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LAW FIRM



*Not a game  
but strategy to win*



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There exists an opinion that one should consult a lawyer only in a crisis, or when there is no available alternative. But I do not agree with this. Our firm works to make sure that the crisis does not happen in the first place. Whichever service you require, be it legal preventive measures or effective crisis management, you will be in no doubt that choosing Volkov & Partners to work for you was the right decision.

We possess all the necessary resources to proficiently manage the entire spectrum of legal services, the call for which is growing in Ukraine for both local and international clients. Our range of expertise is broad, and includes not only the most 'common' fields of law (corporate or tax law, for example) but also certain rather more specialized ones such as natural resources and power engineering. Moreover, our capabilities are not limited to the representation of interests and legal support; we practice a creative approach to each specific task which you assign to us.

You may have found this page merely out of curiosity, or you may already be in need of our advice, consultation or assistance. In any case we will be pleased to become acquainted with you, and hope that our company will become not only a trusted assistant for you, but a reliable partner also.

**Yours faithfully  
Oleksiy Volkov,  
Managing partner**



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OUR PRACTICE

# Banking Law, Finance, Investments and Securities

It is acknowledged that the sphere of Finance is a territory in which there are increasing risks. Practically all financial transactions come with a great deal of legal nuances. Sometimes the success of the entire project depends on a detail which at first sight is insignificant. Our task is to avoid a crisis situation whenever possible, or to resolve it if it has already occurred.

## The main focuses of our legal assistance are:

- Investment agreements
- Investment projects
- Protection of investments
- Financial audits and due diligence of enterprises
- Mortgages and credit
- Securities market
- Factoring
- Leasing
- Project financing
- Financial restructuring
- Protection of the rights of creditors/debtors
- Taxation of operations with securities, financial and investment operations
- Representation in courts and state authorities

### Volkov & Partners Law Firm

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# Corporate Law

Corporate law is one of the keystones of any business. And this should be no surprise, as this field of law 'accompanies' any enterprise even prior to the moment of its incorporation, and after its termination. Therefore it is natural that the field of law which regulates such a broad range of legal relations is no less important, and requires the special attention both of business entities and of legal counselors.

The procedures of bankruptcy and reorganization of enterprises take a special place among the issues concerning regulation of enterprises' activities. In fact, bankruptcy has lately become rather a common phenomenon in the activity of business entities. It is not a secret that annually the courts initiate hundreds and even thousands of proceedings related to bankruptcy of enterprises in various fields. Thereby the interests of many people are affected: employees of an enterprise, creditors, debtors, of the state represented by its authorities etc. It is often the case that the interests of the abovementioned persons do not agree with one another and are even in conflict. In such circumstances prompt legal assistance to legal entities, and individuals involved in the bankruptcy procedure at any stage, becomes especially urgent, including the rearrangement of enterprises.

## The main focuses of our legal assistance are:

- Representation in courts, creditor's committees and state authorities
- Estimation of demands to the debtor
- Consulting on the carrying out of business transactions with the assets of enterprises which are undergoing bankruptcy procedures
- Agreements on transfers of a legal claim during the bankruptcy procedure
- Taxation of the enterprise that is undergoing a bankruptcy procedure
- Legal support of corporate clients' activities
- Reorganization of enterprises (mergers and acquisitions)
- Registration and liquidation of enterprises
- Corporate finance
- Due diligence
- Transactions
- Security
- Foreign economic activity
- Settlement of corporate conflicts
- Protection of commercial secrets

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# Protection of Economic Competition and Antimonopoly Control

Under the conditions of the market-oriented economy and competitive environment, the rules relating to monopolism restriction, formation of fair competition and application of the most efficient methods of competitive activity become more and more important. Because it includes economic and social aspects in addition to purely legal ones, this field of practice will require special attention. However, with timely legal consultation or assistance, a solution can be found to any situation.

