

## Joint Network Conference, Lima, Peru



Cauvi, Ferraro, Piaggio, Zegarra & del Solar – Abogados welcomes you with great pleasure and thanks you for joining us here in Lima, Peru, for the ADVOC Joint Conference 2015 to be held from November 4 – 7, 2015.

As you may know Lima is a City of around 10,000,000 people, so a lot of activities are always in place. We are sure that you will have a great experience in the capital city of Peru!

Being hosted at the Marriott Hotel in the District of Miraflores (one of Lima’s modern and most popular residential and commercial districts, yet still a touristic location). You will also have the opportunity to access the finest shops at walking distance and be able to enjoy a quiet walk at Miraflores’s distinctive pedestrian boulevard which has a unique and beautiful view of the Pacific Ocean.

In addition to the Chapter meetings and the Joint Conference 2015, we have organized for our guests; entertainment, educational and continued networking activities, including -but not limited to- a formal welcome cocktail party in downtown Lima, an amazing show of our unique Peruvian Paso Horse, and a guided tour visit to the Rafael Larco Hoyle Museum, where astonishing ancient Peruvian pottery is exposed. Of course we have not forgotten that Peru has an exquisite and worldwide reputed cuisine that is also well worth trying, so be prepared to enjoy our renowned gastronomy.

Peru has also an ancient and incredible culture/history and amazing archaeological sites that are well worth a visit and, therefore, there are several options of post-conference tours organized to visit Cuzco, the sacred Valley of Urubamba, Macchu Picchu and their most interesting sites and locations.



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Global Executive Committee

<b>Asia</b>	Dunstan de Souza Jude Benny	CBP Lawyers JTJB
<b>Europe</b>	Niels Opstrup (Chairman) Jeroen Oehlen	DELACOUR Boels Zanders
<b>Latin America &amp; Caribbean</b>	Antonio Garbelini Ivette Martinez	Siqueira Castro Patton, Moreno & Asvat
<b>North America</b>	Gary Tober Bill Sellay	Garvey Shubert Barer Robinson & Cole

**Global Executive Committee Update**

We have had many meetings face to face and via telephone conference since the last Joint Network Meeting in Boston and we are still working on building the chapters and the global network.

Since Boston, we have grown in the number of members and we are now 92 members in 68 countries. With Lex Africa we are 116 firms in 92 countries. We should also have more members joining in Latin America and Asia shortly.

The GEC was represented by Simon Rous who made a very good presentation at a meeting in Kampala with Lex Africa on the idea of organising a joint conference with Lex Africa.

The recent conferences including the IBLC, Real estate Conference, 3rd ADVOC Maritime Conference and chapter network meetings have been a massive success and from our side we would like to thank the organisers.

I will be stepping down at the Joint Network Meeting in Peru with Jude Benny filling the position of Chair.

Hope you all have a great Joint Conference.

**Niels Opstrup**  
Chairman - Global Executive Committee



Global Rules & Protocol Committee

<b>Asia</b>	Simon Fraser (Chairman) Chelsea Li	<i>CBP Lawyers</i> <i>Jincheng, Tongda &amp; Neal</i>
<b>Europe</b>	Mindaugas Vadapalas Burkhard Herzog	<i>Vadapalas, Vaitekūnas &amp; Partners</i> <i>Schellenberg Unternehmeranwälte</i>
<b>Latin America &amp; Caribbean</b>	Carlos Roberto Siqueira Castro Luis Rodolfo Bullrich	<i>Siqueira Castro</i> <i>Nicholson y Cano</i>
<b>North America</b>	Bill Sellay Gary Tober	<i>Robinson &amp; Cole</i> <i>Garvey Shubert Barer</i>

Global IP Committee

<b>Asia</b>	Pradipa Jayatilaka Cyrus Chan	<i>D N Thuraiajah &amp; Co.</i> <i>Trust Law Firm</i>
<b>Europe</b>	Ingo Selting (Chairman) Mark Lomas	<i>Selting &amp; Baldermann</i> <i>Ashfords LLP</i>
<b>Latin America &amp; Caribbean</b>	Rodolfo Mesa Rodrigo A. de Ouro Preto Santos	<i>Mesa &amp; Mesa</i> <i>Siqueira Castro</i>
<b>North America</b>	Gary Tober Kathy Porter	<i>Garvey Shubert Barer</i> <i>Robinson &amp; Cole</i>

Global Website & Marketing Committee

<b>Asia</b>	Timothy Cheung Robert Gregory	<i>Fred Kan</i> <i>Maddocks</i>
<b>Europe</b>	Simon Rous (Chairman) Dinu Petre	<i>Ashfords LLP</i> <i>Cunescu Balaciu &amp; Asociatii</i>
<b>Latin America &amp; Caribbean</b>	Antonio Garbelini, Jr Tomas Nassar	<i>Siqueira Castro</i> <i>Nassar Abogados</i>
<b>North America</b>	Bill Sellay Gary Tober	<i>Robinson &amp; Cole</i> <i>Garvey Shubert Barer</i>



**Avoxa: Innovation starts in our minds**

In a world of changes, the necessity to precisely understand clients' activities has led AVOXA to evolve alongside with project leaders, companies and to adapt its teams to the markets realities.

Deciding not to miss the boat, AVOXA has set up a new organization in order to be more efficient and fully integrated in the companies' decision-making progress.

First, AVOXA is strongly enhancing its presence and its expertise on the following strategic sectors:

- Digital
- Aeronautic
- Biotechnologies
- Energy

AVOXIA has set up teams not only able to face complex legal challenges but who also have in-depth understanding and a strong background in these activities.

