

ENFORCEMENT OF FOREIGN JUDGMENTS

Iran



Enforcement of Foreign Judgments

Consulting editors

Elliot Friedman, David Livshiz, Christian Vandergeest

Freshfields Bruckhaus Deringer

Quick reference guide enabling side-by-side comparison of local insights into relevant treaties, conventions and other sources of law; limitation periods; types of enforceable order; competent courts; separation of recognition and enforcement; opposition; jurisdiction of the foreign court; awards and security for appeals; enforcement and pitfalls; and recent trends.

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Contributors

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Youssef Ghassemi
y.ghassemi@dadflamingo.com
Dadflamingo



Sanaz Hosseini Kolahi
s.hosseini@dadflamingo.com
Dadflamingo



Kourosh Majdzadeh
k.majdzadeh@dadflamingo.com
Dadflamingo



Amirhossein Javan
javan@dadflamingo.com
Dadflamingo



LEGISLATION

Treaties

Is your country party to any bilateral or multilateral treaties for the reciprocal recognition and enforcement of foreign judgments? What is the country's approach to entering into these treaties, and what, if any, amendments or reservations has your country made to such treaties?

Iran is party to several bilateral treaties with various countries for the reciprocal recognition and enforcement of foreign judgments, commonly referred to as the Treaties for Legal and Judicial Assistance. The list of countries includes, among others, the United Arab Emirates, Turkey, Azerbaijan, Tunisia, Kyrgyzstan, Iraq and India.

According to article 171 of the Law on Enforcement of Civil Judgments 1977, in case of any conflict between the general rules on recognition and enforcement of a foreign judgment with the bilateral or multilateral treaties, the provisions of the treaty will prevail.

In general terms, Iran demonstrates openness towards signing and ratifying treaties that provide for reciprocal recognition and enforcement of foreign judgments.

Law stated - 01 August 2023

Intra-state variations

Is there uniformity in the law on the enforcement of foreign judgments among different jurisdictions within the country?

Yes, Iran maintains a unified and consistent legislative and jurisdictional system applicable to all provinces. As a result, there is uniformity and consistency in the laws governing the recognition and enforcement of foreign judgments throughout the country.

Law stated - 01 August 2023

Sources of law

What are the sources of law regarding the enforcement of foreign judgments?

In Iran, the sources of law regarding the enforcement of foreign judgments are as follows:

- The Civil Code of Iran 1928 (as subsequently amended): the Civil Code contains relevant provisions in articles 972, 974, and 1295 that address the recognition and enforcement of foreign judgments. Article 972 stipulates that foreign court judgments and official documents recognised as enforceable in a foreign country cannot be given effect in Iran unless an order (by a competent court) is issued in accordance with Iranian law. Article 974 requires compliance with international treaties or specific laws for a foreign judgment to be enforceable in Iran. Article 1295 states that documents drawn up in foreign countries will be given the same effect as they possess under the laws of the country where they were issued, subject to certain requirements specified in the article.
- Iran's Law on Enforcement of Civil Judgments 1977: Chapter 9 (articles 169 to 179), titled 'Binding Judgments and Documents of Foreign Countries', sets out the essential requirements and conditions for recognising and enforcing foreign judgments in Iran. It outlines the legal procedures and processes involved in enforcing and recognising foreign court decisions within the Iranian legal framework.
- Bilateral Treaties of Legal and Judicial Assistance: in addition to other sources of law, Iran has signed bilateral treaties with specific countries that establish rules and procedures for the recognition and enforcement of foreign

judgments. These treaties provide a framework for cooperation and legal assistance between Iran and the signatory countries.

- Iranian Judiciary's interpretations: the interpretations and decisions of the Iranian Judiciary, particularly the Supreme Court, play a significant role in shaping the legal framework for enforcing foreign judgments. The Judiciary's rulings and precedents help clarify the application of laws and procedures related to the recognition and enforcement of foreign judgments in Iran.

Law stated - 01 August 2023

Hague Convention requirements

To the extent the enforcing country is a signatory of the Hague Convention on Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters, will the court require strict compliance with its provisions before recognising a foreign judgment?

