

*Pardini &
Asociados*
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YACHT REGISTRATION

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Disclaimer

This booklet is made available by Pardini & Asociados for educational purposes only as well as to give you general information and a general understanding of the law, not to provide specific legal advice. This booklet should not be used as a substitute for competent legal advice. If you have any specific questions about any legal matter, contact us.



1. Registration of Yachts in Panama

The following is a brief outline of the procedures and requirements set forth in the laws of the Republic of Panama about the registration of yachts. All inquiries concerning Panamanian matters within the terms of the present memorandum or other matters will be answered within the same day.

The advantages of the registry are:

- The owner of a yacht may be Panamanian or foreign, residing in Panama or abroad.
- That there are no minimum tonnage or size limitations for the yacht registration.
- Classification is optional, exceptions must be made to those yachts over 12 passengers or intended to be used commercially, which need to comply with applicable international regulations.

- Registration charges are based on flat fees; \$1000.00 for Panama owned and \$1500.00 for foreign owned.

Super yachts and Commercial Yachts:

Contrary to the notion that Panama doesn't have a super yacht Registry, the Marine Merchant Registry does grant super yachts registration. Provided that the applicant requests it and provides the proper certifications that comply with international regulations and the standard Mega Yacht Code. Whether it is a private super yacht or a commercial super yacht the Panama Registry will consider it and grant the yacht registration.

Similar to other super yacht registries Panama recognizes the most important classification societies. A list can be provided upon request.

Registration charges for super yachts over 12 passengers and commercial yachts will be calculated upon request.

1.1. Preliminary considerations for application to the Registry

The yacht registration may be accomplished swiftly in Panama, and will require a Panamanian attorney as Representative. The registration is these days accomplished with great simplicity as the application is performed online by the lawyer.

Provisional registration of a vessel can be obtained expeditiously through the Panama Shipping Bureau in Panama. All other proceedings leading to the obtainment of the Permanent Navigation License must be handled in Panama.

1.2. Provisional navigation license

The Provisional Navigation License is valid for six (6) months; extension periods can be obtained through the Panama Shipping Bureau if necessary, to secure complete presentation of the required documentation to apply for the Permanent Navigation License. The extension period will be of six months.

To request a Provisional Navigation License, our law firm must be provided with, 1. a Power of Attorney, 2. the Registration Form duly completed, 3. copies of proof of ownership, 4. the request of deletion of the previous registry.

1.3. Permanent navigation license

Once the title to the yacht has been recorded at the Public Registry, the Panama Shipping Bureau will issue, upon our special request, the Permanent Navigation License for the vessel, which shall be valid, as follows:

- **The Permanent Navigation License (Patente Reglamentaria de Navegación) for yachts shall have a duration of two (2) years.**

Before the date of expiration of said navigation license, the owner must request the issuance of a new certificate for an equal time, if he presents proof of fulfillment of all fiscal obligations toward the Republic of Panama.

• Bill of Sale

Following issuance of Provisional License (Patente Provisional), the Bill of Sale or the builder's certificate (whichever may be the case) must be registered in Panama. The Bill of Sale must be authenticated by a Notary Public, who will state, out of his own knowledge and not by way of deposition, which the seller of the vessel was, in fact, the owner of the ship and that the person acting on his behalf is duly authorized to such ends. The Bill of Sale must stipulate as well the acceptance of the sale by the buyer. The Notary's signature must, after that, be authenticated by a Panamanian Consulate or by apostille.



Important:

If these authentications and legalizations are not completed, the document will have no legal value in Panama.

In the case of the builder's certificate should clearly say that the vessel was built for and delivered to the owners, that the price has been paid for it, and an expression to the effect that title is being passed by the certificate in question, with the relevant description of the vessel. This document must also be notarized and legalized before a Panamanian Consulate or by apostille.

In either case, the registration may be accomplished by the preliminary registration procedure.

Other documents to be filed within the same period, if done in Panama, and with the request for provisional registration, are:

• Power of Attorney

We will provide you the form of power of attorney to be signed by the owner of the vessel and legalized by a Panamanian Consulate, empowering our law firm to represent the owners in the handling of all legal affairs of the vessel before the Panamanian authorities.