Innovative tools have also been examined and initiated for the end of 2015:

- AVOXA, wholly implied in the French Tech initiative, has decided to support startups by providing a "startup legal package" which give them access to a daily advice and legal accompaniment for their first steps on the business world for a "startup fee". Launched in July, this package is already successful, having about 15 startups benefiting from it.
- AVOXA extends its offers to be as close as possible to its clients concerns. AVOXA proposes to its clients a new Outsourced Legal Direction offer granting them, in addition to our competence and our experience on their sectors, flexibility needed.
- AVOXA has launched a new website. More business-oriented and activity-targeted, this website is accurately reflecting AVOXA's role & ambition.



**Boels Zanders announces the appointment of a managing director**

As per 1 September 2015 Boels Zanders has appointed Chantal van Oijen as managing director. Chantal will lead and coordinate all support functions, including finance, human resources, IT and communications and marketing. Together with managing partners Jean-Luc Coenegracht and Wim Eikendal, Chantal will be responsible for implementing the firm's

development policy and strategy.

Before joining Boels Zanders Chantal van Oijen was director of operations at consultancy firm and Randstad subsidiary Yacht.

Boels Zanders is a long-established Netherlands based law firm with over 75 specialized lawyers. Our offices are situated in Eindhoven, Maastricht and Venlo. We provide legal services to companies, government organizations and non-profit organizations, focusing primarily on corporate/M&A, commercial, IP/IT, real estate, public sector and employment law.

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**BERNZEN SONNTAG: 150th Anniversary**

BERNZEN SONNTAG attorneys and tax advisors celebrate their 150th anniversary. The law firm was established in 1865 in Hamburg. Many of its partners have been engaged as outstanding representatives of the Hamburg and German Bar Association and as members of the City of Hamburg's parliament.

The firm's anniversary was celebrated at the Catholic Academy in Hamburg. Celebratory speeches were held by former President of German Parliament, Dr. h. c. Wolfgang Thierse, by Hamburg's Minister of Justice (and former firm member) Jana Schiedeck and by Annette Voges (vice president of the Hamburg Bar Association).



**Incorporation a historic moment for Colin Biggers & Paisley**

East coast law firm Colin Biggers & Paisley incorporated as from 1 July 2015 ending over a hundred years of trading as a partnership. It is now trading as Colin Biggers & Paisley Pty Ltd in New South Wales, Queensland and Victoria.

Over 60 partners voted in favour of the change and the decision to incorporate was a logical one. It follows a period of rapid growth in the last five years due to mergers with law firms in Melbourne and Brisbane which resulted in a hybrid structure; a partnership model in New South Wales and Victoria but an incorporated model in Queensland.

Converting to incorporation allows the practice to achieve uniformity and operational efficiencies across the three offices, relieving the burden on support teams who were faced with the complexity of dealing with different entities. One trading name makes it easier in terms of branding and streamlining processes, in particular in accounts, which will inevitably be of benefit to the practice's clients.

While incorporation allows the practice flexibility to change its business model, there are currently no plans for changes to remuneration or partnership structures.

Incorporation is also in line with Colin Biggers & Paisley's plans for continued growth. Managing partner Dunstan de Souza believes that the new structure will allow the practice to attract new people in the areas it is expanding in.

**COCUZZA & ASSOCIATI**

**Studio Legale**

**Retail Trends**

On September 30, 2015 at the prestigious Palazzo Bocconi located the heart of Milan, Cocuzza & Associati presented Retail Trends 2015. More than a hundred participants attended the event.

The annual Retail Trends survey, which has the aim of describing the "sentiment" of the Italian retail market has reached its third edition. After the success of the first two editions we have decided to expand its base, enriching it with fresh interviews and extending its scope to Paris and France.

In addition to the voices of the experts which have accompanied us in the last two years, in this edition we have also interviewed development managers of prominent Italian and international retailers. The purpose of this experiment, which we feel has been a complete success, is to provide additional data regarding the "sentiment" of a market which is increasingly connected to the development of our cities and ultimately our tastes.



**Cornet Vincent Ségurel is strengthening its expertise in real estate law with the arrival of a new partner in Lille**

This new addition confirms the desire of Cornet Vincent Ségurel to continue the structuring of its real estate law practice and the development of its Lille office.

Created in 2011, the firm now consists of 10 lawyers, including 3 partners.

For Thomas Deschryver, partner in charge of the Lille office: "Laurent's arrival means the integration of a lawyer specialising in Real Estate Law, who is very highly skilled and recognised as such. Laurent has a truly entrepreneurial view of the business and offers great responsiveness and cross-functionality in the performance of his activities (working in the construction and public works sector, the distribution sector, industry...). These qualities, along with his ability to work as part of a team, are strengths that are very highly appreciated within Cornet Vincent Ségurel. The set-up of this team dedicated to Real Estate law will mean not only expanding our range of local services, as expected by our clients, but also responding to market needs."

**Laurent Pouilly**

Born in 1964 and a lawyer since 1992, Laurent received his master's degree in private law from the University of Lille 2, with a specialisation in real estate law – construction law. Before creating his own firm in 2006, he developed his skills as part of the Garcia & Associés and Bignon Lebray firms.



**Hesketh Henry celebrates 150 years with their clients**

Hesketh Henry clients, friends and staff celebrated the firm's 150th anniversary at the magnificent historic Pah Homestead in Auckland in September. Managing partner Erich Bachmann entertained the 170 attendees, thanking clients for their support over the years. He reminded them that when the

firm started in 1865, the population of Auckland was only 12,000, the American civil war was still raging and Abraham Lincoln was assassinated!

A couple of distinguished retired partners shared their history and recollections of the firm. First was the Rt Hon Sir John Henry, a former Justice of the New Zealand Court of Appeal and member of the Judicial Committee of the Privy Council in London whose father, Sir Trevor Henry, was a founding partner of Wilson Henry in 1924. Sir John was followed by Murray Ward, a former partner of Hesketh and Richmond. Both gentlemen entertained the audience with stories from the past and wished the firm well for the next 150 years.

