in projects involving their Australian activities.

Moulis Legal regularly partners with law firms in jurisdictions including China, the US, Europe, Japan, Canada, Korea, Brazil and South Africa and a number of our lawyers are qualified in multiple jurisdictions.



## CLIENTS

Moulis Legal represents many well-known corporations in their international and Australian legal affairs, including clients in the following sectors:

**Manufacturing**, ranging from international steel producers and distributors, producers of agricultural chemicals and minerals processing materials through to household consumer electronics manufacturers, with clients doing business or operating throughout Australia, Europe, the Middle East, Asia and the US

**Defence**, including one of Australia's largest defence contractors

**Real estate and property development**, including eminent Australian diversified property developers and hotel and shopping centre managers with global property portfolios

**Energy and natural resources**, including renewable energy and fossil fuel generators and distributors, junior mining explorers and mining services providers

**Government and industry associations**, including trade departments and agencies of foreign governments and industry associations for meat, canned food, minerals, steel, and textiles industries operating in Australia, Canada, Italy, and China

**Retail**, including Australian footwear, clothing and home textiles brand companies

**Financial services**, including major Australian and multinational investment banks and currency-related institutions

**Media**, including television, radio and print media as well as international news agencies

**Technology**, including videogame producers, tech start-ups and software and hardware developers

**Telecommunications**, including one of Australia's largest telecommunications service providers

## KEY PEOPLE



### DANIEL MOULIS

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Daniel Moulis is the founder and principal of Moulis Legal. He has a varied practice which typifies the commercial+international philosophy of the firm.

Daniel pioneered the study and practice of international trade law in Australia by private lawyers outside the public sector and academia. He has practiced for three decades across the full spectrum of cross-border business and trade regulation. This has included advice and representation in cross-border contractual and commercial matters, customs law, WTO trade “rules” and other WTO disciplines, free trade agreements, international investment and arbitration.

According to legal ranking agency Who’s Who Legal, Daniel is one of the most highly regarded international trade lawyers in the world, and the only lawyer outside the EU and the US to be ranked in its “top ten”. He has been called upon by the WTO as a Dispute Settlement Body panellist on five occasions: in Egypt –Steel Rebar; United States – Upland Cotton; Japan – DRAMS (Korea); Canada – Renewable Energy/Feed in Tariff Program; and United States – Tax Incentives for Large Carrier Aircraft.

Daniel has served clients in their international trade affairs across many industries, including the agricultural, building products, chemical, energy, food processing, footwear, medical, mining, paper, steel and retail goods industries. He has been particularly active in the fields of anti-dumping, countervailing, safeguard measures, quarantine and intellectual property rights. He has advised clients in relation to assistance measures, tariff classification/valuation, concession orders, effective transaction structuring, contract documentation for export/import, “country of origin” and border security.

In his domestic-based practice, Daniel has had long experience in private sector investment, property development and ownership, major contracts, and the commercial interface between government and business. Career highlights have included his role as legal counsel for the US corporation responsible for the Maralinga nuclear test site clean-up, the redevelopment of the Belconnen and Woden town centres in Canberra, and securing international landing rights for foreign airlines. His government interface practice has extended to regulatory impacts on investment, procurement, and asset sales, and the exercise of contractual and administrative law rights against adverse government action.

Daniel graduated from the University of Sydney in 1983. He worked within the Federal Attorney-General’s Department in his early career before joining Freehills (now Herbert Smith Freehills). He was a solicitor and then a partner in the Canberra and Sydney offices of that firm for 21 years before establishing Moulis Legal in 2005. Daniel is a director of Football Federation Australia. He has also served as company secretary of The Sixth Australian Masters Games; as Chair of the Trade and Customs Law Committee of the International Bar Association; as a seminar lecturer for the International Development Law Organisation; as a director of the Johnny Warren Football Foundation; and as a member of the Disciplinary Tribunal of Football Federation Australia.