• Certificate of / or Consent to Deletion

The Client or vessel owner must provide us with a certificate of deletion or a consent to deletion from the pertinent authorities from the prior country of registration, and it must be duly legalized by a Panamanian Consulate or apostille.

2. Registration of Yachts in Cayman Islands

The Cayman Islands Shipping Registry (the “CISR”) offers five types of vessel registration:

- Full registration;
- Interim registration;
- Provisional registration;
- Under Construction registration; and
- Demise (Bareboat) Charter.

2.1. Ownership requirements:

The vessel must be owned by a majority of “qualified persons”.

Qualified person includes

Individuals who are:

- British citizens
- British Overseas Territories and Crown Dependencies citizens;
- British subjects;
- Persons who under the Hong Kong Order 1986, are British Nationals (Overseas)
- Caymans Islands citizens
- Persons who are nationals or citizens of a Member State of the EU, EEC, or an approved country

A company having its principal business in, or a partnership established in:

- The Cayman Islands
- The United Kingdom
- Any relevant overseas territory which is defined as:
- Any other British Overseas Territories, including the British Virgin Islands, Anguilla, Gibraltar, and the Turks and Caicos Islands; and

- The Crown Dependencies of the Isle of Man and Channel Islands;

- Any member of the European Union or European Economic Area, including overseas countries, territories and dependencies of such states; or

- Any approved country, meaning those countries listed in the Third Schedule of the Cayman Islands Money Laundering Regulation Should the owning company not be incorporated in the Cayman Islands nor have its business in the Cayman Islands, it must appoint a representative in the Cayman Islands.

2.2. Key Elements of Full Registration:

Private Yacht:

- Name availability (choice of 3 ports)
- Completed Registry Forms (including appointment of authorised person –notarized, application to register, declaration of ownership)
- Bill of Sale
- Builders Certificate
- Deletion certificate or transmission documents to transfer from another British Port
- Certificate of Good Standing
- Vessel Qualification for private yachts
- Certificate of Survey
- Tonnage Certificate

Commercial Vessel:

- Name Availability and Qualification;
- Vessel Qualification;
- Evidence of Qualifying Owner and Proof of Legal Title;
- Vessel Dimensions and Other Details;
- Completion of Relevant Forms
- Certificate of Good Standing

2.3. Appointment of Authorised Person:

The Applicant will need to complete an "Appointment of an Authorised Person" form, which must have the seal of the company affixed or the signature on the form must be witnessed by a Notary Public. An authorised person will be authorised to complete, sign and submit the Declaration of Ownership for the company, and all other forms and supporting documentation submitted in relation to the vessel.

Please note that all matters relating to internationally operated passenger commercial vessels are dealt with on a case-by-case basis through consultation between the CISR and the owner of the vessel.

Completed Registration:

Once the CISR has received all of the relevant forms and supporting documentation, information and fees, a Certificate of British Registry will be issued along with the relevant Tonnage Certificate.

A Carving and Marking Note ("C&M Note") will be issued at the appropriate juncture of the registration process which will specify how the vessel is to be marked. The C&M Note must be signed by an authorised surveyor and returned to the CISR. The vessel may be registered prior to the return of the C&M Note.

For more information with regards to the above, please **contact us**.



- Certificate of Tonnage
- Ship Survey and Certification;
- Manning and Crew Compliance; and
- Ship Radio Station Licencing.

There are additional requirements and certifications related to the registration of commercial vessels. These additional requirements should be conducted parallel to the registration process and include safety and operational compliance involving the issue by a Cayman surveyor/auditor (or by a Classification Society authorised to act on behalf of Cayman) of the relevant Convention or statutory certificates.

Please note that other documentation may be required depending on the type of registration requested.

In regard to commercial vessels other than passenger ships, notification that the vessel requires the relevant surveys, inspection and certification should be made to the CISR Survey Section, where such notification has not already been addressed under the registration application process. Relevant fees or an agreed deposit payable to the CISR will apply at this stage. A number of other documentation will also be required in regard to the survey and certification process. The additional procedures required for commercial vessel registration are as follows:

3. Registration of Yachts in Malta

Vessel registration under the Malta flag and the operation of Maltese ships is regulated by the Merchant Shipping Act of 1973, a law based in the main on United Kingdom legislation but subsequently revised and amended in 1986, 1988, 1990, 2000 and 2010. The main legislation is supplemented by a comprehensive set of rules and regulations.