Take a look at Hesketh Henry's website to find out more information on their 150 Year history :[www.heskethhenry.co.nz/](http://www.heskethhenry.co.nz/).



**Kott Gunning Partner Awarded the Order of Australia**

Kott Gunning Lawyers Partner Laurie James AM has received the Order of Australia for significant service to law in Western Australia.

The 73-year-old, who still practices at the Perth firm he joined in 1963, has been a leading voice in alternative dispute resolution in Australia. Laurie was twice the National President of the Institute of Arbitrators and Mediators Australia (IAMA) and twice WA Chapter Chairman.

Laurie is currently co-chair of the Resolution Institute (the recently amalgamated LEADR/IAMA) – the State's leading body for alternative dispute resolution. While he has no plans to retire in the immediate future, he does hope his legacy will be the smooth transition for that organisation. He also remains a leading voice in the areas of construction and local government law, and has been recognised for his service to professional bodies.

Picture of The Governor, Her Excellency Kerry Sanderson AO and Laurie James AM at the investiture ceremony.



**Law Team Alliance**

Ho Chi Minh City, 13 August 2015 marks a momentous day for the local legal market in Vietnam, as five Vietnamese law firms band together to create the first law firm alliance, called the LawTeam Alliance (LTA).

LTA is not a new legal platform; it operates solely on a goodwill basis built on fair competition and is a cooperative alliance comprising leading firms across the country: **Bross & Partners, LuatViet, Phuoc & Partners, Rajah & Tann LCT Lawyers, and VLT Lawyers**. The alliance brings together more than 200 legal professionals with the core mutual aim of furthering the development of the local legal market.

Initiatives include a pooling of internal resources, collective team building activities and training sessions, which tap into each member's core strengths; they will further bolster each member firm's performance and enhance professionalism in the legal industry and diversify legal services to clients. All these features are aimed at bringing further benefits to clients and each LTA member.

"We are still in our initial stage, but growth is anticipated. Further tie-ins with other major local law firms are in the works and with time, the alliance is expected to develop into a promising model of cooperation for the legal business in the country". Said Mr Luong Van Ly, LTA Senior Advisor.





**Levant & Partners Update**

- Levant & Partners Law Firm is involved in a new charity project. It is the exhibition "Russian Paris and Ivan Godlevsky".
- Levant & Partners Law Firm won a tender for the investment project "ELVEESION".
- To Levant & Partners' team joined 3 attorneys: Anna Dubitskaya, Maxim Davydov and Alexey Yakushkin.



LELOS P. DEMETRIADES LAW OFFICE LLC

**Lellos P. Demetriades Law Office LLC chosen as strategic partner for idea**

Our law office has been chosen, together with Deloitte and two other strategic partners, to offer pro bono first level consultancy services in relation to the programme called IDEA (Innovate-Develop-Excel-Accomplish) which has been founded by the Bank of Cyprus and the International School of Management. This is the first integrated accelerator incubator programme in Cyprus, aiming to facilitate the creation of innovative sustainable start-ups with a global outlook, whilst contributing to the further development of the Cypriot entrepreneurship ecosystem. Our office will provide start ups with legal and intellectual property services. For more information about the IDEA programme, please see: [www.ideacy.net](http://www.ideacy.net).

**Celebrating 50 years of practice at the office**

Joanna Loizidou, head of the litigation department, celebrated this year 50 years of practice with our law office. Joanna, a UK-qualified barrister (Gray's Inn) joined our law office as a trainee lawyer on 11 August 1965 and she is still practising law having the same energy she did in 1965. A surprise party was organised for Joanna and a 50 year old whisky was given as a present to mark the event.

**Significant court victory**

In July 2015, the office enjoyed a recovery against the Cyprus government, where damages were awarded in excess of two million euros, plus interest, as compensation for a reduction imposed in 2005 by the Ministry of Health on the price of wholesale pharmaceutical companies' products, which affected the medicines already in stock.



**MacRoberts shines in new Legal 500 results**

The results of Legal 500 UK were published in September 2015. We received excellent commentary this year for both practice areas and individual lawyers, in particular Construction, Corporate Employment, Pensions and Projects. We retained our top tier ranking in Projects for the fifth year running – and are the only Scottish based firm this year to have this ranking.

In other good news, Scotland's Business Insider's top 300 SME results were announced. The league table, which measures the performance of Scottish companies with turnover between £8-20 million, shows MacRoberts as the highest ranked law firm (in 3rd place overall) after a year in which both turnover and profits grew.

**Continuing to grow**

We are delighted to announce further growth to MacRoberts LLP. Partners Neil Amner, Robin Corbett, Deborah Miller and Martin Sales all joined the firm over the last few months and further strengthen the highly respected employment and energy, resources and transport practice groups. They each add significant depth to MacRoberts' wide range of current specialisms.

More widely in the business we are pleased to welcome Laura Wilson as MacRoberts' first Procurement Director. Laura will play an integral role in the management and coordination of the tender process.

**New Brand and Website**

On the 15th of September we launched a new website as part of a corporate re-branding. The re-brand gives MacRoberts a much more contemporary look and feel and focuses on our aim of being straight-talking and giving clients sound, practical advice. You can have a look at our new website at [www.macroberts.com](http://www.macroberts.com).

And finally...The firm was recently appointed to Scottish Government's legal panel framework, making it one of a select number of law firms that can tender for work with more than 100 public bodies over the next four years, offering multi-million pound opportunities.



**Australia: Maddocks takes great pride in diversity**

**Maddocks**

Leading Law Firm Maddocks has announced its membership in Australia's first and only not for profit employer support programme for all aspects of lesbian, gay, bisexual, transgender and intersex (LGBTI) workplace inclusion, pride in diversity.

