

NIKHAT SARDAR KHAN (FCIARB, RICS)

HEAD OF CORPORATEDIFC LITIGATION AND ARBITRATION



I am a seasoned legal professional with 32 years of legal experience, including **25 years in the UAE**, specializing in litigation and dispute resolution (arbitration and mediation). I bring extensive expertise across diverse practice areas such as banking and finance, business and construction law, real estate disputes, employment and family law, intellectual property, compliance and risk management, and emerging areas like cryptocurrency, blockchain, and fintech.

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Language

English



Hindi



Currently, I serve as the Head of DIFC Litigation with full Rights of Audience in the DIFC Courts, Corporate & Arbitration at Hilal and Associates Advocates and Legal Consultants, where I represent multinational corporations, SMEs, and individuals in high-profile disputes across the UAE, MENA, and India.

I am a Fellow of the Chartered Institute of Arbitrators (FCIArb), holding a Diploma in International Arbitration and certification as a RICS-accredited evaluative mediator. With extensive international experience as arbitration and mediation counsel, I have represented clients in high-stakes matters before prominent arbitration institutions such as DIAC, ICC, SCC, DIFC-LCIA, and Johannesburg-seated arbitration, the National Grain and Feed Association (NGFA), Grain and Feed Trade Association (GAFTA), the Federation of Oils, Seeds and Fats Associations (FOSFA), Ad-hoc arbitrations under the United Nations Commission on International Trade Law (UNCITRAL), and the World Intellectual Property Organization (WIPO), providing expert legal representation and alternative dispute resolution services in complex disputes.

As an accredited arbitrator and evaluative mediator, I have facilitated fair and efficient outcomes across diverse legal contexts, including DIAC arbitration and ad-hoc arbitration under the UNCITRAL Rules and mediation under the DIAC, WIPO and UNCITRAL Mediation Rules.

Having worked for a full-service UAE law firm with an advocacy license for 25 years, I bring a wealth of experience in the UAE legal landscape. In addition to my expertise in litigation and dispute resolution, I have a robust practice in cross-border corporate transactions, advising on international joint ventures, mergers and acquisitions (M&A), and corporate restructurings. My role often involves ensuring regulatory compliance and mitigating risks to effectively align with client objectives.



Experience

Head of Corporate, DIFC Litigation and Arbitration

Hilal & Associates Advocates & Legal Consultants - UAE, India, MENA

Jan 2023 - Present · 2 yrs

Litigation Leadership

- In my current position, I lead the Litigation Department for UAE courts and the DIFC Litigation and Dispute Resolution Department, as well as the Corporate Department, managing high-value cases across the commercial, employment, banking, and construction sectors. I oversee legal provisions and corporate advisory, providing strategic guidance and ensuring compliance for complex legal matters.
- I have represented clients in DIFC Court proceedings, including the Court of First Instance and the Small Claims Tribunal (SCT), handling complex financial, commercial, and employment disputes. I also oversee the enforcement of DIFC judgments in UAE onshore courts, ensuring seamless cross-border dispute resolution, while managing UAE Court cases.

Arbitration and Mediation Expertise


- Managed arbitration and mediation cases under the rules of the Dubai International Arbitration Centre (DIAC), International Chamber of Commerce (ICC), Abu Dhabi International Arbitration Centre (branded as "arbitrateAD"), NGFA, GAFTA, FOSFA, Ad-hoc arbitration UNCITRAL, and WIPO, specialising in international trade, commercial, joint ventures, cross-border transactions, including multi-million-dollar construction disputes involving FIDIC contracts, and commodity-related disputes, with a particular focus on grain, feed, oils, seeds, fats, and other related agricultural products, as well as intellectual property and domain name disputes and securing favourable rulings on domain name transfers and trademark infringements.
- As a Mediation Counsel, I provided legal support and strategic guidance in construction, commercial, and intellectual property disputes, advising clients throughout the mediation process.

Corporate and Regulatory Advisory

- Provided strategic legal advice on corporate governance, M&A transactions, regulatory compliance, and employment matters, aligning business strategies for clients, including various consulates from different countries.
- Advised cross-border multinational corporations on restructuring and joint ventures, ensuring adherence to regional regulations and mitigating associated risks.
- Advised clients on IP enforcement strategies, including combating counterfeit goods and unauthorized use of trademarks in online and offline markets.
- Drafted and negotiated intellectual property policy and software licensing agreements, ensuring compliance with UAE laws including the UAE Information Assurance Regulation and National Electronic Security Authority (NESA).

