

# Ogier in Asia

Ogier is one of the largest providers of offshore legal and fiduciary services. The group has a presence in nine jurisdictions around the world, namely Bahrain, the British Virgin Islands, the Cayman Islands, Guernsey, Hong Kong, Ireland, Jersey, London and Tokyo.

Ogier has over 800 people, including more than 220 lawyers, providing legal advice and bespoke, professional trust and company administration services in all time zones and key financial markets to companies, investment funds, trusts, foundations, real estate holding structures and numerous other types of structure.

## The Ogier Solution

Ogier is dedicated to providing practical, solutions based advice. It is the only offshore law firm to be able to offer legal and administration services for British Virgin Islands (BVI), Cayman, Guernsey and Jersey companies, trusts and limited partnerships across all time zones.

In Asia, an experienced team of lawyers and administrators is located in Hong Kong with a client services office in Tokyo. That team is the only offshore team in Asia committed and able to provide those services by having qualified lawyers from each of BVI, Cayman, Jersey and Guernsey located in our office in Hong Kong.

We are instructed by over 80% of the top 50 global law firms and 60% of the top 50 global banks.

Ogier can advise on which offshore solution is most appropriate for the client and utilises substantial knowledge gained from previous transactions to add value for the client.

In respect of deals where more than one offshore jurisdiction is involved our Hong Kong office can put together a cross-jurisdictional, multi-disciplinary team to provide complete seamless offshore advice and administration.

## Convergence of Offshore Jurisdictions

The differences between offshore jurisdictions are becoming fewer (although subtle differences remain) and this includes the types of products available and the regulation in respect of each of BVI, Cayman, Jersey and Guernsey.

This means that other factors such as existing relationships, availability of professional support staff and the clients' preferred time zone may become more significant. Ogier's global reach enables us to deliver the best offshore services and products to clients on

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a fully informed and fully resourced basis and in the time zones most appropriate for clients.

## Examples of Offshore Products used by Asian Clients

Applying these reasons for going offshore, there are a number of different offshore products and services being used by Asian clients and / or clients investing in Asia. Set out below are some frequently used examples:

- **Hong Kong Stock Exchange Listing - Approved Overseas Companies**  
 BVI, Cayman and Jersey companies are now Approved Overseas Companies following recent Stock Exchange decisions to add Jersey and BVI companies to the list. The listing of Ogier client and Jersey incorporated UC RUSAL was the largest listing on the Hong Kong Stock Exchange in 2009. Any business now wishing to access the Asian financial markets, whilst at the same time being able to access other major world markets, can do so in the knowledge that the offshore listed entity will be recognised and accepted by investors wherever they may be.
- **Other Leading Stock Exchange Listings - Offshore Vehicles**  
 Many businesses raise finance from the global capital markets by listing an offshore vehicle on the London Stock Exchange, AIM, New York, Singapore or one of the Euronext stock exchanges. Shares or depositary receipts can be held and traded electronically through CREST and / or Euroclear for London / European listings or the relevant settlement systems elsewhere. This model combines investor protection best practice corporate governance and access to global capital markets with offshore structuring flexibility and tax neutrality. The model is familiar to investors and advisors.
- **Holding Structures for Acquisitions**  
 Offshore holding structures for acquisitions are a tax efficient way of holding private equity or other investments which preserve value and provide optimum flexibility to manage investments and to return value to investors. Such structures are particularly common for private equity acquisitions including consortium deals where a tax neutral structure may often be preferable.
- **Investment Funds**  
 Hedge funds, private equity funds, real estate funds and others are all structured using offshore companies, limited partnerships and unit trusts. The use of an offshore fund ensures a tax neutral platform for all investors thereby avoiding any prejudice to one or more of them if the fund had been situate in an onshore location.
- **Islamic Law**  
 Due to the flexibility available when using offshore products it is possible to ensure that Shariah compliant investments can be structured with relative ease. For example, Shariah compliant trusts and Sukuk bonds and programmes.

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- **Real Estate Holding Vehicles**

A significant number of Asian clients use offshore vehicles to hold real estate investments around the world. On an exit prospective purchasers are comfortable acquiring an offshore vehicle with which they are familiar.

- **Private Wealth**

Offshore trust structures and foundations provide an important and confidential way of managing and protecting wealth and inheritance planning using offshore corporate trustees and foundation counsel members who have comprehensive expertise of such matters. We have experience of operating private trust companies and foundations for individuals and families who want to retain involvement in the structure. The use of trusts also extends to employee benefit and executive remuneration planning for businesses where shares or cash may need to be warehoused.

- **Structured Finance Products**

A wide variety of debt instruments, bonds and other types of product are used frequently set up as “orphan” or off balance sheet transactions.

## Industry Recognition

Ogier has received significant industry recognition and is regularly placed at the top of offshore transaction league tables. Below is a selection of our recent awards:

### 2010 Awards

- ‘Offshore Law Firm of the year 2010’ Chambers Awards
- ‘Channel Islands Law Firm of the Year 2010’ PLC Which Lawyer

### 2009 Awards

- ‘Top Offshore Law Firm 2009’ Alpha Awards
- ‘European Legal Services Provider 2009’ ICFA Magazine
- ‘Offshore Law Firm of the Year 2009’ British Legal Awards
- ‘IFC Legal Team of the Year 2009’ STEP Private Client Awards
- ‘Overall Private Funds Law Firm of the Year 2009’ ACQ Finance Magazine
- ‘International Law Firm of the Year 2009’ Citywealth Magic Circle Awards
- ‘Best Offshore Law Firm 2009’ HFM Week European Service Provider Awards

### 2008 Awards

- ‘Offshore Law Firm of the Year 2008’ The Hedge Fund Journal (USA)
- ‘Best Law Firm’ Hedge Funds World Latin America’s Award
- ‘Offshore Law Firm of the Year 2008’ The Hedge Fund Journal Awards (Europe)
- ‘Securitisation Deal of the Year 2008’ IFLR Awards 2008
- ‘Offshore Law Firm of the Year 2008’ British Legal Awards

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## Contact details

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