The program is a social inclusion initiative of NSW-based health promotion organisation ACON, and works closely with HR, diversity professionals and LGBTI Network Leaders in all aspects of LGBTI inclusion within the Australian workforce.

As a member firm, Maddocks benefits from the support of Pride in Diversity's people in understanding the importance of LGBTI inclusion and to map out a strategy to enable the successful transition to best practice.

Pride in Diversity offers training and consulting services to assist organisations with all aspects of LGBTI workplace inclusion including policy review, setting up LGBTI employee networks, LGBTI strategy planning, stakeholder engagement, communications, and preparation for diversity accreditations.

Commenting on the firm's membership, partner and diversity committee co-chair Alicia Albury offers, "At Maddocks, we acknowledge the importance of diversity and what it brings to our people and clients. To us, diversity means more than gender, age, disability or culture. The firm is delighted to have taken membership with Pride in Diversity, and we look forward to setting a clear path for ongoing support to our LGBTI employees."

In 2014, Maddocks received citation from the Workplace Gender Equality Agency as an Employer of Choice. This citation marked recognition from the group for the eleventh consecutive year.



**VANDENBULKE has released new finance publications!**

VANDENBULKE has recently released its latest written contributions on "Securities Finance 2015", "Acquisition Finance 2015" and "Banking Regulation 2015" in Luxembourg, in cooperation with Getting the Deal

Through. VANDENBULKE, leading actor in Luxembourg's legal market and an internationally recognized law firm specialise in Corporate, Finance and Tax law, providing an in-depth expert analysis in key areas of Luxembourg's legal market, underlying the most important topics in finance and banking law.



**Ydès: law for philanthropy**

When welfare state reaches its limits, it is the role of civil society to look for ways to make up for its shortcomings, through innovation and imagination.

This acknowledgement led Ydès to commit to several causes:

- With the foundation France Répit, by putting Ydès professional expertise in the service of the creation of a new service dedicated to families affected by the illness or infirmity of a loved one;
- With the city council of one of the largest French cities, by bringing Ydès technical support for the creation of an endowment fund ("Souffle 9"), which aims at promoting social inclusion through cultural sharing;
- With the foundation AJD-Maurice Gounon, by supporting from a legal standpoint and developing its actions towards youth in difficulty.



**Events Diary**

**Junior ADVOC Network Meeting**

Date: 13-14 November 2015  
 Location: Paris, France  
 Hosted by: Cornet Vincent Segurel



**Global M&A Conference 2016**

Date: 28-29 February 2016  
 Location: London, England  
 Hosted by: Ashfords LLP



**2nd Real Estate Conference 2016**

Date: 10-11 April 2016  
 Location: Paris, France  
 Hosted by: TBC



**Europe AGM**

Date: 5-8 May 2016  
 Location: Sofia, Bulgaria  
 Hosted by: AP Law Firm



**Europe Open Board Meeting**

Date: 23 - 25 September 2016  
 Location: Lithuania  
 Hosted by: Law Office EUROLEX

**Asia AGM 2016**

Date: 19 - 23 October 2016  
 Location: Brisbane, Queensland, Australia  
 Hosted by: ADVOC Asia



For more information on any of these events, please check the ADVOC website or contact [a.noonan@advoc.com](mailto:a.noonan@advoc.com)

**Junior ADVOC Network Meeting**

Itinerary

Friday 13th November 2015

12pm Participants arrive at hotel "Hôtel Etoile Saint-Ferdinand" located at 36, rue Saint-Ferdinand 75017 Paris (www.hotel-paris-ferdinand.com) 1pm Walk (approx. 4mins) to Cornet Vincent Segurel's (CVS) offices located 251 boulevard Pereire 75017 Paris

1.15 - 2.30pm Lunch buffet and coffee in CVS' offices (courtesy of CVS)

2.30 - 5:30pm Practice group meeting (networking, presentation, seminar and workshop)

5.30 - 7.15pm Cocktails (courtesy of CVS)

7.30pm - 10.30pm French cuisine lesson and dinner at "L'Atelier des Chefs" (approx 15 mins by taxi from the Hotel / CVS offices, or 25 mins by walk and "metro" (underground)

10.30pm - late Clubbing (venue to be confirmed!)

Saturday 14th November 2015

Morning Breakfast at Hôtel Etoile Saint-Ferdinand.

10am Paris tour

1pm Lunch

2pm - Free time

**The Third Annual - Global M&A Conference 2016**

"I have to tell you, that was the best M&A seminar I have ever attended" - Miriam Fedida, Diana Naturals SAS, France on the 2014 Conference.

Who should attend:

- In-house Counsel
- Corporate Lawyers
- Corporate Finance Advisers
- Accountants
- Bankers
- Other M&A Professionals

**Ashfords Charity Cycle Relay**

Ashfords LLP has started organising an international cycle relay with some of its ADVOC partners to take place in Autumn 2016.

Initial plans would involve riders starting in the UK and passing through **France, Luxembourg, Germany and Belgium**, before returning to the UK for a grand finish at Ashfords' offices in central London.

The ride will be broken into a number of stages, with groups of cyclists from participating firms cycling to the office of another. The ride's aim is to build on and create relationships between ADVOC firms, whilst also raising money for charity. Each participating firm will be encouraged to host a welcome and/or leaving reception to provide an opportunity for networking and to greet the riders and see them safely on to the next leg of the journey.

The ride is being co-ordinated by Ashfords. Participating firms will be responsible for rallying support from employees and clients to ride in the relay and provide a vehicle and drivers to support them.

If you are located in northern Europe and you are interested in participating, please contact James Morrison (j.morrison@ashfords.co.uk) for more details.



**3rd ADVOC International Business Law Conference**

On 14/15 September 2015 the third Advoc International Business Law Conference was held in Bali. Similar events were held in Bali in 2013 and 2014. The strategic purpose of the Bali conference is to showcase to our clientele and to the world at large the collective expertise of ADVOC in business law. It is thought that Bali is a suitable location as it offers a good quality, low cost venue that is easily accessible for most parts of Asia, as well as offering an opportunity to combine the conference with a few days' vacation.

