PCA

Paul Cheah Associates

Advocates & Solicitors

A member of PCALaw

FIRM PROFILE

In Association with RHTLaw Taylor Wessing, Singapore

ABOUT US

Paul Cheah Associates covers many areas of law and sector, in particular focusing on corporate commercial, capital markets, corporate finance, intellectual property and commercial litigation work.

Our philosophy is to meet our clients' financial and business objectives by providing innovative, flexible and practical legal solutions in a cost-effective manner.

We understand the need in today's business for effective, practicable and responsive solutions in the shortest possible time. In this regard, we strive to provide our clients with such solutions within the required timeframe.

OUR AREAS OF PRACTICE

MERGERS & ACQUISITIONS, TAKEOVERS, JOINT VENTURES

We assist multinational and international corporations, public and private companies, and other business entities in various commercial transactions including cross border and domestic mergers and acquisitions, takeovers, joint ventures and management buy outs.

In these transactions, we have acted for the acquiring company, the vendor company, the target company and other stakeholders including underwriters. Our work includes advising on the appropriate structure for the transaction taking into account the legislative and regulatory regimes and hurdles and any legal implications which may arise from the transaction.

In respect of voluntary or mandatory take-overs, we assist in the review of the offer documents. We also advise on other aspects of the take-over including regulatory compliance and the strategies involved in the launching of the offer to the completion of the take-over and the defences available to a take-over offer.

In joint ventures, we advise minority as well as majority shareholder(s) and prepare business structures and the requisite agreements to capture the management and control features agreed by the parties.

We are able to provide for innovative mechanisms to allow shareholders to exit their investment and structure solutions to resolve commercial disputes without recourse to court action.

CAPITAL MARKETS/CORPORATE FINANCE

Our work in this area encompasses both the debt and the equity capital markets.

We assist Malaysians as well as foreign companies who wish to list on the stock exchange, whether in Malaysia or abroad. We have advised local and foreign clients on listings on the Main Market of the Bursa Malaysia Securities Berhad (Bursa Securities) and the ACE Market of the Bursa Securities.

We undertake due diligence investigations to ensure compliance with disclosure requirements under the relevant securities laws for various capital market transactions including, floatation on the stock exchanges referred to above, rights issues, bonus issues, share placements, issuance of warrants and convertibles, share buy-backs and employee share option schemes.

DEBT AND EQUITY RESTRUCTURING

We advise on corporate restructuring exercises for shareholders, lenders and the company in question. These restructuring exercises may involve a restructuring or redeployment of resources, the establishment of new subsidiaries and the transfer of businesses within the group or an amalgamation of different companies and business interests.

COMMERCIAL MATTERS

From our commercial practice, we advise and assist clients in establishing a business presence in Malaysia. We also advise them on general commercial law (such as compliance with regulatory approvals) and the negotiation, preparation and execution of their commercial agreements (ranging from supply agreements, agency agreements to distribution agreements).

FOREIGN DIRECT INVESTMENT

We advise international corporations on the legal aspects of investing and transacting business in Malaysia.

We advise foreign clients in structuring their investments in Malaysia having regard to compliance with regulatory approvals and the associated fiscal and non-fiscal incentives available to investors under various policies and schemes offered by the Malaysian Government. In particular, we advise clients on investment tax allowances, pioneer status, tax holidays, free trade and industrial zones, operational headquarters, regional representative offices, manufacturing licence requirements as well as guidelines on foreign and local equity participation in Malaysian companies.

We assist clients in liaising with, applying for and obtaining approvals, permits and licences necessary for their business operations from the relevant authorities.

LABUAN INTERNATIONAL OFFSHORE FINANCIAL CENTRE (IOFC)

We advise on all matters relating to the Labuan IOFC including the establishment of offshore companies and offshore banks in Labuan.

INFORMATION TECHNOLOGY (IT)

We advise our clients on issues relating to telecommunications, digital media, personal data protection, information technology business and drafting of agreements and contracts relating to the sale, distribution, licensing and procurement of software and other IT products.

