

## INTERNATIONAL TRADE

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Foreign and domestic companies hire Sheppard Mullin attorneys to pursue their interests before the U.S. Commerce Department and the International Trade Commission in antidumping duty and countervailing duty proceedings and appeals to the U.S. Court of International Trade and the U.S. Court of Appeals for the Federal Circuit. Partners in the international litigation group work closely with former trade specialists from Commerce and the ITC to represent clients in cases where the domestic producers allege that imports are being sold at unfairly low prices or are being improperly subsidized by foreign governments. We have represented clients in industries ranging from industrial metals and powders to office supplies and agricultural products.

The increasingly integrated global economy and accompanying growth in cross-border transactions have made it essential for companies, both domestic and multinational, to obtain timely, expert advice to ensure compliance with international trade regulations. Such regulations cover a wide spectrum, from export and import controls, customs rules, economic sanctions and blocking orders, to anti-corruption laws, free trade agreements, antiboycott regulations and rules on foreign investment in the United States.

Sheppard Mullin attorneys have advised on these complex questions of international regulatory compliance and designed international compliance programs for companies with operations throughout the United States and the European Union as well as in Asia, Latin America and the Middle East. The firm's attorneys have expertise concerning the detailed export controls on encryption and telecommunications technology, aerospace and defense products subject to the International Traffic in Arms Regulations ("ITAR"), computer hardware and software, semiconductor technology, state-of-the-art electronics, chemical products and many other products and technologies.

The firm's civilian and dual use export control experience includes analysis and advice concerning the interpretation of export classification criteria, submission of classification requests, encryption review request filings, license applications, encryption licensing arrangements and the full range of other issues arising under the Export Administration Regulations. The firm's military export control experience includes analysis and advice concerning ITAR classification of defense articles, commodity jurisdiction requests, technical assistance agreements, manufacturing license agreements, warehouse and distribution agreements and brokering with respect to defense articles and services.

Our civilian and military export control experience includes large scale global investigations of export compliance, voluntary disclosures and defense of export enforcement cases. The export control experience of Sheppard Mullin attorneys includes assisting clients in compliance not only with the export and reexport control regulations of the United States, but also the export control regimes in the EU, Japan, Singapore and China.

Our attorneys have also defended major customs compliance cases and have advised clients on matters of customs classification, valuation, country of origin, marking, C-TPAT qualification, prior disclosures, NAFTA certification and a wide range of other customs matters. Our experience includes assisting companies with customs rules relevant to outsourcing of design and production activities to countries such as India and China.

In cooperation with attorneys from Sheppard Mullin's leading white collar practice, we conduct global internal investigations concerning compliance with the Foreign Corrupt Practices Act ("FCPA") and the parallel anti-corruption laws that have been enacted around the world. We also offer nationally recognized leaders in white collar practice to defend cases that reach the enforcement stage. Our attorneys have extensive experience designing FCPA compliance programs and training sales, marketing and legal personnel around the world on FCPA compliance.

Another sensitive area in international trade is compliance with the economic sanctions in force either unilaterally or on a multilateral basis against countries and parties deemed to be engaged in terrorist activities, weapons proliferation or atrocities that have resulted in trade embargoes. These rules, administered in the United States by

the Treasury Department's Office of Foreign Assets Control, have a breadth and complexity that results in significant extraterritorial application of US law. Companies operating outside the United States, including even those with no presence in the United States, need assistance in understanding precisely how these regulations affect indirect as well as direct trade or other dealings that may in some manner relate to countries in Latin America, Africa, the Middle East or Asia that are subject to these restrictions. The firm's attorneys have experience advising multinationals on compliance with these regulations in a wide range of industries, including manufacturing, engineering, construction, real estate, banking, and wholesale and retail distribution.

We also work with Sheppard Mullin's highly regarded antitrust practice on matters related to enforcement in the European Union and its member states, the United States, Canada, Korea, Japan, Australia, Brazil and China. The team has depth of experience with a broad range of competition law issues, including cartels, mergers, vertical restraints, and others. Our attorneys include a former Chair of the ABA Section of Antitrust Law who has formally assisted enforcement officials in the European Union, Canada, Australia, Brazil, Japan and Korea on procedures, policies and international cooperation issues, qualified solicitors in England and Wales, one of whom also is an adjunct professor of EU Law at The Thomas Jefferson Law School in San Diego, and former antitrust enforcement officer. Our attorneys are familiar with EU regulations governing the distribution of products (both consumer and industrial), as well as the licensing of intellectual property. Similarly, the team has counseled on and implemented distribution systems in Asia and Latin America.

Certain countries in the EU as well as Canada have responded to what they regard as the excessive extraterritorial scope of some US sanctions (notably those affecting Cuba) by enacting blocking statutes prohibiting their nationals and companies organized under their laws from complying with various aspects of the US sanctions. The firm's attorneys also have experience assisting clients with the very difficult challenges presented by the need to comply with sometimes conflicting legal mandates applicable to their operations in different countries.

Recent years have seen a rapid increase in the number of bilateral and regional free trade agreements, resulting in a global patchwork of trade rules. Our attorneys have experience analyzing and advising clients on the optimal structuring of manufacturing flows and organizing different stages of production to maximize benefits under free trade agreements for goods moving among regions in Asia, Latin America, the United States and Europe.

Clients engaging in cross-border mergers, stock or asset acquisitions, joint ventures or other transactions involving US businesses related to aerospace and defense, high-tech, infrastructure, energy and a variety of other strategic industry segments must address the issue of review by the Committee on Foreign Investment in the United States ("CFIUS"), which has jurisdiction to investigate and recommend that the President suspend or prohibit specific transactions that are deemed to threaten US national security, or order divestment with respect to completed transactions not cleared under the CFIUS procedure. The firm's attorneys advise clients engaging in cross-border transactions concerning the filing of CFIUS notices, interpretation of the governing regulations and mitigation agreements and conditions attached to clearance of specific transactions.

Clients operating on a global basis, and particularly in the Middle East, must be attentive to compliance with the antiboycott regulations aimed at counteracting the secondary and tertiary aspects of the Arab League boycott of Israel. The firm's attorneys have represented clients in major antiboycott compliance cases and provide ongoing assistance to clients in complying with these complex regulations, which prohibit not only refusing to do business with Israel in furtherance of the boycott but also such actions as furnishing information about business dealings with Israel.