Iran is not a party or signatory to the Hague Convention.

Law stated - 01 August 2023

BRINGING A CLAIM FOR ENFORCEMENT

Limitation periods

What is the limitation period for enforcement of a foreign judgment? When does it commence to run? In what circumstances would the enforcing court consider the statute of limitations of the foreign jurisdiction?

There is no specific provision on a statute of limitations for enforcing foreign judgments under Iranian law. As a general rule, the Guardian Council of the Constitution, in its Directive No. 7,357, ruled that imposing a limitation of period on bringing a claim is considered contrary to principles of shariah. However, Directive No. 7,357, was later declared by the Council to not apply to foreign persons from jurisdictions where statutes of limitations are accepted. Therefore, if the statute of limitations is provided for by the law of the country issuing the judgment, it will be implemented by Iranian courts according to the provisions of the respective jurisdiction.

Law stated - 01 August 2023

Types of enforceable order

Which remedies ordered by a foreign court are enforceable in your jurisdiction?

The enforceability of remedies ordered by a foreign court in Iran depends on several factors and specific circumstances. Monetary awards are generally recognised and enforceable in Iran if they meet the required conditions for recognition and enforcement (eg, reciprocity between countries, non-contradiction to public order and moral principles, finality of judgment).

Unless provided for under bilateral or multilateral treaties, interim and permanent injunctions issued by a foreign court are generally not directly enforceable in Iran. To enforce such remedies, a party would need to initiate a new legal action in Iran seeking the issuance of a similar injunction from an Iranian court.

Law stated - 01 August 2023

Competent courts

Must cases seeking enforcement of foreign judgments be brought in a particular court?

Cases seeking recognition or enforcement are usually brought before courts located at the domicile or residence of the defendant (judgment debtor) in Iran. However, depending on the specific subject matter and type of case involved (eg, commercial disputes, family matters), certain specialised courts might have jurisdiction over enforcing foreign judgments.

Law stated - 01 August 2023

Separation of recognition and enforcement

To what extent is the process for obtaining judicial recognition of a foreign judgment separate from the process for enforcement?

The process for obtaining judicial recognition of a foreign judgment is generally considered as separate from the enforcement stage under Iranian law.

Before enforcing a foreign judgment in Iran, it must first be recognised by the competent Iranian court. Recognition involves verifying whether specific conditions are met before granting enforcement (eg, reciprocity between countries concerning recognition and enforcement of judgments, jurisdiction of the foreign court, finality of judgment, non-contradiction to public order or moral principles in Iran). This phase primarily focuses on procedural aspects and ensures that due process has been observed during litigation abroad.

Once a foreign judgment has been recognised by an Iranian court, the court will review the judgment and, if it meets the necessary requirements, initiate the enforcement process, which may involve asset seizure, sale, or other measures to satisfy the judgment debt.

Law stated - 01 August 2023

OPPOSITION

Defences

Can a defendant raise merits-based defences to liability or to the scope of the award entered in the foreign jurisdiction, or is the defendant limited to more narrow grounds for challenging a foreign judgment?

Under Iranian laws governing the recognition and enforcement of foreign judgments, defendants are generally limited to narrow grounds for challenging a foreign judgment. Iranian courts usually do not review foreign judgments on their merits when enforcing them; instead, they focus on verifying whether specific conditions are met before granting enforcement. These conditions, according to article 169 of the Law on Enforcement of Civil Judgments 1977, typically include:

- reciprocity between Iran and the country where the foreign judgment was issued concerning recognition and enforcement of judgments;
- jurisdiction of the foreign court over the dispute with respect to which the judgment is issued;
- finality of judgment (it must be final and conclusive under the laws of its originating country);
- conformity with public order or moral principles in Iran;

- no conflicts with mandatory jurisdiction of Iranian courts;
- an enforcement order for judgment has been issued by the competent authority of the foreign issuing country; and
- the subject matter of judgment should not be an immovable property in Iran.

In practice, this means that defendants under Iranian law cannot raise merits-based defences to liability or scope during proceedings related to recognising or enforcing decisions rendered abroad per the criteria above – rather they must focus primarily upon procedural aspects surrounding dispute resolution processes within respective jurisdictions.