Banking and Financial Services

- Counselling banks and financial institutions on complex financial transactions, including syndicated loans, project finance, and compliance with UAE Central Bank regulations.
- Guided clients through regulatory challenges, including cryptocurrencies and fintech developments, ensuring robust legal frameworks for financial operations.



Employment and Compliance

- Represented employers in DIFC and UAE labour disputes, providing strategic counsel on compliance with UAE Labour Law and DIFC Employment Law.
- Developed policies to minimize legal risks and align workplace practices with international standards.

Client-Centric Approach

- Served as the primary legal liaison for clients across the UAE, MENA, and India, delivering tailored, client-focused legal solutions.
- Built and led cross-functional legal teams to manage high-profile cases effectively and efficiently.

Senior Partner – heading the Litigation and Dispute Resolution Department

Kochhar & Co. Inc Legal Consultants – Dubai, UAE

Oct 2016 - Dec 2022 • 6 yrs 3 mos.

Corporate and Commercial Disputes

- With extensive experience in the UAE, I led the Litigation Department while also supervising the Corporate Department, where I was responsible for approving legal provisions for legal opinions and corporate advisory conducted by other partners and senior associates.
- I represented multinational clients in high-value corporate litigation, arbitration, and mediation, handling cases involving shareholder disputes, employment matters, breach of contract claims, and regulatory compliance.
- As lead counsel in DIFC proceedings, I secured favourable judgements in complex financial and corporate cases and successfully managed the enforcement of UAE and DIFC court judgements, streamlining cross-border dispute resolution for international clients.

Banking and Finance Litigation

- Represented leading financial institutions in debt recovery cases, successfully enforcing creditor rights through UAE courts and DIFC Courts.
- Managed litigation for non-performing loans (NPLs), securing favourable outcomes in high-value disputes, including the recovery of assets worth USD 10 - 100 millions.
- Defended banks in disputes involving breaches of loan covenants, ensuring favourable settlements while mitigating reputational risks.
- Acted as counsel in cases involving trade finance disputes, regulatory violations, and enforcement of guarantees.

UAE Law Arbitration, Mediation and Advisory Expertise

- Lead counsel in complex arbitration cases under DIAC, DIFC-LCIA, SCC, ICC, and UNCITRAL rules before the Court of Johannesburg, representing multinational corporations and regional entities for arbitration and mediation cases.
- Acted as a trusted legal advisor to multinational corporations and financial institutions, providing specialised counsel on UAE laws and regulations, including Central Bank guidelines and AML/CFT compliance.

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- Advised under the UAE Movable Property Law and Electronic Movable Collateral Registry (EMCR), overseeing the registration of movable assets as collateral and ensuring compliance with legal requirements.
 - Successfully managed the sale of 10 units, each worth AED 2 million each, under the terms of the Security Agreement and Pledge Agreement, overseeing the foreclosure process and ensuring compliance with UAE legal requirements.
 - Drafted and negotiated security documentation, including syndicated loan agreements, mortgages, pledges, and guarantees, aligning with UAE legal standards.
 - Guided clients and teams through UAE Central Bank regulations on fintech developments, cross-border trade finance, and LIBOR transition.

Insolvency and Debt Restructuring

- Represented creditors in insolvency proceedings under the UAE Bankruptcy Law, ensuring priority rights and maximising asset recoveries.
- Advised corporate clients on insolvency planning, including restructuring options and compliance with UAE legal frameworks.
- Assisted in complex liquidation proceedings, safeguarding client interests and facilitating efficient debt settlements.

Head of Commercial and Corporate

Hilal & Associates Advocates & Legal Consultants – UAE, India, MENA

KBH • Full-time

Dec 2008 - Mar 2009 • 8 yrs 4 mos.


- Acted as a legal expert to the team, advising on UAE laws and regulations for international clients and corporate entities.
- Provided strategic legal counsel on commercial contracts, regulatory compliance, and dispute resolution.
- Assisted in structuring cross-border transactions, ensuring alignment with UAE legal frameworks.