The conference was held in the Courtyard Marriott Hotel at Nusa Dua. This is a comfortable resort hotel with excellent conference facilities, within a short shuttle bus ride of the beach. The weather for the conference was excellent, September being a good time of year to avoid rain and high humidity or high temperatures.

There were around 42 attendees at the conference. Quite a number of these were lawyers from ADVOC Asia members. There were also some local Bali lawyers who were not members of ADVOC. We had ADVOC members and lawyers from Europe, namely from England, France and Germany. Pleasingly, the clients of several Advoc member firms attended, including two in-house counsel from major corporations in Australia.



The conference was chaired by Tom Darbyshire, of Kott Gunning Lawyers in Western Australia. The conference opened on Monday 14 September after lunch with an introductory address by the President of Advoc Asia, Dato Jude Benny, followed by a keynote address by Dato' Mohamad Ariff Yusof, a retired judge of the Malaysian Court of Appeal and a founder of our Malaysian ADVOC member, Cheang & Ariff. He spoke on the Judiciary, the Executive and the Rule of Law. In a stimulating address he challenged us to think about shades of interpretation and purpose in different cultural and political systems.

The first of four business law sessions was on the theme of **Creating Partnerships with Corporate Counsel**. A strong panel chaired by Martin Deutsch of Colin Biggers and Paisley, including two corporate in-house counsel and the risk manager of a major not-for-profit organisation, presented on this important topic.

The second session on Monday afternoon, chaired by Jude Benny, was on the topic of **Judicial Interventions in Arbitrations and Setting Aside Awards**. Again, a panel of speakers from Singapore, Malaysia and Australia provided substantial presentations on this problematic legal area.

In the evening the conference dinner was held. Instead of the usual conference speech, two local charities were given time to present about the work which they are to do to assist those in need in Bali. The Muntigunung Development Program focuses on securing sustainable livelihood development for over 5,500 people in 34 villages in the poor and extremely dry region of Muntigunung in northeast Bali. The John Fawcett Foundation develops programs to help disadvantaged people in Bali to develop opportunities for improved standard of living and quality of life. It supports a range medical and educational programs. The presentation focused upon the work of the Foundation to restore sight to those who develop blindness. It is estimated that there are nearly five million blind people in Indonesia. In a fundraising effort by Conference attendees, significant moneys were promised to support these charities.

The first of two business sessions on Tuesday morning was on the issue of **Cross Border Finance Transactions: Taking Security in Different Jurisdictions**, chaired by Dr Harald Endemann. The conference was given presentations on the topic by lawyers from Australia, England and Germany. Nick Gleeson, group CFO of BW Maritime, provided valuable insights into the topic from a shipping perspective. This was followed by an engaging presentation about **The Future Shape of Law Firms: Increasing Business Related offerings to the Client Base**, hosted by Sathish Dasan from Norman Waterhouse in Adelaide. Finally there was an open forum in which questions could be asked of each of the panel chairmen and the panel members, which stimulated some spirited discussion to close out the conference.

The quality of the presentations, mostly by ADVOC members, was of a high standard. The topics were an eclectic but stimulating mix. In summary the 3rd IBLC was another successful business law conference. To quote from one who attended for the first time:

"I just wanted to thank you for the excellent work that you did in organising the 3rd Bali Business Law Conference.

I found the speakers interesting with the topics highly relevant to the legal profession. I also enjoyed the social activities and the opportunity to talk to our fellow Advoc members.

Thanks for all your efforts in organising such a wonderful conference."

Simon Fraser  
For Organising Committee





**The Differences between an Adversarial and Inquisitorial Legal System**

The Oxford Dictionary defines the word 'adversary' as 'one's opponent in a contest, conflict, or dispute'. That definition goes some way to explaining the adversarial legal system in England and Wales under which representatives from each party take opposing positions to argue their case, whilst the Judge's role is to uphold principles of fairness and equality and to remain neutral until he gives judgment.

The logic is to place distance between the investigation and the person deciding the outcome, and to empower the parties to take control of their own case on the basis that they are better placed to present it with strength.

However, the role of an English Judge is by no means passive. Under the Civil Procedure Rules, the Court has wide case management powers which are used to ensure that the dispute is resolved efficiently and in accordance with the CPR's overriding objective. It will do so by excluding superfluous evidence, managing costs, and setting a strict timetable to Trial.

There is, however, a perceived unfairness in this system where parties do not have 'equality of arms'; a better resourced party may be more able to present a stronger case than their opposition. Furthermore, because the parties have near complete conduct of the case, they are able to choose what evidence they put before the Court. In comparison, in an inquisitorial system the Judge is involved throughout the process, from collating evidence to questioning witnesses, before going on to make his judgment.

By Lucy Nash



**Australian Government introduces Multinational Anti-Avoidance Legislation**

In the last few months the Australian Government has increased pressure on multi-national groups operating in Australia to 'pay their fair share' of tax.

The government has introduced two pieces of legislation.

The first requires the Australian Tax Office (ATO) to publish financials, including the taxable income and income tax paid in Australia by companies that report worldwide income of over AU\$100 million.

This 'naming and shaming' will not affect the amount of tax that these companies pay under Australian tax law but the information will be publically available. This is a real departure from the strict privacy rules normally imposed on the ATO.

The second piece of legislation has been introduced but not yet passed by parliament. It introduces a tax on services provided by multinationals to Australian consumers, known colloquially as the 'Google tax'.

The new law focuses on scheme where foreign multinational with global income of over AU\$ 1 billion provide services to Australian customers but do not derive income from these services in Australia.