Law stated - 01 August 2023

Injunctive relief

May a party obtain injunctive relief to prevent foreign judgment enforcement proceedings in your jurisdiction?

In Iran, obtaining injunctive relief to prevent foreign judgment enforcement proceedings is generally subject to the same regulations applicable in case of a domestic judgment as per article 179 of the Law on Enforcement of Civil Judgments 1977. Some of the main instances for which a party may seek an injunctive relief from the competent court include the demise of the judgment debtor, a third party claim with respect to propriety rights over an asset subject to enforcement or a third-party possession of the enforceable asset.

Law stated - 01 August 2023

REQUIREMENTS FOR RECOGNITION

Basic requirements for recognition

What are the basic mandatory requirements for recognition of a foreign judgment?

The basic mandatory requirements for recognition of a foreign judgment in Iran are those set forth under article 169 of the Law on Enforcement of Civil Judgments 1977. Additionally, the party seeking recognition must provide the necessary legal documentation, including a certified copy of the foreign judgment, an official translation into Persian and any other relevant supporting documents as may be required under the respective bilateral treaty.

Law stated - 01 August 2023

Other factors

May other non-mandatory factors for recognition of a foreign judgment be considered and, if so, what factors?

There are no non-mandatory factors for recognition of a foreign judgment under Iranian law. Provided that all the basic mandatory requirements have been met, Iranian courts in practice will proceed with recognition of the foreign judgment.

Law stated - 01 August 2023

Procedural equivalence

Is there a requirement that the judicial proceedings where the judgment was entered correspond to due process in your jurisdiction and, if so, how is that requirement evaluated?

There is no explicit regulation under Iranian law requiring that the judicial proceedings where the judgment was rendered shall correspond to due process in Iran.

Law stated - 01 August 2023

JURISDICTION OF THE FOREIGN COURT

Personal jurisdiction

Will the enforcing court examine whether the court where the judgment was entered had personal jurisdiction over the defendant and, if so, how is that requirement met?

The concept of personal jurisdiction in civil judgments is not recognised under Iranian law, thus the enforcing court will not examine whether the court where the judgment was entered had personal jurisdiction over the defendant.

Law stated - 01 August 2023

Subject-matter jurisdiction

Will the enforcing court examine whether the court where the judgment was entered had subject-matter jurisdiction over the controversy and, if so, how is that requirement met?

One of the prerequisites for recognition and enforcement of a foreign judgment, as stipulated in article 169(8) of the Law on Enforcement of Civil Judgments 1977, is that the enforcement order for a foreign judgment must be issued by a competent authority in the issuing country. Consequently, the court must assess such competency, which includes examining the subject-matter jurisdiction. However, in practice, Iranian courts typically do not examine the subject-matter jurisdiction of the foreign issuing court ex officio unless an objection is raised by the defendant.

Law stated - 01 August 2023

Service

Must the defendant have been technically or formally served with notice of the original action in the foreign jurisdiction, or is actual notice sufficient? How much notice is usually considered sufficient?

For a foreign judgment to be recognised and enforced under Iranian law, article 169(4) of the Law on Enforcement of Civil Judgments 1977 sets out that such judgment must be final and enforceable in the country where it was issued, without having been invalidated due to legal reasons, which includes non-compliance with proper service requirements under relevant procedural rules governing notification processes within the originating country's jurisdiction. Therefore, as long as the legal requirements for proper service are complied with under the laws of the country issuing the foreign judgment, notice is considered sufficient under Iranian law. However, it should be noted that some bilateral treaties explicitly stipulate that for recognition and enforcement of a foreign judgment in Iran, defendants must be formally served with notice of the original actions within the respective foreign jurisdiction.

Law stated - 01 August 2023

Fairness of foreign jurisdiction

Will the court consider the relative inconvenience of the foreign jurisdiction to the defendant as a basis for declining to enforce a foreign judgment?

Iranian courts do not conduct a fairness examination of the foreign jurisdiction and their examination will be limited to the requirements set out under article 169 of the Law on Enforcement of Civil Judgments 1977. Under article 169, so long as the foreign court had jurisdiction over the dispute, the issued foreign judgment will be recognised and enforced under Iranian law, if it meets the statutory criteria.