3.1. Advantages include

- Ships may be registered in the name of legally constituted corporate bodies or entities irrespective of nationality, or by a European Union citizen.
- Reputable and internationally recognised ship register.
- 24 hour, 7 days a week service.
- European Flag with a long maritime tradition.
- On the White List of the Paris MoU and Tokyo MoU and on the Low Risk.
- Ship List of the Paris MoU.
- No nationality restrictions for master, officers and crew.
- No trading restrictions and preferential treatment to Maltese ships in certain ports.
- No hidden costs and no inspection fees.
- Customer service oriented approach that values long term customer relationships.



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COMMERCIAL LAW

PRIVATE CLIENT
BANKING & SECURITIES
IMMIGRATION LAW

PANAMA MEANS BUSINESS

- Well-organised and highly responsive flag Administration with one of the largest registers in the world and very active in European Union fora and international organisations.

- Maltese requirements well known to main shipyards and main classification societies.

- Marriages can be officiated onboard Maltese ships.

- A clear strategic political vision supporting business and the maritime industry.

- Availability of a whole range of maritime services including very reputable and experienced legal and corporate services supporting registration, management and administration.

- Backed up by a professional shipping registry that values long term customer relationships.

3.2. Eligibility for registration

All types of vessels, from pleasure yachts to oil rigs, including vessels under construction, may be registered, provided that, inter alia, they are wholly owned by legally constituted corporate bodies or entities irrespective of nationality, or by European Union citizens.

The formation of a Maltese company is a straightforward operation; there are no nationality requirements as to both the shareholders and directors. As a rule, trading ships of 25 years and over are not registered although in certain circumstances this may be considered.

Ships of 15 years and over are required to undergo successfully an authorised flag State inspection prior to provisional registration. Ships of 10 years and over but under 15 years are required to undergo successfully an inspection by an authorised flag State inspector before or within one month of provisional registration.

3.3. Registration procedure

A vessel is first registered provisionally under the Malta flag for six months (extendible for a further period, or periods not exceeding in the aggregate six months) during which period all documentation needs to be finalised.



The requirements for provisional registration are:

- Application for registration by the owner or an authorised representative, including, if required, application for change of name of ship.

- Proof of qualification to own a Maltese ship; in the case of a body corporate, the document of incorporation.

- In the case of non-Maltese owners, appointment of a resident agent. Where applicable, copy of the current ship's International Tonnage Certificate.

- Declaration of ownership made in front of the Registrar by the owner or an authorised representative.

- Evidence of seaworthiness; in the case of trading ships, confirmation of class with a recognised organisation, and information of the ship's statutory certification including Company ISM compliance.

- Where applicable, request for the Administration to authorise the appropriate recognised classification society to issue the ship's and the Company statutory certificates.

- Declaration of Maritime Labour Compliance (DMLC) - Part 1.

- Where applicable, application for Minimum Safe Manning Certificate. Payment of initial registration fees and annual tonnage tax. Application for Ship Radio Station License.

3.4. Registration procedure (cont.d)

The following documents are to be submitted during provisional registration:

- Where there was previous ownership, a bill of sale or any other document by which the vessel was transferred to the applicant for registry; otherwise a builder's certificate in the name of the applicant.

- Where applicable, cancellation of registry certificate issued by the Administration where the vessel was last documented.

- In the cases of SOLAS ships, copy of the last updated Continuous Synopsis.

- Record issued by the Administration where the ship was last documented.

- Certificate of Survey and a copy of the International Tonnage Certificate issued by an approved surveyor of ships.

- Evidence that the vessel has been marked in accordance with law

Where valid appropriate convention certificates are not in place the ship will be issued with a non-operational certificate of registry.

A certificate of Malta registry is subject to renewal on the anniversary of the Maltese registration.

3.5. Bareboat charter registration

Maltese law provides both for bareboat charter registration of foreign ships under the Malta flag and also for the bareboat charter registration of Maltese ships under a foreign flag. The main principles adopted at law are the compatibility of the two registries and that matters regarding title over the ship, mortgages and encumbrances are governed by the underlying registry, while operation of the vessel falls under jurisdiction of the bareboat charter registry.