Legal Consultant

Al Sharif Advocates & Legal Consultants – UAE

Mar 2004 - Nov 2008 • 4 yrs 9 mos.

- Developed expertise in corporate advisory, successfully setting up more than 300 entities in compliance with UAE laws.
- Registered over 100 trademarks, providing clients with comprehensive intellectual property protection services.
- Represented clients in arbitration and litigation, focusing on corporate, commercial, and real estate disputes.
- Advised multinational and regional companies on regulatory compliance, governance structures, and business strategies, honing skills in negotiation and contract drafting.



In house counsel

Al Ain Centre Management

March 2003 to March 2004 – 1 yr

- Provided strategic legal advice to ensure the company's operations align with UAE laws and regulations, including real estate, tenancy, and commercial property management laws.
- Developed and implemented compliance policies, ensuring adherence to applicable legal and regulatory frameworks.
- Drafted, reviewed, and negotiated commercial contracts, lease agreements, and vendor contracts to mitigate risks and safeguard the management's interests.
- Identify potential legal risks in the company's real estate and commercial operations and implement strategies to mitigate them.

Legal Associate

Lutfi & Co Advocates & Legal Consultants

Apr 2000 - Feb 2001 • 11 mos.

- Assisted senior partners in preparing case files, legal submissions, legal notices, and client consultations as part of legal training.
- Conducted legal research and drafted preliminary opinions on various matters under the supervision of senior counsel.
- Observed court proceedings and assisted in drafting pleadings and other court documents.
- Gained foundational experience in commercial litigation, corporate advisory and real estate disputes, focusing on procedural compliance and case preparation.

Galadari Advocates & Legal Consultants

Mar 1999 - Mar 2000 • 1 yr 1 mos.

- Worked in the Maritime Department, assisting a senior partner in handling shipping and maritime disputes.
- Conducted research on maritime laws and conventions, including vessel arrests, cargo claims, and charter party disputes.
- Drafted notices, contracts, and legal correspondence related to maritime and shipping operations under the partner's guidance.
- Supported the litigation team by preparing case summaries, evidence submissions, and liaising with external experts.

Trainee Advocate

Advocate T.H. Sardar • Full-time

Jun 1992 - Jan 1999 • 6 yrs 8 mos.

Bombay High Court, India

- Assisting in the drafting of Petitions/ Applications.
- Research on Various Judgements/ Acts.
- Attending Court hearings along with Mr T.H. Sardar
- Preparation of submission briefs
- Visiting Courts for filing/ registering matters.



Education and Certifications

- Certificate in Arbitration and Mediation Procedure under the WIPO Rules - Issued Jun 2024
- Fintech Expert Program Flex by 10x1000 Tech for Inclusion - Issued Feb 2023
- Fintech Foundation Program by 10x1000 Tech for Inclusion - Issued Oct 2022
- DIFC Data Protection and Compliance - Issued Sep 2022
- RICS Accredited and Evaluative Civil Commercial Mediation - Issued Jan 2019
- Diploma in International Arbitration by Chartered Institute of Arbitrators (CI Arb) - Issued Jul 2018
- Professional Certificate in Commercial Arbitration - Issued Dec 2017
- Certified Dispute Management - Mediation, Negotiation, Conciliation and Arbitration by Indian Institute Of Arbitration and Mediation - Issued Nov 2017
- Certificate in KYC, CDD, Sanctions Compliance by ACAMS - Issued Oct 2016
- Certificate of Completion - AML, CFT & Compliance by DMCC (Dubai Multi Commodities Centre) - Issued May 2016
- Practical Techniques for handling International Arbitration Cases - Issued Sep 2009
- General Course in Intellectual Property by World Intellectual Property Organization (WIPO)
- ADR Certification (ICC)
- LL.B. | University of Mumbai (National Law College) – May 1997
- B.Com. | University of Mumbai (Smt. Mithibai Motiram Kundnani College of Commerce and Economics) – April 1992

Professional Qualifications and Memberships

- Fellow of the Chartered Institute of Arbitrators (FCI Arb) Certified RICS Evaluative Mediator
- Full Rights of Audience in DIFC Courts - DIFC Part I and II Practitioner
- Admission to the Bar Council of Maharashtra and Goa (1999)

