

# Samsung Electronics v. LLC "Apstar Continental Ukraine", District Court of the Pechersk Raion of the City of Kiev, 7 June 2012

Yaroslav Petrov, Asters

*In Samsung Electronics v. LLC "Apstar Continental Ukraine" the District Court of the Pechersk Raion of the City of Kiev granted interim measures in aid of enforcement of a foreign arbitral award in Ukraine.*

In April 2012 Samsung Electronics (the "Applicant") filed a petition with the District Court of the Pechersk Raion of the City of Kiev (the "Court") regarding recognition and enforcement of the arbitral award issued by the London Court of International Arbitration (the "LCIA") on 15 December 2011 in case No. 111946 where LLC "Apstar Continental Ukraine" (the "Debtor") was ordered to repay its debt to the Applicant. While considering the petition by the court, the Applicant filed for a seizure of any Debtor's funds or other assets as an interim measure for securing enforcement of the LCIA's arbitral award.

The Court supported the Applicant's arguments and seized all movable and immovable property owned by the Debtor proportionally to the amount of the Applicant's claim in order to ensure enforcement of the LCIA's arbitral award.

The petition for interim measures was rendered due to recent changes to the Civil Procedure Code of Ukraine (the "Code") regarding granting interim measures in aid of enforcement of foreign arbitral awards that became effective on 19 October 2011. According to the amended Code, interim measures may be granted by the court at any time during consideration of the enforcement application provided that the absence of certain interim measures may significantly complicate future enforcement or make it impossible.

Original source:  
Kluwer Arbitration  
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The summary of the case file and full text of summarized court decision are available on:  
<http://www.kluwerarbitration.com/CommonUI/document.aspx?id=KLI-KA-1243639>

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## Author

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- Yaroslav Petrov

## Jurisdiction

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- Ukraine

## Court

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- District Court of the Pechersk Raion of the City of Kiev

## Case date

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- 7 June 2012

## Case number

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- Case No. 2-к-6/12

## Parties

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Applicant, Samsung Electronics (Ukraine)

- Respondent, LLC "Apstar Continental Ukraine" (Ukraine)

## Key words

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- recognition and enforcement of the arbitral award

## Applicable legislation

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- Civil Procedure Code of Ukraine

## Publication Source

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Unified State Register of Court Decisions

## Source

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- Yaroslav Petrov, **Samsung Electronics v. LLC "Apstar Continental Ukraine", District Court of the Pechersk Raion of the City of Kiev, 7 June 2012**, A contribution by the ITA Board of Reporters, Kluwer Law International