With in these parameters, ships bareboat charter registered in Malta enjoy the same rights and privileges, and have the same obligations as any other ship registered in Malta. A bareboat charter registration shall be for the duration of the bareboat charter or until the expiry date of the underlying registration, whichever is the shorter, but in no case for a period exceeding two years. Registration may be extended.

The requirements and registration procedure for bareboat charter registration in Malta are similar to a normal registration, except that:

- Ship is bareboat chartered to a body corporate, entity or such other person qualified to own a Maltese ship.

- Ship is not a Maltese ship, and is registered in a compatible registry.

- Ship is not registered in another bareboat registry.

Following documents need to be produced:

- Application for registration by the charterer or an authorised representative.

- Declaration of bareboat charter accompanied by the charter agreement.

- Transcript or an extract of the underlying registration.

- Copy of the Ship's International Tonnage Certificate.

- Consent in writing of the underlying registry, owners and mortgagees.

Registration fees and annual tonnage tax for bareboat charter registration are the same as those applicable for normal registration.

3.6. Ships under construction

Maltese law provides for the registration of vessels that are being built or equipped. The requirements relating, inter alia, to survey and safety of ships already built and, to the declaration of ownership where the builders have not yet effected delivery to owners will be suspended until construction is completed or until delivery has been made. Vessels to be classed as trading ships are to be built under the supervision of a recognised organisation.

3.7. Commercial yachts

Yachts in commercial use which do not carry cargo and do not carry more than 12 passengers can be registered as commercial yachts. Maltese law is very advantageous for the operation of commercial yachts. A Commercial Yacht Code setting the required standards of safety and pollution prevention can be downloaded from <http://www.transport.gov.mt/superyacht-registration>.

3.8. International conventions

Malta has adopted all the major international maritime conventions including: CLC 92, Tonnage 69, COLREG 72, Fund 92, INMARSAT, LLMC 1996 Protocol, Load Lines 66 (including 1988 Protocol), London Convention 72, MARPOL 73/78, SOLAS 74/78 (including 1988 Protocol), STCW 78, as amended, 2002 Protocol to Athens 74, Bunkers 01, AFS 01, SUA 88 (including SUA Protocol 1988), SAR 79, FAL 65, OPRC 90, OPRC-HNS Protocol 00, WRC 07 and ILO Conventions Nos. 87, 98, 108, 138, 180 and MLC2006.

For a ship to operate under the Malta flag it must carry at all times valid statutory certificates issued on behalf of the Malta government by a recognised organisation.

3.9. Recognised organisations

Survey, tonnage and convention certificates may be issued on behalf of the Malta government by the following recognised organisations:

American Bureau of Shipping, Bureau Veritas, China Classification Society, Croatian Register of Shipping, ClassNK, DNV-GL, Korean Register of Shipping, Lloyd's Register of Shipping, Polish Register of Shipping, Registro Italiano Navale and Russian Maritime Register of Shipping.

3.10. Manning and certification of seafarers

Maltese ships are subject to the provisions of the Merchant Shipping Act, ancillary regulations and the STCW 78 Convention (as amended) regarding the manning and certification of seafarers.

There are no restrictions on the nationality of the master, officers and crew engaged on Maltese ships. Foreign certificates issued in terms of the STCW 78 Convention, require an endorsement issued by the Maltese Administration attesting their recognition.

A Minimum Safe Manning Certificate will be issued by the Administration.

3.11. Mortgages

Registration, transfer, amendment and discharge of mortgages may be effected immediately on presentation of the related documents to the Registrar. The 1990, 1986 and 2000 amendments introduced important safeguards in respect of registered mortgages thus making financing of Maltese ships more attractive.

3.12. Registration fees and tonnage tax

Registration fees and annual tonnage tax for all ships will be provided upon request.

3.13. Closure of registry

The registry of a Maltese ship may be closed at the request of the owners provided all liabilities and obligations in respect of the ship towards the State of Malta have been fulfilled and the consent of all registered mortgagees is produced.