Key Skill

- Arbitration and Mediation (Evaluative Mediator and Lead Counsel)
- Commercial Litigation and Corporate Law
- Banking and Finance Disputes
- Construction and Real Estate Law
- Insolvency and Bankruptcy
- Employment, Regulatory Compliance and Risk Management
- Strategic Legal Counsel and Advocacy

Practice Areas

- Arbitration & Litigation: Expertise in commercial litigation and arbitration, representing multinational corporations, small businesses, and individuals in high-profile cases.
- Corporate Law: Advising on mergers and acquisitions, corporate governance, and corporate advisory on commercial transactions.
- Banking & Finance: Handling banking disputes, including asset recovery, fraud, and enforcement of financial agreements.



Projects carried out

Heading the Corporate DIFC Litigation and Arbitration Department, I manage complex litigation and dispute resolution cases across corporate, employment, banking, and construction sectors. I specialise in corporate governance, compliance, and large-scale commercial transactions, providing strategic legal counsel to multinational corporations and financial institutions.


Litigation Before UAE Courts, DIFC, and Dispute Resolution

Mediation

- Facilitated resolution in a USD 47 million joint venture dispute through evaluative mediation, achieving an amicable settlement for all parties.
- Mediated a construction dispute involving a UAE-based infrastructure project, leading to a time-efficient settlement without arbitration escalation.
- Resolved an AED 15 million shareholder dispute between cross-border entities, preserving business relationships and avoiding lengthy litigation.
- Mediated a contractual dispute for a logistics company regarding delayed deliveries and liquidated damages, successfully aligning the interests of all stakeholders.
- Settled a payment dispute of AED 12 million residential real estate development project, enabling the continuation of construction and timely delivery of units.
- Guided a technology firm and its distributor through mediation over licensing rights and royalty payments, achieving a mutually beneficial agreement.
- Successfully mediated a contractor-subcontractor dispute for AED 12 million underground parking, avoiding costly litigation and maintaining project timelines.
- Advised on contractual disputes for a high-profile leisure and tourism development, resulting in the amicable settlement of liquidated damages claims worth AED 5 million.

Litigation

- Successfully managed litigated on behalf of a bank to recover a defaulted loan of USD 10 million, resulting in the enforcement of security over commercial assets.
- Filed claims through local counsel for recovery of non-performing loans (NPLs), securing judgments for repayment and asset liquidation.
- Defended a regional bank in a breach of loan covenant dispute, protecting the bank's position and ensuring a favourable settlement.
- Represented a local bank in proceedings involving a dispute over a USD 15 million trade finance transaction.
- Led investigations into a cyber-fraud case involving AED 5 million, recovering funds through swift legal actions and securing freezing orders on suspect accounts.
- Pursued civil remedies in a complex embezzlement case, achieving a settlement for the full recovery of stolen funds.
- Represented clients in high-value commercial disputes before UAE courts, handling cases involving breach of contract, corporate restructuring, and regulatory compliance. Successfully defended a client in a complex AED 50 million shareholder dispute, achieving a favourable judgment.
- Acted as lead counsel in DIFC Court proceedings, including the Court of First Instance and shadow counsel in Small Claims Tribunal (SCT), addressing employment disputes, contractual claims, and financial mismanagement cases.


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- Advised clients on strategic litigation planning, ensuring alignment with UAE and DIFC legal frameworks while pursuing cost-effective solutions for multinational corporations.
 - Handled enforcement of DIFC Court judgments in onshore UAE courts under the DIFC-LCIA framework, streamlining cross-border dispute resolution for international clients.
 - Defended financial institutions in regulatory and compliance litigation, securing dismissals in cases related to AML and sanctions violations.
 - Filed and managed debt recovery claims, enforcing creditor rights in both UAE civil courts and DIFC proceedings, including the seizure and liquidation of secured assets.
 - Represented real estate developers and investors in UAE courts, resolving disputes over project delays, termination of agreements, and escrow compliance.
 - Handled family-owned business disputes, navigating intricate conflicts involving inheritance, business governance, and minority shareholder rights in UAE courts.
 - Represented companies in cases involving disputed blockchain transactions, pioneering legal strategies in this emerging field.
 - Represented pharmaceutical companies in litigation matters related to patent infringement, product liability, and regulatory investigations.