The conditions are:

- a foreign multinational derives income from sales made to Australian customers;
- it avoids booking the income in Australia;
- the profits generated from the sales are subject to low corporate tax rate overseas; and
- the 'principal purpose' of the structure is to avoid Australian income tax.

A new regime with penalties of up to 120% of the tax payable will be introduced in support of these provisions, along with extensive reporting requirements.



**Singapore: Freight connect (s) PTE LTD V Paragon Shipping PTE LTD (2015) SGCA 37**

We had previously issued an update on the case of Paragon Shipping Pte Ltd v Freight Connect (S) Pte Ltd [2014] 4 SLR 574. The Defendant sub-charterers had chartered a vessel from the Plaintiff for the shipment of machinery from China to Singapore. The Defendant subsequently failed to load the cargo onboard the vessel.

The Plaintiff successfully sued the Defendant in the High Court for loss of freight and detention charges. The Defendant subsequently appealed to the Court of Appeal against the decision. One of the issues in the appeal was the detention charges awarded.

The vessel had tendered a notice of readiness on 20 August 2012 when it arrived at the loading port. The Plaintiff claimed detention charges from then up to the time the Defendant repudiated the fixture by loading the cargo onboard another vessel pursuant to a "time lost clause" in the fixture.

The Court of Appeal considered the nature of time lost clauses, a point that had not been squarely dealt with by the Singapore Courts previously.

The Defendant argued that, on the facts, the vessel tendered her notice of readiness before berth was actually secured. Therefore, the notice of readiness was invalid and detention charges could not accrue. The Plaintiff's position was that the time lost clause operated independently of the notice of readiness.

The Court of Appeal agreed with the Plaintiff and distinguished between a claim for detention after the expiration of laytime and a claim for an agreed sum which is payable upon the occurrence of a specified event. In the latter case, once it is shown that the specified event has in fact taken place, the clause is triggered and issues of commencement of laytime and/or the tendering of a notice of readiness do not arise.

The Plaintiff was represented at the High Court and the Court of Appeal by K. Murali Pany and Edward Koh of JTJB.

By Edward Koh



**RBI - Reporting under FDI scheme on e-Biz Platform**

With a view to promoting the ease of reporting of transactions under foreign direct investment, the Reserve Bank of India (RBI), under the aegis of the e-Biz project of the Government of India has enabled online filing of the Foreign Currency Transfer of Shares (FCTRS) returns for reporting transfer of shares, convertible debentures, partly paid shares and warrants from a person resident in India to a person resident outside India or vice versa.

**IRDA: issues Master Circular on Insurance Advertisements**

The guidelines have been issued with the intention of protecting the interest of the insuring public, enhance their level of confidence on the nature of sales material used and ultimately encourage fair business practices. They are to be considered as the minimum standards to be adhered to, in addition to compliance with the IRDA (Insurance Advertisements and Disclosure) Regulations, 2000 and the code of conduct prescribed by the Advertisement Standards Council.





**Can the liquidator appointed to your customer demand the return of money your customer paid you?**

An insolvent company's payments and transactions which are made within a relevant period prior to commencement of a formal insolvency proceeding are "voidable preferences", that is they should be set aside and returned to the liquidator for sharing amongst the creditors.

The most commonly challenged payments are those made six months prior to commencement of the liquidation. The liquidator must prove that the company was insolvent at the time of the payment, unless the creditor can prove that it received payment in the ordinary course of business and had no reason to suspect that the company was insolvent at the time.

Any liquidator's claim to recover a preferential payment must be brought within three years of the commencement of the liquidation unless granted an extension of time by the court.

Fortress Credit v Fletcher [2015] HCA10 shows that the High Court accepted that courts have a discretion to extend the three-year period, provided the liquidator can show that an extension was reasonable in the circumstances. Complex insolvency administration where investigations have proven difficult are likely to be the only circumstances in which a liquidator would gain an extension.

The best defence is to ensure that customers pay strictly in accordance with your normal trading terms as payments outside these terms may be challenged. Finally, do not ignore a liquidator's demand as an early compromise resolution may be accepted.

By Nigel Watson

**150 Years Hesketh Henry Directors Saddled With Health and Safety Liability – How Do Overseas Directors Comply**

Following on from the deaths of 29 miners in the Pike River mine explosion in 2010 and the subsequent Royal Commission and Independent Taskforce reports, New Zealand has re-written its health and safety legislation. The Health and Safety at Work Act 2015 comes into force on 4 April 2016.

Changes include businesses owing the same obligations to contractors as to employees, obligations on businesses to consult with other businesses operating in the same workplace about health and safety, and personal liability for "officers".

"Officers" of a business (being directors, partners, or those who exercise significant influence over the management of the business) will be required to exercise due diligence to ensure the business complies.

Officers will have to familiarise themselves with health and safety matters in much the same way they already do with financial matters. At a minimum, this will require officers to keep up to date with health and safety matters, make sure the business has and implements processes to ensure compliance with its health and safety duties, and understand the hazards and risks associated with the business operations. The last is the most difficult obligation for overseas directors as it is significantly easier to achieve by observing the business operations first hand.

Putting health and safety near the top of the boardroom agenda and continually questioning information will cover most obligations. Understanding the business operations' hazards and risks will likely require regular monitoring and audit reports.



**It's All Change for the Scottish Civil Justice System**

The passing of the Courts Reform (Scotland) Act 2014 (the '2014 Act') last year heralded a major overhaul of the system of civil justice in Scotland.

The reforms will be implemented in tranches over the next year, with the first set of reforms coming into effect from 22 September 2015. These included:

1. Actions for a value up to £100,000 must now be raised in the Sheriff Courts.
2. A new three-month time limit for raising judicial reviews.
3. The new Scottish Personal Injury Court opened in Edinburgh.
4. The new Sheriff Appeal Court began hearing summary criminal appeals.
5. Appeals to the Supreme Court may now only be made with leave of the Inner House or the Supreme Court.

