

INVESTMENT MANAGEMENT

Led by an integrated platform of English, French, Hong Kong and US lawyers, Gide's Investment Management practice advises asset managers, investment funds and institutional investors on all aspects of fund activities. The group combines the unique expertise of both common law and civil law lawyers.

Through a global network of 14 offices in Europe, Asia, North America and Africa, no matter where a fund makes its investments or offers its securities, Gide can provide comprehensive and local legal advice on the following matters:

- Fund structuring & documentation
- Negotiations of key agreements, with custodians, broker-dealers, distributors
- Taxation
- Regulatory investigations and disciplinary litigations
- Financial services regulations

An Extensive Knowledge of the Funds Industry

Gide has an extensive knowledge of the funds industry. We have advised on and structured numerous types of funds, including:

- UCITS funds
- Infrastructure funds
- Private equity funds
- Debt funds
- Real estate funds
- Structured funds (including EFTs)

In recent years we have been actively involved in the consultation process which preceded new legislation and French, UK or US regulations changes. Our lawyers have close working relationships with national regulators (French Treasury, French regulator, FCA) and provide significant support to industry and trade bodies (such as the AIMA in London and Paris, the French AFIC and EVCA) and have worked on the Alternative Investment Fund Managers Directive, EMIR and Solvency II, the Dodd Frank Act and FATCA.

A Complete Funds Legal Practice

Gide offers its clients a complete legal service covering all legal matters involved in investment fund transactions:

Structuring and Documenting

- **Structuring various types of funds** - advising funds to adapt fund structures to the latest market practices in light of local regulatory and tax constraints and negotiating with potential investors and counterparties.
- **Creating and documenting** - preparing the fund's PPM and governing documents, and setting up offshore and onshore funds and investment management vehicles.
- **Day-to-day operations** - representing funds and asset managers on an ongoing basis in their relations with the investors, counterparties and distributors.
- **Restructuring** - advising asset managers in the restructuring of their fund range following Ucits IV and the AIFMD.

ALGIERS
BEIJING
BRUSSELS
CASABLANCA
HO CHI MINH CITY
HONG KONG
ISTANBUL
LONDON
MOSCOW
NEW YORK
PARIS
SHANGHAI
TUNIS
WARSAW

Tax Aspects & Pension Planning

- **Complex domestic and international tax planning** - analysing and structuring tax efficiency of funds and platforms for cross-border investing to mitigate overall worldwide taxation as well as local country taxation on a jurisdiction by jurisdiction basis.
- **Structuring carried interest and incentive arrangements** - advising on carried interest schemes, investment managers exemption and other incentive arrangements in respect of onshore or offshore funds.

Financial Services Regulation

- **Authorisation** - representing fund managers seeking authorisation and advising on procedures and preparing organisational documentation. Completing the registration process with local regulators in the EU and other foreign jurisdictions.
- **Regulatory matters** - advising funds and asset managers on the various facets of EU and national regulations. Advising on the compliance, internal management and other organisational requirements arising notably from MiFID, UCITS and the AIFMD.
- **Financial promotion rules** - ensuring that funds stay within the boundaries of the various financial promotion requirements and the conduct of business rules which apply in the EU and the various jurisdictions where the funds are to be marketed.

Investing

- **Acquisitions and sales of portfolio investments** - advising funds on all stages of an acquisition or sale of portfolio investments, including private equity or debt.
- **Restructuring distressed investments** - advising on and negotiating all corporate aspects of restructurings and advising clients on acquisitions of specific debt instruments.
- **Representing fund investors** - advising fund investors during initial investment phases or in relation to secondary transactions.

Litigation

- **Disciplinary proceedings** - advising on litigation including contentious regulatory actions.
- **Insider dealing / market abuse law and regulation** - advising on the various issues raised by insider dealing and market abuse law and regulation and all aspects of the conduct of business requirements, including AMF / FCA rules and other investment or marketing restrictions.

Recent Experience

- Advising Siparex on its mid-market private equity fund.
- Advising on the structuring and the documentation of debt funds for La Banque Postale Asset Management, Scor and Tikehau.
- Advising Credit Suisse on French law aspects relating to the role of its ETF activity to Blackrock.
- Advising on EMERGENCE, the seeding fund launched with the backing of seven major French institutional investors.

CONTACTS

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