Arbitration

- As an experienced arbitrator and legal counsel, I specialise in managing complex arbitration cases under the rules of leading institutions, including the DIAC, ICC, SCC, LCIA and UNCITRAL. My practice is grounded in a deep understanding of both institutional and ad hoc arbitration frameworks, with a focus on delivering efficient, client-centric solutions.
- Commercial Arbitration: Representing multinational corporations in disputes involving cross-border transactions, breach of contract, joint ventures, and shareholder conflicts.
- Construction Arbitration: Handling disputes related to construction delays, defective works, liquidated damages, variations, and contract terminations. I have successfully represented clients in high-value claims under FIDIC and bespoke contracts.
- Successfully resolved a domain name dispute through WIPO arbitration for a leading technology client, securing their global brand rights.

Some landmark arbitration projects were as follows:

- Represented a client in a breach of contract dispute related to defective works in an EPC project in Ras Al Khaimah, achieving a favourable award of AED 8 million to cover repair and delay costs.
- Successfully represented the claimant in a USD 4 million joint venture dispute under DIAC rules, securing a favourable award.
- Acted as lead counsel in a construction arbitration involving AED 9 million under ICC rules, resolving claims of delays, variation works, and liquidated damages.
- Representing the claimant in the High Court Gauteng Local Division, Johannesburg initiated arbitration, in a breach of contract case involving non-payment of USD 810,458.10,
- Acted as counsel in a USD 10 million dispute under SCC rules, involving breach of contract.
- Recovered unpaid fees in a brokerage commission dispute under DIAC rules for a real estate brokerage firm.

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- Represented the claimant in an LCIA arbitration in Singapore involving a breach of contract dispute related to construction delays, extension of time (EOT), and prolongation claims, with a claim amount of USD 47 million.
 - Represented a multinational corporation in a USD 20 million breach of supply agreement dispute under DIAC rules, securing full recovery of the claim amount.
 - Advocated for a minority shareholder in a USD 15 million dispute under DIAC rules, achieving an equitable settlement.
 - Represented a contractor in a FIDIC-based arbitration related to defective works and liquidated damages, achieving a favourable partial award under DIAC rules.
 - Successfully represented a developer in a real estate arbitration involving escrow discrepancies under UNCITRAL rules.
 - Defended a client involving wrongful termination and agency fees under UNCITRAL rules, resulting in significantly reduced liability.
 - Managed an UNCITRAL arbitration for a cross-border infrastructure project, negotiating a favourable settlement before the issuance of the final award.

Some Landmark Arbitration Cases as Sole Arbitrator and Evaluative Mediator

- Delivered an evaluation of merits under the DIAC Mediation Rules, providing a comprehensive analysis of the parties' positions in a complex AED 13.5 million licensing dispute. The mediation addressed claims of intellectual property infringement and royalty payment issues. My evaluation, which highlighted the likely outcome of the dispute if litigated, guided the parties toward a settlement, ensuring an efficient resolution of the matter.
- Arbitrated a USD 10 million dispute involving breach of construction contract between developer and owner of the plot under DIAC rules.
- Served as the sole arbitrator under DIAC Rules in a dispute concerning the non-payment of AED 500,000, under an accepted statement of accounts in a subcontracting agreement. Issued the final award, addressing the enforcement of payment obligations and the interpretation of contractual terms, resulting in a binding resolution of the dispute.
- Served as mediator in a domain name dispute involving a global technology company, and for commercial disputes under AED 100000/-
- Served as the Sole Arbitrator in multiple disputes under DIAC and the UNCITRAL Arbitration Rules, with claim values ranging from USD 10,000 to USD 80,000 across various sectors involving contractual performance issues, payment defaults, IP infringement claims, and commodity-related disagreements, including disputes licensing agreements, and construction contracts.

Corporate:

Provided comprehensive legal advisory on corporate matters, including contract negotiations, risk management, mergers and acquisitions, joint ventures, corporate restructuring, and project finance deals. Advised on governance frameworks, regulatory compliance, and the legal structuring of complex financial and cross-border transactions to support operational and strategic objectives. Advised on the legal implications of banking regulations, anti-money laundering (AML) compliance, and financial product offerings to ensure adherence to regional and international standards. Supported clients through the LIBOR transition, advising on the legal, contractual, and operational adjustments required for a smooth transition to alternative reference rates.