Cancellation of registry by the Administration for non-compliance with the provisions of the law may also be effected after adequate time has been given to the owners to regularise matters and for the financiers to take the necessary action to protect their interests

The information contained herein is meant to serve as a guide only and is subject to change without prior notice.

For further information, please **contact us**.

4. Registration of Yachts in Belize

The registration of vessels or yachts with the Belize Ship Registry may either be in the form of Provisional or Permanent registration. Where the vessel is being provisionally registered (Valid for six months), an application in the prescribed forms duly completed and signed by the ship owner or his authorized representative or shipping agent of the vessel must be submitted.

The application is to be accompanied by a duly notarized Power of Attorney in favor of the vessel's agent, a certified tonnage certificate issued by a survey company authorized by Immarbe and duly notarized bill of sale or a duly notarized builder's certificate if the vessel is a new building.

Permanent Registration of vessels requires the submission of the duly executed application forms (as done for provisional registration) accompanied by the following documents:

1. A duly notarized bill of sale or a duly notarized builder's certificate if the vessel is a new building.
2. An original deletion certificate or a certified copy of the extract of registry from the previous flag administration.
3. A duly notarized Power of Attorney in favour of the shipping agent of the vessel.
4. In the case of a vessel which is over twenty (20) years, an inspection report prepared by an authorized.
5. Section report by an authorized.
6. Government Inspection Surveyor (GIS) or stating that the vessel has passed an inspection to determine seaworthiness.

7. An original or certified true copy of a tonnage certificate issued to a survey company authorized by Immarbe.

The Ship Registry fees vary according to the size of the vessel, from USD 200.00 for a vessel of up to 500 G.T. to USD 3,000.00 for vessels more than 10,000 G.T. An application for the registration of yachts, pleasure crafts or non-profit vessels exclusively for private in only required to pay an initial registration fee of Five Hundred United States Dollars (USD 500.00) and an annual tax of One Thousand United States Dollars (USD 1,000.00).

Upon receipt of the certified copies of all other documents i.e. a certified true copy of a tonnage certificate issued to a survey company authorized by Immarbe, a Notarized Bill of Sale, Original Deletion Certificate, Safe manning certificate/radio license and the payment of an additional administration fee to the registry of USD 100.00, a permanent registration certificate will be issued.

For more information, please **contact us**.

5. Registration of Yachts in Marshall Islands

There are many benefits to flagging with the Marshall Islands. They are the 3rd largest registry in the world and have 27 offices worldwide available to assist clients with any needs.

Marshall Islands vessels qualify for US cruising permits. They have an outstanding track record with Port State Control and are White Listed with the Paris MoU, Tokyo MoU and have made the USCG Qualship 21 list for the 12th consecutive year.

Some of their unique qualities are More than 12 guest rule, Private Yacht Limited Charter (PYLC) Registration which allows for Private Yachts (that meet additional requirements) to Charter for up to 84 days a year and the ability to register yachts under Foreign Maritime Entities which allows owners to keep their corporations in other jurisdictions.

5.1. Yacht Code

The RMI Maritime Administrator (the “Administrator”) revised the RMI Yacht Code (the “Code”) to reflect changes in today’s yacht market, not only in terms of the increasing size and complexity of yachts being designed and built, but also to cover recent industry developments such as technological advancements, new international conventions coming into force, and port State control (PSC) inspection of yachts.

The Code provides a common sense and practical approach to evolving safety and technical issues while being supported by a strong worldwide yacht technical group. You can access our yacht code here: Republic of the Marshall Islands Yacht Code (MI-103)

5.2. Types of Registrations

The RMI allows, through its national legislation and the Code, the registration of private yachts, private yachts limited charter (PYLCs), commercial yachts, and passenger yachts (PAXYs).

It also allows for RMI flagged private yachts to charter in French and Monegasque waters without the need for commercial registration by requesting a Temporary Certificate of Registry (CoR) for Yacht Engaged in Trade (YET).

5.3. Private Yachts

A private yacht is considered to be any yacht not carrying passengers for hire, not engaged in trade or commerce, and being used solely for the pleasure or recreational purposes of its owner.

The registration of private yachts is limited to those of 12m or more in length overall (LOA). Private yachts may carry more than 12 guests onboard, provided additional flag State requirements are met.

