

Bengoshi Partner, Skadden Arps Law Office, Tokyo

(registered associated office of Skadden Arps Foreign Law Office)

Mergers and Acquisitions; Cybersecurity and Data Privacy



T: 81.3.3568.2448
akira.kumaki@skadden.com

Education

LL.M., Columbia University
School of Law, 2007

Diploma of Completion, The Legal
Research and Training Institute of
the Supreme Court of Japan, 2001

Economics Degree, University
of Tokyo, 2000

Bar Admissions

Japan (*Bengoshi*)
California

Languages

Japanese
English

Akira Kumaki's legal practice covers the areas of mergers and acquisitions, private equity, securities and other general corporate matters associated with public and private companies. He also advises a variety of clients on cybersecurity and data privacy matters.

In recognition of Mr. Kumaki's work, he was named a Next Generation Partner for Corporate/M&A & Joint Ventures in Japan by *The Legal 500* in 2022.

Mr. Kumaki has represented various multinational clients in their transactions in and outside of Japan, including, among others:

- **Advantest Corporation** in its US\$1.1 billion acquisition of Verigy Ltd.
- **Aioi Insurance Company, Limited** in its business combination with Nissay Dowa General Insurance Company, Limited and Mitsui Sumitomo Insurance Group Holdings, Inc.
- **AirAsia Berhad's** investment vehicle in the formation of the joint venture AirAsia Japan with Rakuten, Inc. and others
- **Baring Private Equity Asia's** fund in the sale of all stake in Net Japan to Orix Corporation's SPV
- **EnerNOC, Inc.** in its demand response power joint venture with Marubeni Corporation
- **Fujirebio Inc.** in its business combination with SRL Inc. to form Miraca Holdings Inc.
- **KDDI Corporation** in its US\$4 billion acquisition of a 37.8% equity stake in Jupiter Telecommunications, Co., Ltd. from Liberty Global
- **Livedoor Co., Ltd.** in its attempt to gain control of Nippon Broadcasting System
- **Mitsui Sumitomo Insurance Co., Ltd.** in its £3.46 billion acquisition of Amlin PLC
- **Oji Paper Company** in its attempt to acquire a controlling stake in Hokuetsu Paper Mills, Ltd.
- **Pacific Industrial Co., Ltd.** in its US\$173 million acquisition of the Schrader valves business from Sensata Technologies Holdings plc
- **Rakuten, Inc.** in its proposed business combination with Tokyo Broadcasting Systems, Inc. (TBS) and in TBS's US\$540 million share buyback
- **Recruit Holdings Co., Ltd.** (Japan) in the acquisition by its subsidiary, RGF Hong Kong Ltd., of the remaining shares of Bo Le Associates Group Limited (Hong Kong), an executive search company, that it does not already own
- **Recruit Co., Ltd.** (Japan) in its acquisition of Indeed Inc., an online provider of employment services
- **Sekisui Chemical Co., Ltd.** in its US\$510 million acquisition of AIM Aerospace Corporation
- **Seven Bank, Ltd.** and its U.S. subsidiary, Financial Consulting & Trading International, Inc., in the acquisition by Financial Consulting & Trading International of Global Access Corporation's ATM business pursuant to the asset purchase agreement under Chapter 11 Section 363 of the U.S. Bankruptcy Code

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- **Seven Bank, Ltd.** in its acquisition of Financial Consulting & Trading International, Inc. Both parties are owners and operators of ATM networks
- **Seven Bank Ltd.** in its business alliance with Western Union with respect to its international wire transfer business
- **Sharp Corporation** (Japan) in its display technology agreement with Pixtronix Inc. and in a US\$120 million equity investment by Qualcomm Incorporated
- **Sprint Nextel Corporation** in its US\$21.6 billion sale of a 78% stake to Softbank Corporation (recognized as the Global M&A Deal of the Year: Grand Prize by *The American Lawyer* and in the Corporate & Commercial category in the *Financial Times*' U.S. Innovative Lawyers report)
- **Sumitomo Mitsui Banking Corporation** in its HK\$1.4 billion equity investment in The Bank of East Asia, Limited and its acquisition of a 24% stake in China Post & Capital Fund Management Co., Ltd. from Beijing Chang'an Investment Group Co., Ltd.
- **Sumitomo Mitsui Banking Corporation** and **SMBC Nikko Securities Inc.** in their minority investment in and business and capital alliance with Moelis & Company
- **Sumitomo Mitsui Financial Group** in connection with its US\$7.8 billion acquisition of Nikko Cordial Securities Inc. and the domestic debt and equity underwriting business of Nikko Citigroup Limited; and with respect to the termination and restructuring of its joint venture in the area of principal investment business with Daiwa Securities Group Inc.
- **Starwood Capital Group Global LLC** in its successful application to obtain an injunction against the issuance of new investment units by FC Residential Investment Corporation, a listed JREIT
- **Umicore S.A.** in a catalyst joint venture with Nippon Shokubai Co., Ltd.
- **Visa Inc.**'s SPV on its acquisition of all remaining shares in GP Network Corporation from TSYS Japan LLC and other minority shareholders

Mr. Kumaki is fluent in Japanese and English. Prior to joining Skadden's Tokyo office, he worked for the Tokyo office of an international U.K. law firm.

Publications

- Co-Author, "Institutional Investors, Activists and Legal Reforms Begin Altering Japanese Corporate Governance," *Skadden's 2022 Insights*, January 2022
- Co-Author, "CFIUS Goes Global: New FDI Review Processes Proliferate, Old Ones Expand," *Skadden's 2022 Insights*, January 2022
- Co-Author, "China's New Data Security and Personal Information Protection Laws: What They Mean for Multinational Companies," *Skadden, Arps, Slate, Meagher & Flom LLP*, November 2021
- Co-Author, "As Shareholder Activism Grows in Japan, New Amendment Places Limits on Foreign Investors," *Skadden, Arps, Slate, Meagher & Flom LLP*, January 2020
- Author, "M&A Practice (M&A no Jitsumu)," *Seibunsha*, 2019
- Author, "Unbeatable English Contracts (*Makenai Eibun Keiyakusho*)," *Seibunsha*, 2018
- Author, "Check Point in Review of Contract; Business Alliance Agreement," *Business Law Journal*, April 2012
- Co-Author, "Re-examination of Duty of Loyalty and Conflict of Interest" *Com. L. Rev. (Shoji Homu)*, October 2011
- Author, "M&A Road Map," *Business Law Journal*, January 2011 to December, 2011
- Co-Author, "The Overview of the Current Application of the UK Takeover Regulation and its Implication to the Japanese TOB Regulation," *The Journal of the Japanese Institute of International Business Law*, July 2010
- Co-Author, "Issues Relating to Japanese Proxy Fight Rules in a Hostile Takeover Situation" *Com. L. Rev. (Shoji Homu)*, March 2008
- Co-Author, "New U.S. Foreign Investment Regulation and Practical Observations," *Com. L. Rev. (Shoji Homu)*, October 2007