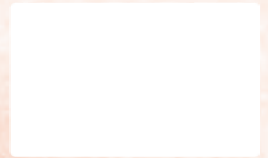




the global voice of
the legal profession



Hans Meyer

*Eric Underwood
2009*

Programme



4-9 October 2009

International Sales, Franchising and Product Law Section

Council Liaison Officer

Lynda Zadra-Symes *Knobbe Martens Olson & Bear LLP, Irvine, California, USA*

Payment mechanisms in international transactions

Session Co-Chairs

Jürgen Brandstätter *Brandstätter Rechtsanwälte GmbH, Vienna, Austria; Chair, Product Law and Advertising Committee*

Andrew P Loewinger *Nixon Peabody LLP, Washington DC, USA; Newsletter Editor, International Franchising Committee*

Bart Selden *Gartenberg Gelfand Wasson & Selden LLP, San Francisco, California, USA; Co-Chair, Agency Distribution Agreements Subcommittee*

This session will cover various mechanisms for payments used in international distribution, franchise and commercial sales arrangements. These will include types of electronic payment mechanisms, payment through guarantees, and different types of letters of credit, and applicable regulatory issues. This session will also address enforceability issues for the various payment arrangements.

Speakers

Jürgen Brandstätter

Monika Essers *Avocado Rechtsanwälte, Cologne, Germany*

Preeti Mehta *Kanga & Co, Mumbai, India*

Hans-Josef Vogel

Andrew Wiseman *Allens Arthur Robinson, Sydney, New South Wales, Australia*

MONDAY 1000 – 1300

Montevideo/La Paz, 2nd Floor, Right

A DINNER will be held for members and guests.

See page 143 for details.

WEDNESDAY 2130

International Franchising

Chair

Penelope Ward *Baker & McKenzie, Sydney, New South Wales, Australia*

Franchising in Europe

Session Chair

Rocío Belda de Mergelina *Garrigues, Madrid, Spain; Secretary and Website Officer, International Franchising Committee*

The session will provide an overview of common issues arising from franchising in Europe, highlighting the differences between franchising in EU and non-EU countries. The session will address some of the major issues that are relevant for franchising in Europe at the moment, including the revision of EU Block Exemption Regulation on Vertical Restraints, the impact of Rome I and II Conventions for precontractual disclosure obligations and other matters, and recent trends in European courts in relation to treatment of franchisees. The session will also explore possible structures which could be used to operate a sole franchise throughout Europe.

Speakers

Fabio Bortolotti *Buffa Bortolotti & Mathis, Turin, Italy; Special Projects Officer, International Sales Committee*

Willem den Hertog *Udink & De Jong, The Hague, the Netherlands*

Pascal Hollander *Hanotiau & van den Berg, Brussels, Belgium*

John Pratt *Hamilton Pratt, Birmingham, England*

Anna Tsirat *Jurvneservice, Kiev, Ukraine*

MONDAY 1500 – 1800

Brussels, 4th Floor, Left

Global franchise expansion, the experience of in-house counsel

Session Chair

Marco Hero *TIGGES Rechtsanwälte, Munich, Germany; Publications Officer, International Franchising Committee*

This session will identify legal, strategic and structural issues which should be considered by in-house lawyers before and during a franchisor's international expansion. This will include a discussion of how to obtain the best local information, typical changes required to standard agreements and how to deal efficiently with external counsel. The session will also take a closer look at franchise expansion into Eastern Europe, joint venture structures and expansion from Europe to the US.

Speakers

Daniela Brito *Nike Inc, Beaverton, Oregon, USA*

Hermann Josef Kessel *OBI Group Holding GmbH, Mülheim an der Ruhr, Germany*

Karen Satterlee *Hilton Hotels, McLean, Virginia, USA*

Cesare Zamboni *Bologna, Italy*

News from around the world

Session Chair

Penelope Ward

This session will survey recent global developments in legislation and case law involving franchising.

Speakers

Mark Bisch *Fulbright & Jaworski LLP, Dubai, United Arab Emirates*

Oswaldo J Marzorati *Allende & Brea, Buenos Aires, Argentina*

Anoop Narayanan *Majmudar & Co International Lawyers, Mumbai, India*

Olga Szejnert *Drzewiecki Tomaszek & Partners, Warsaw, Poland*

André Visser *Adams & Adams, Pretoria, South Africa*

WEDNESDAY 1000 – 1300

Varsovia, 4th Floor, Right

How to structure an international sales contract

Session Chair

Mark Willis-Jones *Armstrong World Industries, Barcelona, Spain*

The session will examine a mock case and review requirements of relevant essential clauses to be included in an international sales contract from a global perspective. The speakers will address both common law and civil law issues as well as the interaction between different legal systems, raised by the case.