Addressed emerging regulatory challenges, including Basel III requirements, data privacy regulations, sanctions compliance, and fintech developments. Some landmark projects corporate advisory projects were as follows:

- Negotiated contractual frameworks for a USD 15 million machinery project, ensuring compliance with FIDIC standards and regional regulations.
- Oversaw the drafting of bespoke contracts for a warehouse, aligning all stakeholders to mitigate delays and ensure payment schedules were met.
- Guided a major construction firm through a termination dispute on a hospital expansion project, protecting the client's interests during arbitration proceedings.
- Advised on the acquisition and restructuring of a cross-border joint venture worth AED 5 million, ensuring regulatory compliance and mitigating associated legal risks.
- Guided banks through complex financial transactions involving a USD 20 to USD 50 million project finance deals, delivering robust contractual frameworks.
- Structured a USD 50 million project finance deal for a leading bank, ensuring risk was distributed effectively among syndicate lenders and secured by comprehensive collateral documentation.
- Advised a regional bank on the terms of cross-border trade finance arrangements, ensuring compliance with UAE Central Bank regulations and international trade laws.

Regulatory Compliance:

- Provided strategic advice to a multinational bank on compliance with AML and CFT regulations, assisting in the design of a robust compliance program that met both local and FATF standards.
- Loan Agreements and Security Documentation:
 - Drafted and negotiated syndicated loan agreements worth AED 100 million, including security packages such as mortgages, guarantees, and pledges.
 - Designed risk mitigation strategies for banks in secured financing agreements involving real estate and infrastructure assets.

Debt Restructuring and Insolvency:

- Represented a bank in the restructuring of a high-profile loan portfolio valued at USD 80 million, renegotiating payment terms and reducing default risks.
- Advised on the insolvency proceedings of a major corporate borrower, ensuring priority rights for the bank as a secured creditor.

Regulatory Enforcement:

- Defended a bank in an AML enforcement action by regulatory authorities, reducing penalties through effective negotiation and compliance remediation.
- Represented a financial institution in disputes over sanctions compliance, ensuring alignment with global regulatory frameworks.

Technology and Digital Banking:

- Advised on litigation arising from breaches of e-banking contracts, ensuring clients' interests were protected in disputes over payment gateways and fintech collaborations.



- Drafted and negotiated numerous construction contracts, including FIDIC and bespoke forms, for diverse projects such as power plants, infrastructure developments, commercial buildings, and leisure facilities. Represented clients in construction-related arbitration and litigation involving disputes over delays, defective works, non-payment, liquidated damages, contract terminations, variations, and breach of warranties.
- Advised clients on a broad spectrum of employment disputes, including wrongful termination, discrimination claims, wage disputes, and breach of employment contracts before the UAE courts and DIFC. Provided strategic counsel on employment practices, ensuring compliance with UAE labour laws and assisting clients in implementing fair and legally compliant workplace policies.
- Oversaw the protection and enforcement of intellectual property rights in collaboration with cross-border teams, including resolving domain name disputes, agency conflicts, and addressing counterfeit product issues. Advised on trademark registration, copyright protection, licensing agreements, and enforcement strategies to safeguard clients' IP assets across multiple jurisdictions.
- Oversaw the protection and enforcement of intellectual property rights in collaboration with cross-border teams, including resolving domain name disputes, agency conflicts, and addressing counterfeit product issues. Advised on trademark registration, copyright protection, licensing agreements, and enforcement strategies to safeguard clients' IP assets across multiple jurisdictions.
- Designed enforcement strategies to combat counterfeit goods for a multinational FMCG client under an agency dispute, resulting in the removal of infringing products from UAE market.
- Conducted due diligence and risk assessments for cross-border transactions, ensuring robust frameworks to mitigate exposure to legal and financial risks in a rapidly evolving regulatory landscape.
- Advised on food law compliance, including food labeling, advertising, and product claims for clients in the consumer goods sector.
- Safeguarded pharmaceutical patents and trademarks, liaising with R&D and IP teams to protect proprietary formulations and technologies.
- Ensured compliance with local laws governing pharmaceutical agencies, including licensing, marketing, and distribution regulations. Advised on pharmaceutical retail operations, including controlled substances management and adherence to local prescribing laws.

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