Later in 2016 we will also see:

1. The Sheriff Appeal Court hearing civil appeals from the Sheriff Courts in January.
2. Permission of the Sheriff Appeal Court or the Court of Session will be required to appeal from the Sheriff Appeal Court to the Court of Session.
3. The introduction of Summary Sheriffs to hear low value civil cases.
4. The introduction of a new 'Simple Procedure' for actions of £5,000 or less.

These reforms aim to create a civil justice system in Scotland that is more modern and efficient. Whilst practitioners have broadly welcomed the reforms, some reforms, such as the increase in the exclusive competence of the Sheriff Courts, have been controversial. Ultimately, only time will tell if the reforms are able to meet their stated aims.



**Australia: Do you .au?**



.au Domain Administration Ltd's (auDA) 2015 Names Policy Review Panel has recommended that domain names should be able to be registered directly at .au (like maddocks.au) as well as in the existing second level domains (like maddocks.com.au).

This mirrors the approach recently taken by the administrators of the .uk and .nz domains, as well as the explosion of new generic top level domains (gTLDs) like .melbourne, .sydney, .sucks etc.

In order to register a domain name directly under .au an applicant would need to demonstrate that they meet eligibility requirements and, unlike many other domains, it won't be an open slather approach.

The Panel has recognised that, as with the establishment of the new gTLDs, a disadvantage of opening .au to direct registration is that many registrants of existing names will feel the need to register directly at .au simply as a defensive measure to protect their existing brands.

A number of other recommendations have also been made by the Panel.

Submissions on the proposed recommendations can be made until 30 September 2015.

If you have any questions about domain names or any other IP or technology matter, don't hesitate to contact Rob Gregory or any other member of Maddocks' Technology and IP teams.



**Norman Waterhouse: Migration, International Investment and Working Abroad.**

The rise of Asia, new wealth and a new generation of aspirational entrepreneurs who are increasingly outwardly focussed, means that your clients are now looking at options for migrating, investing and working abroad.

The motivations for business migrants are varied, many are looking to diversify their business interests; ensure a brighter future for their family and access high quality education and healthcare; whilst some are simply looking for a 'Plan B'.

South Australia supports successful and innovative investors through a variety of different visa options.

The high-profile AUD\$5,000,000 Significant Investor Visa has garnered strong media attention. However, changes to the law on 1 July 2015 impose restrictive investment criteria, which limit your client's control over their investment.

Many of our clients are interested in the more flexible Subclass 132 visa, which in South Australia offers permanent residency to those who are willing to either, invest AUD\$1,500,000 into a business; or AUD\$1,000,000 into a regional business; or export AUD\$600,000 of product or services; or employ 4 full-time local employees.

Our clients are also interested in the Subclass 188A provisional visa for investors willing to invest \$200,000 and manage a business in Australia.

South Australia maintains flexible criteria, fast processing and personal support services. The capital city Adelaide is ranked the world's 5th most liveable city, and is frequently voted the most affordable city in Australia.

Norman Waterhouse Lawyers is a full-service commercial law firm and provides tailored migration solutions depending on your circumstances.

For further information please contact the head of our Migration practice Angela (Xun) Wang on awang@normans.com.au or Kane Robson on krobson@normans.com.au.



**Cornet Vincent Ségurel - France**

Cornet Vincent Ségurel is advising the Carat Security Group within the framework of the sale of part of its issued share capital to the Dongfeng Design Institute Co. Ltd.

Founded in 1968, the Carat Security Group is one of the worldwide leaders in the armouring of civilian and military vehicles.

The sale of the Carat group to a holding company made up of a group of Asian investors managed by the Dongfeng Design Institute Co. Ltd. will help to strengthen the investment capacity of the Carat group, through the backing of a worldwide partner with a significant investment capacity, thereby accelerating the group's development, notably in the Asia-Pacific region.

The group's main production centre (Centigon France) is located in Brittany, France. The group also has factories in Mexico, Venezuela, Brazil and Columbia.

The Cornet Vincent Ségurel team was managed by Adrien Debré (Partner), with the help of Anna Verri and Alexandra Thil. Hélène de Saint Germain (Partner) was in charge of the labour law aspects, with François Herpe (Partner) looking after intellectual property aspects.

[www.cvs-avocats.com](http://www.cvs-avocats.com)



**Vandenbulke - Luxembourg**

VANDENBULKE has assisted BALLYMORE's GBP 2,200,000,000 valued joint venture with Eco World Investment Co. Ltd, a specialist property investment company based in Malaysia.

The joint venture aims to jointly (further) develop three large-scale residential projects in London, commonly known as Arrowhead Quay, London City Island, and Embassy Gardens. This is a significant deal for BALLYMORE which shall enable it to continue its visionary plans. In total the developments have a gross development value of GBP 2,200,000,000 and will deliver approximately 2,800 new residential units and 250,000 sq. ft. of commercial, leisure and office space.

VANDENBULKE has advised the French hospitality chain Maranatha Hotels & Residences in the acquisition of six luxury boutique hotels for EUR 360,000,000.

VANDENBULKE acted as legal counsel to the Maranatha hospitality group in the framework of financing of the acquisition of 6 prime located hotels (5 in Paris and 1 in Nice) by the issuance of French law governed private placements bonds for an aggregate amount of EUR 275,500,000 subscribed by a Luxembourg investment vehicle of a renowned private investor. The private placements bonds are secured under a Luxembourg double Luxco structure security package.

The present acquisition is the largest one in the French hospitality industry in 2015.