Law stated - 01 August 2023

EXAMINATION OF THE FOREIGN JUDGMENT

Vitiating by fraud

Will the court examine the foreign judgment for allegations of fraud upon the defendant or the court?

In general, the foreign judgment will not be examined by the court for allegations of fraud as it is not anticipated under Iranian law. However, if a fraud constitutes violation of public policy or moral principles, the court may examine such allegations as per article 169(2) of the Law on Enforcement of Civil Judgments 1977.

Law stated - 01 August 2023

Public policy

Will the court examine the foreign judgment for consistency with the enforcing jurisdiction's public policy and substantive laws?

According to article 169(2) of the Law on Enforcement of Civil Judgments 1977, the court will examine the submitted foreign judgment to ensure that the content or consequences of enforcing such a decision do not violate public policy or moral principles in Iran. Although Iranian courts do not review cases on their merits when enforcing them, they will ensure that there are no conflicts between provisions included in those judgments and mandatory rules under Iranian law.

Law stated - 01 August 2023

Conflicting decisions

What will the court do if the foreign judgment sought to be enforced is in conflict with another final and conclusive judgment involving the same parties or parties in privity?

Under Iranian law, if a foreign judgment sought to be enforced is in conflict with another final and conclusive judgment, the Iranian courts will refuse recognition and enforcement of such foreign judgments. Article 169(5) of the Law on Enforcement of Civil Judgments 1977 requires that there should not be any conflicting final judgments issued by an Iranian court on the same subject matter.

In practice, this condition could also extend to other conflicting judgments from other jurisdictions. The rationale behind this approach is to uphold legal certainty and prevent contradictory outcomes arising from parallel litigation

processes. Therefore, if a recognised final and conclusive judgment exists that conflicts with a new foreign judgment submitted for enforcement, it is likely that Iranian courts would deny its recognition and enforcement.

Law stated - 01 August 2023

Enforcement against third parties

Will a court apply the principles of agency or alter ego to enforce a judgment against a party other than the named judgment debtor?

Under Iranian law, the concepts of agency and alter ego are not explicitly defined or recognised as they are in some Western legal systems. Iranian law follows the privity of contract principle, meaning that only parties to a contract or judgment are bound by its terms and subject to enforcement.

In order for a judgment to be enforced against a party, that party must have been a party to the original contract or judgment, or must have assumed liability through a separate legal agreement. The court will typically focus on the contractual relationship and the identity of the parties involved.

Law stated - 01 August 2023

Alternative dispute resolution

What will the court do if the parties had an enforceable agreement to use alternative dispute resolution, and the defendant argues that this requirement was not followed by the party seeking to enforce?

Iranian laws on recognition and enforcement of foreign judgments are silent on this. In general, Iranian courts do not examine the substance or merits of a foreign judgment so long as it meets the requirements stated under article 169 of the Law on Enforcement of Civil Judgments 1977. However, if a defendant challenges the competency of the foreign issuing court, an Iranian court may review whether the enforcement order for that foreign judgment was issued by a competent authority within its respective jurisdiction. This factor could potentially serve as grounds for refusing recognition and enforcement of such a judgment.

Law stated - 01 August 2023

Favourably treated jurisdictions

Are judgments from some foreign jurisdictions given greater deference than judgments from others? If so, why?

Under Iranian law, judgments from foreign jurisdictions are generally given equal deference. However, the treatment of foreign judgments in Iran depends on whether Iran has entered into a bilateral or multilateral agreement with the foreign jurisdiction in question, as such agreements aim to promote legal cooperation and facilitate the execution of judgments between the signatory countries.

Law stated - 01 August 2023

Alteration of awards

Will a court ever recognise only part of a judgment, or alter or limit the damage award?

Regarding the alteration or limitation of a damage award, an Iranian court may exercise its discretion to modify the amount awarded in a foreign judgment. This is typically done when the court determines that the foreign judgment's damage award is inconsistent with public policy (eg, interest claims).