## The main focuses of our legal assistance are:

- Due diligence
- Consulting on legal issues of protection of economic competition, including but not limited to the following issues:
  - market research
  - mergers and acquisitions
  - rendering state assistance
  - the foundation and managing of joint ventures
  - violations of the law on protection of economic competition
  - harmonization of the provisions of the national law within the standards of WTO, EU, etc.
- Drafting documents and obtaining approvals from the bodies of the Antimonopoly Committee of Ukraine for:
  - economic concentration
  - concerted actions
- Representation:
  - in the bodies of the Antimonopoly Committee of Ukraine, on issues surrounding the granting of a permit for economic concentration and concerted actions, and on issues of violation of the legislation on protection of economic competition (misuse of a monopoly position, presenting inadequate information, commitment of anti-competition concerted actions etc.)
  - in courts in disputes that involve bodies of the Antimonopoly Committee of Ukraine
  - in other state authorities
- Legal support of transactions that violate the law on protection of economic competition



# Tax Law

Optimization of taxation is one of the principal components of the financial and legal planning of activities for any business entity. In spite of its public character, the sphere substantially influences the private interests of business entities. Moreover this area is the subject of particular attention by state control authorities. Consequently, the foreground is taken by the necessity to search for a compromise and support/renovate the balance between the conflicting interests of the state and the business entity. In this sphere one should not overestimate the role of a law firm as your legal counselor.

## The main focuses of our legal assistance are:

- Tax planning
- Taxation (optimization and minimization)
- Tax audits
- Taxation of financial/banking operations
- Taxation of investment activity
- Indirect taxes
- Taxation of export/import transactions
- Excise and other duties
- Compulsory payments which arise from labor relations
- Tax disputes



# Land Law, Real Estate, Privatization

Lately the prices of real estate and land have been increasing almost every minute, which naturally makes this branch most attractive for investing money both by individuals and by legal entities. However this market nowadays contains many risks, due to deficiencies in the legislation and the quite specific 'rules of the game'. In addition to this, one should take into account the time period and procedure to file the required documents, for instance to obtain a construction permit.

Moreover, this branch is the focus of attention by non-specialists due to a simple reason: how many people do you know who are not interested in the conditions - and where - they live? The relevance of land law to the layman frequently results in social conflicts and court proceedings involving residents of a specific district on one side, and builders/state authorities on the other. It is quite clear that in such a situation both parties need adequate and qualified legal advice.

## The main focuses of our legal assistance are:

- Consulting on issues as follows:
  - obtaining the ownership rights of incompleted constructions
  - entering into transactions concerning real estate/land plots including but not limited to agreements of:
    - mortgages
    - pledges
    - leases
    - purchases/sales
  - legal regulation of constructions
  - privatization of housing stock, non-residential premises, land plots
  - obtaining licenses for real estate/land plots
- Representation in courts and state authorities concerning the:
  - conversion of real estate objects from housing stock into non-residential premises
  - participation in tenders on privatization of real estate objects





# Intellectual Property Law

Lately the popularity and value of immaterial assets have been continuously increasing. The main reason for this is the specific character of objects of the immaterial world. Firstly, their performance is the result of a creative process. Secondly, due to its paramount 'immateriality', protection of the rights of the authors of the above objects has its own specific character. And thirdly the value of such objects has a different nature among other property values, and it is difficult to appraise their real cost. The above factors cause numerous peculiarities of legal regulation in this sphere.

## The main focuses of our legal assistance are:

- Obtaining protection documents
- Protection of:
  - copyright and adjacent rights
  - rights of trade marks, trade names, trade symbols, service marks, goods origin signs
  - rights of inventions, utility models, industrial designs
  - rights of domain names
  - rights of commercial secrets
  - personal data
  - intellectual property rights within the World Wide Web
  - businesses against unfair competition
- Use of objects of intellectual property rights in advertising
- Drafting and concluding agreements on the disposition of property rights
- Consulting on issues of taxation of operations, relating to the use of objects of the intellectual property right
- Concluding of franchise/commercial concession agreements
- Representation in courts and other state authorities



# Family and Inheritance Law

One could say that these two fields of law are the most 'private', as they involve rights, duties and emotions. Of course when passions run high it is extremely difficult to decide the best way to protect the violated rights and interests without qualified legal assistance. On the other hand, both inheritance and family law are comprehensive, and therefore complicated to understand for those who do not practice law themselves. Therefore legal assistance becomes necessary and indispensable.