### SHAUN CREIGHTON

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Shaun leads Moulis Legal's intellectual property and government procurement practice.

Consistent with our **commercial+international** philosophy, Shaun has assisted clients to identify, protect and commercialise their valuable intellectual property rights in Australia and internationally for over a decade.

He has acted for some of Australia's best known brands across a number of industries, including information communications and technology, biotechnology, broadcasting, health, sport and wine. He has helped clients protect and commercialise their brands by securing Australian and international trade mark rights (registration and defence) and certifying trade marks and shape trade marks. He has also drafted and negotiated commercial and IP rights agreements, including international distribution agreements, trade mark licences, content supply agreements, product supply agreements, sponsorship agreements, joint venture agreements and franchise agreements.

Shaun represents ICT companies in their B2B and B2C transactions. This includes end user licence agreements, teaming agreements such as re-seller agreements and strategic alliance arrangements, and consumer and privacy law compliance.

For start-up ventures, he is experienced in drafting founder agreements, securing IP rights in one or more jurisdictions, drafting terms of supply, and advising on regulatory compliance.

Shaun has extensive government procurement experience and expertise, especially in the ICT area, having been Senior Legal Counsel at Airservices Australia for more than eight years. In that capacity Shaun handled contracts for the supply, installation and maintenance of complex radar systems, telecommunications systems, software (including software as a service) and hardware. His strong working knowledge of the Commonwealth Procurement Rules is critical for representing the public and private sectors in major government-related transactions.

Shaun also adds to the sports law, governance and administration credentials of Moulis Legal, and counts many national sporting organisations, professional sporting teams, athletes and organisers of sporting events amongst his list of valued clients. He has been in-house legal counsel with the Australian Sports Commission, Melbourne 2006 Commonwealth Games Corporation and the Melbourne Stopover of the Volvo Ocean Race. Shaun is a former Director of Athletics Australia, the Canberra International Film Festival and the ACT Olympic Council. He was the President of the ACT Olympians Club from 2008 to 2012, has been a National Track & Field Selector since 2012, and is currently a Director of the Physical Activity Foundation.



### CHRISTOPHER HEWITT

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Christopher leads Moulis Legal's dispute resolution, petroleum and investment practices.

He works extensively in domestic and international dispute management, negotiation and resolution. Christopher leads a dynamic and energetic dispute resolution team that advises businesses from across Australia, Asia and globally on a range of commercial and investment disputes. Christopher is highly regarded in various forms of international alternative dispute resolution, including mediation and arbitration of cross-border disputes.

Christopher has acted for national and multinational businesses across a range of industries in complex disputes in courts and tribunals in Australia, across Asia and in southern Africa. He advocates for clients in relation to various commercial issues, including competition and consumer protection, joint venturing, franchising and contracting, intellectual property protection, investment and trade protection, and challenges to regulators and government bodies.

A specific part of Christopher's practice involves advising and representing Australian and international companies in relation to petroleum, energy and resources projects. This covers all project stages, from inception through to realisation, including investment, financing, exploration, commercialisation, production and trade, and dispute management.

He represents both domestic and overseas companies, including investors and operators from China, South-East Asia and Africa. Christopher is particularly focused on the representation of businesses within the Australian and international downstream petroleum industry on a range of matters, including sales, distribution, storage and terminaling, transport and international transactions.

Christopher also oversees advice to clients on in-bound investment, and on out-bound investment into China and elsewhere in Asia and Africa, in multiple business and industrial fields. Christopher's knowledge and experience in cross-border dispute management is highly valuable to the risk planning and mitigation for investors in higher risk countries.

Christopher is a regular speaker at national and international commercial and legal conferences. He is an active member of the Asia-Pacific Forum for International Arbitration, LAWASIA, AMPLA – the Resources and Energy Law Association – and a former executive committee member of the Australia China Business Council Queensland and the Dispute Resolution Committee of the ACT Law Society.