Law stated - 01 August 2023

Effect of sanctions

What effect do foreign or domestic sanctions have on the enforcement of foreign judgments in your jurisdiction? Will a court refuse enforcement of a judgment against or in favour of a sanctioned entity or individual? If so, which sanctions regimes do the courts of your jurisdiction recognise?

Foreign or domestic sanctions can potentially have an impact on the enforcement of foreign judgments in Iran. Iran has been subject to various sanctions regimes imposed by different countries and international bodies, including the United States, the European Union and the UN Security Council, among others. These sanctions can affect the country's ability to enforce foreign judgments involving entities or individuals from sanctioning countries. Regarding the recognition of specific sanctions regimes, it is important to note that Iranian courts' response to international sanctions can vary. The courts of Iran generally recognise and adhere to domestic laws and regulations when addressing issues that involve a sanctioned party.

Law stated - 01 August 2023

AWARDS AND SECURITY FOR APPEALS

Currency, interest, costs

In recognising a foreign judgment, does the court convert the damage award to local currency and take into account such factors as interest and court costs and exchange controls? If interest claims are allowed, which law governs the rate of interest?

Iranian courts, generally, do not convert the award from the foreign currency stated in a foreign judgment into the local currency. Further, Iranian courts do not impose restrictions on recognising relevant court costs, attorney fees and similar expenses, and they typically issue orders for the reimbursement of such expenses.

Regarding interest claims, Iranian courts only recognise foreign judgments to the extent that they do not contradict public policy and moral principles in Iran. In practice, Iranian courts often consider 'interest' as equivalent to Riba, consequently deeming the payment of interest or any amount exceeding the principal debt as contrary to public policy, and therefore unrecognisable under Iranian law.

Law stated - 01 August 2023

Security

Is there a right to appeal from a judgment recognising or enforcing a foreign judgment? If so, what procedures, if any, are available to ensure the judgment will be enforceable against the defendant if and when it is affirmed?

According to articles 175 and 176 of the Law on Enforcement of Civil Judgments 1977, an appeal can be filed within 10 days for the rejection of an application seeking recognition and enforcement of a foreign judgment. Iranian law remains silent on the right to appeal in cases where such applications are accepted. A review of current court practices indicates that decisions accepting applications for recognition and enforcement of foreign judgments are issued as final and binding; however, it is possible to object to a recognition and enforcement order if one or more requirements set under article 169 of the Law on Enforcement of Civil Judgments 1977 have not been met.

Once the judgment is affirmed or appeals are exhausted and recognition and enforcement are upheld, the successful party should proceed with enforcement measures under Iranian law, as provided under the Law on the Execution of Financial Convictions 2015, including, among others, asset seizures, auctioning off seized assets, imprisonment of the debtor and imposing a travel ban on the debtor.

Law stated - 01 August 2023

ENFORCEMENT AND PITFALLS

Enforcement process

Once a foreign judgment is recognised, what is the process for enforcing it in your jurisdiction?

Once a foreign judgment is recognised in Iran, the process for enforcing it involves the following steps:

- Filing an application: the party seeking enforcement of the foreign judgment must file an application with the competent Iranian court. The application should include relevant documents, such as a certified copy of the foreign judgment, evidence of its finality and any translations required.
- Review and examination: the Iranian court will review the application and examine the foreign judgment's compliance with legal requirements for enforcement. The court may verify that the judgment meets certain criteria, such as not being contrary to public policy or moral principles under Iranian law.
- Notification to the opposing party: once the court accepts the application, it will notify the opposing party about the enforcement proceedings. The opposing party will have the opportunity to present their objections against the enforcement.
- Adjudication of objections: if the opposing party raises objections, the court will examine them and decide on their validity. The court may consider arguments related to grounds for objection as set out under article 169 of the Law on Enforcement of Civil Judgments 1977.
- Issuance of enforcement order: if the court determines that there are no valid objections, it will issue an enforcement order. This order grants the applicant the right to enforce the foreign judgment in Iran.
- Execution of judgment: with the enforcement order in hand, the applicant can proceed with the execution of the judgment. This typically involves engaging with enforcement authorities to take the necessary steps to enforce the judgment. The specific enforcement measures will depend on the nature of the judgment and the assets or actions required for compliance.