The registration of private yachts is limited to those of 12m or more in length overall (LOA). Private yachts may carry more than 12 guests onboard, provided additional flag State requirements are met.

5.4. Private Yachts Limited Charter (PYLC)

A yacht that is described on the Certificate of Registry as a private yacht, is 18m or more in LOA, and has a Compliance Certificate allowing the yacht to be engaged in limited chartering for no more than 84 days per calendar year and which shall carry no more than 12 passengers, is considered a Private Yacht Limited Charter (PYLC).

* This program is not available in areas where full commercial compliance is required for charter.



5.5. Commercial Yachts

A commercial yacht is any yacht engaged in trade, commerce, or on charter, and carrying no more than 12 passengers. The registration of commercial yachts is limited to those of 24m or more in load line length.

5.6. Yacht Engaged in Trade (YET)

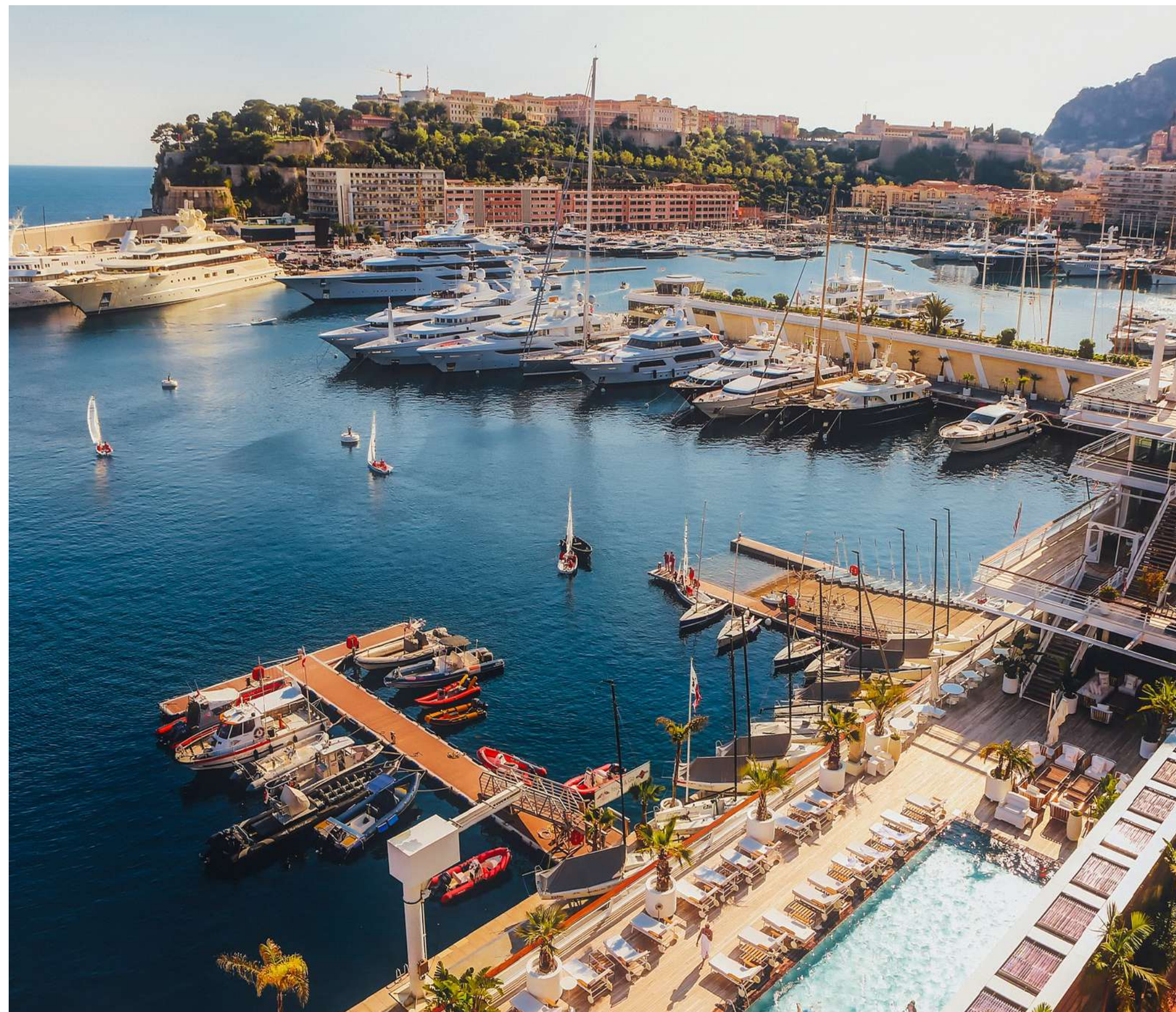
A Yacht Engaged in Trade (YET) is a private yacht of 24 m or more in load line length that is eligible to obtain a valid Temporary Certificate of Registry for YET and which holds a valid YET Compliance Certificate allowing the yacht to be engaged in temporary chartering. YETs are authorized to charter for up to 84 days per calendar year in European Union (EU) waters (currently limited to French and Monegasque waters) and shall carry no more than 12 passengers.