## The main focuses of our legal assistance are:

- Consulting on the legal aspects of:
  - custody and care
  - the rights of parents and children
- Consulting on issues of family law:
  - drafting marriage contracts
  - testamentation
- Consulting on inheritance law issues:
  - inheritance taxation
  - registration of inheritance rights
- Disputes over inheritance
- Cases of divorce/severance
- Representation in courts and other state authorities



# Insurance Law

Last years insurance, in legal and social terms, incessantly complicates our lives. The peculiarity of legal relations in the sphere of insurance lies in the essence of insurance, as a way to provide guarantees to people on the one hand, and as a way of making money on the other. You should be aware that presently in the sphere of insurance there are more questions than answers. This is due to deficiencies in the legislative regulation of insurance activities. In addition to this you should remember that the insurance issues are comprehensive, and touch upon many legal aspects of various fields.

## The main focuses of our legal assistance are:

- Legal regulation of insurance activity
- Legal aspects of the insurance of financial risks
- Conclusion of insurance agreements
- Taxation of the operations of insurance entities
- Financial operations of insurance entities
- Corporate law of insurance entities
- Representation in courts and other state authorities



# Telecommunications

The development of advanced technologies has literally changed the world, and still continues to change it. Nowadays telecommunication businesses make surplus profits, and therefore at some point many businessmen decide to try their good luck in this sphere. At the same time telecommunications are the subject of particular attention by the state. Legal acts which regulate relations in the sphere of telecommunications are specific in their legal nature, and are constantly developing and changing. It is natural that only lawyers directly engaged in this sphere can follow all the changes. You can be assured that such lawyers work in our company.

## The main focuses of our legal assistance are:

- Rights of intellectual property in the sphere of telecommunications
- Licensing business activity in the sphere of telecommunications
- Participation in competitions/tenders
- Taxation of telecommunication enterprises
- Consulting on issues of electronic business and contracts
- Consulting on telecommunication law issues
- Sale/Purchase of telecommunication systems
- Cables
- Radio frequencies
- Representation in courts and other state authorities



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# Litigation, International Arbitration

When conducting business activities, conflicts arising from contrasting views on certain situations or interests can occur between business entities, or between business entities and state authorities. Such situations will logically result in the search for a way to settle these disputes. Presently, the most common way is to file the dispute in a court, or to go through arbitration. Lately some attempts have been made to find alternative settlements of legal disputes. Each way is specified by rules which, if ignored, may result in the case being lost, even if you are in the right. Our lawyers possess a profound knowledge about how to conduct matters with various authorities and organizations, and will represent your interests to the best of their abilities.

## The main focuses of our legal assistance are:

- Analysis and planning while the case is being considered
- Labor disputes
- Insurance and reinsurance disputes
- Protection of ownership rights
- Protection of intellectual property rights
- Disputes on contractual relations
- Disputes on non-contractual relations
- Disputes on the protection of consumers' rights
- Disputes on legal relations of trust property
- Tax disputes
- Maritime arbitration
- Rendering services, related to handling cases in courts and arbitration bodies, both permanent and ad hoc
- Representation in the international arbitration bodies, both permanent and ad hoc
- Handling cases in the European Court of Human Rights
- Alternative methods of dispute settlement (mediation or adjudication)

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# Commercial Law, Foreign Economic Activity

Lex mercatoria is one of the most ancient fields of law, which explains the great deal of peculiarities to be found within it. Commercial law has protected and applied each of its customs up till the present day and the field itself, notwithstanding its 'flexibility', remains somewhat conservative. As one of the most dynamic branches operating in many jurisdictions it affects complex legal issues, first of all those which relate to the construction and application of the law of foreign states. A separate aspect of the commercial law is, first of all, the foreign economic activity that has not yet been adequately regulated in Ukraine.

## The main focuses of our legal assistance are:

- Legal consulting on:
  - conducting of anti-dumping investigations
  - conclusion of trade contracts
  - conclusion of foreign economic agreements
  - application of foreign law in Ukraine
  - activity of international trade organizations
  - legal regulation of trade liberalization, and implementation of foreign economic activity
  - electronic trade/commerce
  - legal support of tenders/state purchases
- Representation in:
  - courts and other state authorities
  - foreign judicial institutions and international organizations
- Consulting on commercial law issues and legal regulation of foreign economic activity



# Transport and Customs Law

At this time of globalization in commercial and economic relations the means for connecting contractors located in various corners of the world is gaining and especial importance. Moreover, much attention is paid to the procedure and conditions for crossing the state customs border. These issues are regulated by transport and customs law. These two branches of law, and especially transport law, are distinguished by various legal nuances, starting with the conclusion of an agreement and taxation issues, and finishing with the performance of the agreement. In the litigations with the customs as a party, various procedures, adjustments and even legal conflicts may drag on for years irrespective of the performance of the agreement by the parties thereto. Each of the above factors makes these branches of law all the more important for the regular 'connection' of business relations.