INTELLECTUAL PROPERTY

We assist our clients in advising on trademark, copyrights, patents, industrial designs, domain name disputes, advertising and entertainment, franchise and licensing. We have assisted individuals as well as corporations in various industry to ensure their intellectual property rights are duly safeguarded in accordance with the law.

We represent clients in dispute resolution relating to copyright, trademark, industrial design, patent infringement and passing off etc. We also assist and advise our clients on exploitation and enforcement of their Intellectual Property Rights.

PROPERTY WORK

We advise property developers as well as end purchasers on real property transactions and property related matters including loan documentation, leases and tenancies. Further, we assist in structuring transactions which are in line with Malaysian regulations governing foreign investors. We also advise foreign investors in respect of their participation in property development in Malaysia and the financing of the same with structures and mechanisms which address their concerns.

DEBT RECOVERY

We provide the necessary support and advise you on a cost-effective and pragmatic solutions to recover your money from debtors. We have experience in handling many types of debt recovery cases for various kinds of clients. Each circumstance is unique and will always be taken into account when advising on the best approach to enforcing your rights.

We assist our clients in issuing letters of demand, negotiating and finalising instalment payments, drafting and enforcing settlement agreements, commence legal proceedings and obtaining judgments and assist in recovery of debt through legal proceedings.

ESPORTS LAW

Esports is competitive videogaming which is creating its own field of law. From what used to be a hobby for some, the esports industry has grown leaps and bounds to soon becoming a USD1billion market. With its serious growth spurt, people have been taking the legal aspect of this industry more seriously.

We support this new ecosystem through our legal services on a variety of issues that arise within esports. We help esports players, teams, tournament organisers, sponsors and game developers with their respective matters such as contract representation for review and negotiation, team mediation, sponsorship, copyright and trademark matters as well as litigation needs.

INTEREST SCHEME SUBMISSION AND ADVISORY WORK

We assist our clients in interest scheme related matters, ranging from submissions of schemes to advising and monitoring the termination process. We have also assisted our clients in working together with Trustees in preparing trust deeds and prospectus for the schemes.

OUR PEOPLE

Consultant

PAUL CHEAH BOON HOE

Partners

MOHANTHAS NARAYANASAMY

Mohanthas graduated with LL.B from London University, United Kingdom in 1986 and was admitted to practice as a solicitor in the United Kingdom in 1991. Mohanthas had wide experience in corporate/commercial litigation whilst in practice in the United Kingdom where he led a team of lawyers before setting up his own practice in 1995 under the name of Samy & Co in London.

Mohanthas was with Adnan Sundra & Low in 1999 and subsequently with Lee Hishammuddin in Kuala Lumpur.

He has experience in advising clients on mergers and acquisitions, joint ventures, corporate exercises such as initial public offerings and flotations on the Bursa Securities and security issues.

He has also advised foreign direct investors on the various aspects of commencing and conducting business operations in Malaysia and assisted in applications for regulatory approvals, permits and licences.

With the onset of rapid advancement in blockchain technology, he is also specialising on the emerging legal frontier encompassing initial coin and security token offering in line with recent changes in the regulatory framework in the securities market in Malaysia.

JOSEPH CHEAH

Joseph primarily focuses on banking and financial disputes, contractual and commercial disputes, general debt recovery, insolvency (bankruptcy and winding up), and landlord-tenant disputes.

He has represented international conglomerates, local companies, liquidators, receivers and various local and international banks as counsel/co-counsel for trials and hearings in the Malaysian courts.

A substantial portion of his practice also includes commercial and residential landlord-tenant dispute, representing a number of public companies in the property business. At the same time, he also advises, negotiates and drafts tenancy agreements for the landlord or tenant.

In 2015, Joseph completed his pupillage with Raja, Darryl & Loh and was retained as an Associate. Before he left at the end of 2017, he had worked under the guidance of notable lawyers, namely Ng Sai Yeang, Mark La Brooy and Lim Siew Ming.

CONTACT US

If you would like to know more about the firm or the services that we offer, please do not hesitate to contact any one of the following partners:

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