The yacht must comply fully with the requirements of Chapters I (General), II (Commercial Yachts), and V (YETs) of the Code and all other applicable national and international requirements. Compliance with the Code requires the YET to be fully commercially compliant at all times, whether engaged in trade or not, including full commercial compliance with all applicable RMI requirements and international conventions such as the Maritime Labour Convention, 2006 (MLC, 2006), the International Convention for the Safety of Life at Sea (SOLAS), the International Convention for the Prevention of Pollution from Ships (MARPOL), the International Safety Management (ISM) Code, and the International Ship and Port Facility Security Code (ISPS) Code, among others.

5.7. Passenger Yachts (PAXY):

A passenger yacht (PAXY) is any passenger ship registered as per Chapter 2 of the Republic of the Marshall Islands (RMI) Maritime Act (MI-107) that is described on the Certificate of Registry as a PAXY and therefore may be engaged in trade, commerce, or chartering carrying more than 12, but no more than 36 passengers under limited operational conditions.

For more information, please [**contact us.**](#)



About the Firm

Pardini & Asociados is an international law firm with headquarters in Panama with 35 years of tradition and experience advising foreign clients and corporations of all sizes.

Pardini & Asociados was founded in 1982 with an original practice in Corporate, Commercial, Admiralty and Maritime law, which still continues today.

Since then, our law firm has been at the forefront of many innovative legal developments and during the past 15 years, the law firm has developed a highly specialized practice in foreign investments mainly in the areas of Aviation, Hotels & Resorts, Real Estate, Petroleum, Energy, Mining, Telecommunications, Tax Planning, Intellectual Property, Insurance and Reinsurance, M&As, Banking, Securities, Antitrust and Competition, Manufacturing, Infrastructure, Construction, Litigation plus a strong expertise in Labor and Immigration.

Core Strengths

We offer legal services linked to a broad scope of business needs. Our clients look for us for our experience and knowledge in any of these practice disciplines, our innovation and cost-effective results.

Our team is composed for the best legal specialists in different areas with a deep expertise in all major business sectors.

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ACQ Law and Global Award

M&A and Corporate Law Firm of the Year
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2017

Corporate INTL

Aviation Law Firm of the Year in Panama
2012 / 2013 / 2014 / 2017 / 2018

Shipping & Maritime Law Firm of the Year in Panama
2016 / 2018

Acquisition International

Mining & Energy Law Firm of the Year: Panama
2012 / 2013

Business Law Firm of the Year
2014

Dispute Resolution Award
2014 / 2015

Corporate Law Firm & Business Law Firm of the year – Panama
2014

Best Foreign Investments Law Firm - Panama
2016 / 2018

Global 100

Corporate and Litigation Law Firm of the Year
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Corporate Law Firm of the Year - Panama
2016

Energy and Petroleum Law Firm of the Year - Panama
2016

Real Estate Law Firm of the Year - Panama
2016

Law Firm of the Year - Corporate – Panama
2017 / 2018

Getting the Deal Through

National Expert - Air Transport
2017 / 2018

Legal 500

Dispute Resolution
2017

CityWealth Leaderlist

Lawyers – Corporate and Regulatory
2017