Speakers

Rocío Belda de Mergelina *Garrigues, Madrid, Spain; Secretary and Website Officer, International Franchising Committee*

Jürgen Brandstätter *BMA Brandstätter Rechtsanwälte GmbH, Vienna, Austria; Chair, Product Law and Advertising Committee*

Sylvain Justier *Magenta Société d'Advocats, Paris, France*

Beat Kühni *Lenz & Staehelin, Zurich, Switzerland*

Roman Tarlavski *CMS Derks Star Busmann, Amsterdam, the Netherlands*

TUESDAY 1500 – 1800
Rome, 2nd Floor, Left

The collector and the dealer: buying art – the worldwide market

Joint session with the Art, Cultural Institutions and Heritage Law Committee. See page 87 for details.

WEDNESDAY 1000 – 1300
Bratislava, 4th Floor, Right

International distribution of goods and services – how do antitrust rules keep up with changing business patterns?

Joint session with the Antitrust Committee.

Session Co-Chairs

Martin Reufels *Heuking Kühn Lüer Wojtek, Cologne, Germany*

Marc Reysen *Howrey LLP, Brussels, Belgium; Newsletter Editor, Antitrust Committee*

Internationally, the role of manufacturers and distributors is changing significantly. Many businesses shift from traditional sales channels to e-commerce solutions, creating new ways of approaching the customer, and often changing business models in the process. At the same time distributors are 'vertically integrating' themselves by creating their own branded goods. All the while, business patterns, as well as shopping patterns, become more international. Such factual changes affect the legal framework within which businesses operate – in particular in the area of antitrust. Divergent national views prevail in some areas. One example is the treatment of retail price maintenance issues. Lawyers often struggle to fit newly developing business practices into an existing legal framework and to distinguish truly anti-competitive practices from developments that actually benefit the consumer. This panel will examine the state of the law and the most recent developments in a number of key jurisdictions, including the discussion about the approach under the European Block Exemption Regulation, trying to find common strands, identify existing differences and highlight potential pitfalls for the unwary.

Speakers

Matthew Bennett *Office of Fair Trading, London, England*

William A Blumenthal *Clifford Chance LLP, Washington DC, USA*

Ellen Braun *Allen & Overy LLP, Dusseldorf, Germany*

Luiz Henrique O do Amaral *Dannemann Siemsen, Rio de Janeiro, Brazil*

Ann Marie Galvin *3M, St Paul, Minnesota, USA*

WEDNESDAY 1500 – 1800
Montreal, Lower Level -4

Trade sales in a time of turmoil – creatively protecting and financing sale transactions before and after the 'fall'

Session Chair

Karl J Veldkamp *Toronto, Ontario, Canada; Chair, Financial Aspects of International Sales Subcommittee*

Consideration of the financing of the sale of goods for export and the protection of sellers in the context of the current set of financial challenges is timely. The simple expected model is that a seller produces goods, sells those goods and receives payment, but such expectation is under unprecedented challenge across and within borders. The session will consider best practices in protecting the seller both before and after the 'Fall', ie the insolvency of a buyer in the face of the new commercial realities. What are the 'new rules' which govern such trade or the 'old rules' that we need to dust off? Concurrently the role of state agencies, state-supported agencies and private enterprises in supporting, encouraging, insuring and underwriting trade will be considered. The economic challenges have broadened the level of involvement and support of trade support organisations to unprecedented levels. The session will endeavour to understand where these trade support agencies fit in the trade model and how one must proactively plan around and with them. Consideration will be given to elements such as the rise of bartering and countertrade. The session looks to convey these matters on a current basis with an emphasis on practical tools, insights and source materials.

Speakers

Stig Bigaard *Bech-Bruun, Copenhagen, Denmark*

Christopher R Donoho III *Lovells LLP, New York, USA; Vice-Chair, Enforcement of Creditors' Rights Subcommittee*

Rodger G Murray *Brodies LLP, Edinburgh, Scotland; Website Officer, Banking Law Committee*

Alfred L F Page *Borden Ladner Gervais LLP, Toronto, Ontario, Canada*

Carlos Pobre *Foreign Trade Director, Atradius Group, Credito Y Caucion, Madrid, Spain*

Carlos Valls *Juris Valls Abogados, Barcelona, Spain*

Victoria Zoldi *Basilico Santurio & Andrada, Buenos Aires, Argentina; Newsletter Editor, International Sales Committee*

THURSDAY 1000 – 1300
Berlin, 1st Floor, Left