Law stated - 01 August 2023

Pitfalls

What are the most common pitfalls in seeking recognition or enforcement of a foreign judgment in your jurisdiction?

When seeking recognition or enforcement of a foreign judgment in Iran, there are several common pitfalls that individuals or entities may encounter, including:

- **Lack of bilateral agreement:** Iran does not have a comprehensive network of bilateral agreements for the recognition and enforcement of foreign judgments. As a result, the process can be more challenging, and the prospects for successful enforcement can vary depending on the jurisdiction of the foreign judgment. However, some recent cases have made evident that for specific subject matter such as family law, Iranian courts may recognise and enforce judgments rendered in countries with which Iran does not have a bilateral treaty.
- **Procedural requirements:** Iranian law has specific procedural requirements for the recognition and enforcement of foreign judgments. Failure to comply with these requirements can lead to rejection or delays in the recognition or enforcement process.
- **Public policy considerations:** Iranian courts may refuse to recognise or enforce a foreign judgment if it contradicts Iranian public policy or moral principles. The concept of public policy can be sometimes interpreted broadly and may vary depending on the circumstances and the judge's discretion, making it difficult to predict the outcome.
- **Reciprocity requirement:** Iran generally requires reciprocity for the recognition and enforcement of foreign judgments. This means that if the country where the judgment was issued does not recognise Iranian judgments, Iranian courts may be reluctant to enforce foreign judgments from that jurisdiction.
- **Delays and lengthy legal process:** the recognition and enforcement process in Iran can sometimes be time-consuming and subject to significant delays. It involves navigating the Iranian legal system, which may involve multiple court hearings, appeals and potential bureaucratic obstacles.
- **State Immunity:** a foreign judgment can be subject to final refusal in the enforcement phase within Iranian courts if the defendant, or the losing party, is a state. In contrast to developed countries, immunity from enforcement remains a supplementary measure, allowing state parties to prevent enforcement in Iranian courts. Iran is a member of the United Nations Convention on Jurisdictional Immunities of States and Their Property 2004, but this Convention has not resolved the issue of immunity from enforcement.

Law stated - 01 August 2023

UPDATE AND TRENDS

Hot topics

Are there any emerging trends or hot topics in foreign judgment enforcement in your jurisdiction?

Ongoing international sanctions against Iran have impacted many aspects of trade and business between Iranian entities and their global counterparts. These circumstances may affect the ability or willingness of Iranian courts to enforce certain types of foreign judgments.

To facilitate smoother transnational commercial relationships, parties involved in cross-border transactions with Iranian partners might increasingly opt for alternative dispute resolution methods like arbitration, instead of relying on traditional court proceedings, as Iran is a signatory to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the New York Convention). This Convention significantly facilitates the recognition and enforcement of foreign arbitration awards, providing a more predictable, efficient and neutral dispute resolution mechanism compared with the enforcement of foreign judgments.

In light of the ongoing Russia/Ukraine conflict, it is difficult to predict with certainty how Iranian courts would approach the enforcement of judgments rendered by Russian courts. To the best of our knowledge and based on publicly available information, there have not been any cases involving the enforcement of Russian court judgments directly related to this conflict in Iran.

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Jurisdictions

	Australia	Ironbridge Legal
	Austria	WEBER & CO.
	Bahrain	Charles Russell Speechlys
	Egypt	Soliman, Hashish & Partners
	France	Signature Litigation
	Germany	Willkie Farr & Gallagher LLP
	Greece	PotamitisVekris
	Iran	Dadflamingo
	Italy	Ughi e Nunziante
	Japan	TMI Associates
	Jordan	Hammouri & Partners
	Nigeria	Streamsowers & Köhn
	Switzerland	Walder Wyss Ltd
	Turkey	Gün + Partners
	United Arab Emirates	Charles Russell Speechlys
	United Arab Emirates - Abu Dhabi	Charles Russell Speechlys
	United Arab Emirates - DIFC	Charles Russell Speechlys
	United Kingdom	Winston & Strawn LLP
	USA	Freshfields Bruckhaus Deringer