### ANDREW CLARK

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Andrew specialises in regulated and unregulated mergers and acquisitions, joint ventures and corporate finance.

In line with Moulis Legal's **commercial+international** philosophy, Andrew has extensive experience advising on corporate and commercial transactions throughout the world. Prior to joining Moulis Legal, Andrew was a partner in the London office of a leading international law firm and spent nine years advising on transactions throughout Europe, Asia and the US.

Andrew advises clients across a range of industry sectors including media and technology, natural resources, real estate, life sciences, shipping and logistics, infrastructure and financial services and is ideally situated to support clients on all aspects of corporate/commercial transactions from assisting with initial investigations, to planning, implementing and execution.

Andrew's experience advising on mergers and acquisitions includes acting on transactions for clients ranging from global software companies and private equity and commodities houses through to smaller transactions for start-ups and family operated businesses. Andrew also advises on new and existing joint ventures and partnerships, complex commercial arrangements and service agreements.

Having acted on matters including contractual partnerships, shareholder agreements, transitional service agreements and bespoke profit sharing arrangements, Andrew understands the importance of finding the right balance between fostering the commercial objectives of the venture and ensuring legal protections for his client.

Examples of Andrew's international experience includes advising state owned entities on various international joint ventures in Kazakhstan, advising funds managed by Invel Real Estate Partners on its €653 million purchase of a stake in National Bank of Greece's property holding entity and its acquisition of the prestigious Aphrodite Hills Hotel & Golf Resort in Cyprus, advising AIM listed SPDI on the sale of its logistics business in the Ukraine and advising a UK business backed by FPE Capital and Nova Capital to acquire a China based optical coating capabilities business and then the on sale of the whole group. The experience gained from working on transactions and with clients from around the world gives Andrew a unique insight into the cultural differences and jurisdictional anomalies that, if not taken into account, can often delay or frustrate an international transaction.



### ALISTAIR BRIDGES

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Alistair is an associate in the firm's international trade practice and advises a broad range of clients, including retailers, importers, exporters, manufacturers and some of the biggest and best-known companies in the world. He is a key resource for his clients in the handling of major trade, commercial, cross-border matters, and trade-related Federal Court litigation.

Alistair has significant experience in international trade law matters, including anti-dumping and countervailing investigations, safeguards investigations, customs valuations and classifications, sanctions compliance, complex domestic and cross-border commercial transactions and judicial review litigation. His strong skills in research, legislative interpretation, development of legal argumentation and strategy, legal drafting and his thorough understanding of the commercial, societal and political context in which his clients operate, allow him to provide thorough and nuanced advice.

In recognition of his experience, Alistair has been listed as an "associate to watch" in the International Law/WTO arena by Chambers & Partners in 2013, 2014, 2016 and 2017, and was noted as one of 21 outstanding young lawyers by the Australian newspaper in 2016. He is listed as a leading export control and sanctions expert by the Journal of Export Controls and Sanctions and is a member of the ACT Law Society's International Lawyers Committee.



### CHARLES ZHAN

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Charles is an associate with Moulis Legal. He performs a key role in Moulis Legal's international law practice, with focus on trade defence and cross-border transactions. Charles has dual Chinese and Australian legal qualifications and he is regularly the primary contact for Moulis Legal's international trade law matters.

Charles has represented major international companies operating in a range of industries, including in the agrichemical, aluminium, automobile, electrical, energy, engineering, glass, paper and steel sectors. He has hands-on experience in representing clients across various Asian and European countries, including acting on behalf of foreign governments in their trade law and policy relationship with Australia.

Charles regularly assists clients in a variety of trade defence matters, including anti-dumping and countervailing investigations and appeals, customs compliance, competition law, cross-border trade disputes, matters involving international investment, commercial transactions, and commercial and judicial review litigation. In addition to advising our international clients, Charles also advises on domestic competition law, property and litigation matters.



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