## The main focuses of our legal assistance are:

- Consulting on customs law issues
- Representation in front of customs authorities
- Customs fees
- Customs clearance
- Consulting on maritime law
- Consulting on aviation law
- Consulting on road transportation law
- Consulting on railway transportation law
- Taxation of transport enterprises
- Drafting and concluding agreements of:
  - Freightage
  - Transportation
  - Forwarding
  - Storage
  - Storekeeping
- Representation in courts, other state authorities, international judicial/arbitration institutions



# Employment Law

Nowadays, the 'culture of labor' maintains on a low profile at many enterprises. Both employers and employees can be guilty of this. Mutual misunderstanding, or unwillingness to take into account the interests of the other party, results in a series of employment disputes. Such disputes do also involve third parties – relevant state authorities, upon which such disputes gain more publicity. Any dispute in which a human being plays a key part is more difficult to settle, because when asserting a purely legal point of view one should also remember the moral side of the case.

## The main focuses of our legal assistance are:

- Consulting on issues concerning the application of national labor law
- Registration of non-resident employees and the obtaining of permits for their employment
- Drafting and concluding labor agreements/contracts
- Labor disputes: termination, transfer, employment, indemnity of damage caused by an employee, reimbursement for forced non-attendance, reimbursement of costs caused by an industrial accident, etc.
- Legal aspects of pension guarantees
- Consulting on social insurance
- Legal aspects of migration law
- Training programs for staff
- Legal aspects of discrimination
- Representation in courts and other state authorities





# Energy and Natural Resources

Energy and natural resources is the subject of special regulation and control by state authorities. To start working with such objects (or merely to invest in them) it is necessary first to obtain a number of licenses which, even once received, will not prevent claims being initiated by the state in the future. And, from the other viewpoint, the state itself often needs protection against the unfair actions of economic entities.

## The main focuses of our legal assistance are:

- Licensing of special types of business activity in the sphere of power engineering, production and usage of natural resources
- Consulting on issues of national law relating to the procedure of the production and use of natural resources
- Consulting on the legal aspects of trade of energy sources
- Taxation of enterprises within the fuel and energy industry
- Consulting on legal issues concerning environmental protection
- State order for the development of particular objects in the fuel and energy industry
- Representation in courts and other state authorities



## Oleksiy M. Volkov

Managing Partner, Attorney at Law

<b>Practice areas</b>	Corporate Law, Commercial Law, Foreign Investments Protection & Litigation, Natural Resources, IT/Telecommunications, Finance & Investments, Real Estate & Privatization, Mergers & Acquisitions, Product Liability
<b>Education</b>	International Law School of Kyiv State University (1987), master degree  International Law Institute, Washington D.C. (04/1991 – 06/1991)
<b>Internship</b>	Welborn Dufford Brown and Tooley, PC, Denver Colorado (06/1991 – 12/1991)
<b>Year of admission</b>	1987
<b>Experience</b>	Vasil Kisil & Partners Law Firm, Kyiv (05/1992 – 02/2005), partner, managing partner, attorney at law  Yurvneshservice Law Firm, Kyiv (01/1991 – 05/1992), legal adviser  Electron Production Amalgamation, Sumy (1987 – 1991), senior legal adviser, director of foreign trade firm
<b>Languages</b>	English, Russian, Ukrainian
<b>E-mail</b>	volkov@volkovpartners.com



## Andrey L. Karnaukhov

Partner, Attorney at Law

### Practice areas

Corporate Law, Litigation, International Arbitration, Competition and Antitrust, Land Law, Real Estate, Privatization, Capital Construction, Contract Law

### Education

Law School of Kyiv State University (1994), master degree

### Year of admission

2000

### Experience

Vasil Kisil & Partners Law Firm, Kyiv (06/2000 – 02/2005), lawyer, attorney at law

McDonald's Ukraine Ltd, Kyiv (02/1997 – 06/2000), legal adviser

Duncan-Kiev LLC, Kyiv (02/1995 – 01/1997), legal adviser

Horda Ltd, Kyiv (07/1994 – 11/1994), legal adviser

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