### Joseph Tan Jude Benny LLP - Singapore

Joseph Tan Jude Benny LLP Appointed by two Myanmar National Flag Carriers

Joseph Tan Jude Benny LLP (JTJB) had the privilege of being appointed by two national flag carriers of Myanmar, in their recent aircraft and vessel acquisitions. They are namely the Myanmar National Airlines Company Limited (MNA) and Myanma Five Star Line Company Limited (MFSL).

MNA is the sole national flag carrier and state-owned airline of Myanmar, based in Yangon. The acquisition deal for an ATR 72-600 MSN 1267 commenced in May 2015 and the aircraft was successfully delivered on 5 August 2015. The JTJB team was led by the Head of our Corporate Department, Florence Goh. JTJB has been engaged by MNA to act in future aircraft acquisitions.

MFSL, also a national flag carrier of the country, acquired a new vessel, the EVITA-K. The Vessel acquisition, spearheaded by the firm's Senior Partner, Dato' Jude P Benny, was done in a short space of time with the closing taking place within 2 weeks of our receipt of instructions.

The two deals reflect the firm's good standing and reputation in Myanmar, and the strides made by the JTJB Myanmar office.

### COCUZZA & ASSOCIATI

### Cocuzza & Associati - Italy

**Cocuzza & Associati** represented **Apple** in the negotiations for a new store in the city center of Florence, Piazza della Repubblica.

The negotiations were successfully closed on May 2015 and the store opened in September 2015.

Cocuzza & Associati team: Claudio Cocuzza, Maria Grazia Colombo

**Cocuzza & Associati** has assisted **Inditex Group** in a complex transaction for the acquisition of a trophy building in the city center of Milan. The acquisition took place in June 2015.

Cocuzza & Associati team: Claudio Cocuzza, Alessandra Tarissi De Jacobis, Luca Tamburrini Baistrocchi

**Cocuzza & Associati** is presently advising the **Percassi Group**, an important Italian group active in the real estate and retail development, in the negotiation of an Area Development Agreement with an important foreign brand.

Cocuzza & Associati team: Giulia Comparini, Patrizio Cataldo

### Boels Zanders NV - The Netherlands



Boels Zanders advised the shareholders of **Rehamij**, a distributor and importer of personal protective products, on the sale of the company to **Červa Group** (Czech Republic). The transaction closed on 16 July 2015.

Boels Zanders advised the shareholders of **Greenfood**, a producer of fresh cut lettuce and vegetables in the foodservice market with 175 employees, on the sale of the company to the **Hessing Group**. The transaction closed June 2015.

Boels Zanders advised the shareholders of wholesaler of auto parts and accessories **P. Heijl Automaterialen** on the sale to the leading auto parts seller **Sator-LKQ**. The transaction closed on 1 April 2015.

### YDES Société d'Avocats - France



At the beginning of September, Ydès advised VENTE-PRIVEE.COM on the takeover by one of its affiliates of the Belgian company Vente-exclusive.com, which has the same business activity as Vente-privee.com.

The takeover of a leader on the market shows Vente-privee.com active will expand in the European market.

Also, a true commercial and technological partnership is being implemented by both teams for the operation of this new duet on the Benelux market.

Lawyers involved on this deal were: Patrick Gentil, Cyril Fabre, Anne-Sophie Hartog and Marcia Givord.

### MacRoberts - Scotland



#### BDL Hotels – Greenock Hotels Limited

MacRoberts acted for the vendor in the sale of the entire issued share capital of Greenock Hotels Limited, which owns and operates the Holiday Inn Express in Greenock, to Starboard Hotels Limited.

#### BDL (Heathrow) Limited

MacRoberts acted for the vendor in relation to the sale of the business and assets of the hotel operated under the 'Holiday Inn' brand at Heathrow to Leonardo Hotels, the European division of Fattal Hotels.

## Practice Group Updates

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Below is a full list of ADVOC Practice Groups. If you would like to join any of the groups or would like help with your group, please contact Amy Noonan (a.noonan@advoc.com)

- Banking and Finance
- Commercial Litigation, Dispute Resolution and Mediation
- Competition and Trade
- Construction
- Corporate Finance
- Criminal (Corporate/ Tax)
- Energy and Resources
- Environment and Climate Change
- Family
- HR
- Information Technology and Privacy
- Inheritance and Succession
- Insolvency and Restructuring
- Intellectual Property
- Labour, Employment and Business Immigration
- Maritime and Transport
- Real Estate
- Sports Law
- Tax

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### Real Estate Practice Group

Group Co-ordinator: Giulia Comparini gcomparini@cocuzzaeassociati.it

After the success of the first Conference in Berlin in March 2015 the second Real Estate Conference is under preparation. The Conference shall take place in Paris, venue TBC, on Sunday 10 - Monday 11 April 2016.

**Who should attend:** In-house Counsel; Real Estate Lawyers; Real Estate Development Managers; Real Estate Managers of Banks and Insurance Companies; Brokers; Valuators. The invitation and the program of the Conference shall be circulated in the next few weeks.

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Real Estate Brochure (e.g. a brief guide to real estate investment for overseas investors where real estate firms in ADVOC market the real estate services they provide and their key people): this is still a work –in progress. At present 10 firms have sent their contributions with completed chapters on Austria, France, Italy, Malaysia, Panama, Poland, Singapore, Spain, Thailand and the UK. Originally 19 firms across the ADVOC group indicated a willingness to participate and to write a chapter for the brochure. As the project is nearing completion, participating firms are asked to provide their input by 1 November 2015 which is the last date for additional chapters. The project leader is Chris Marks c.marks@ashfords.co.uk. Please send to him an email in case you are still not in the list of participating firms and you are interested in providing a chapter on your jurisdiction.



## Practice Group Updates

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### Tax Practice Group

#### Tax

Group Co-ordinator: Sabine Unkelbach-Tomczak S.Unkelbach-Tomczak@lsv-legal.com

Seminar "Income taxation of individuals moving their country of residence – inbound and outbound issues" on 14th May 2015 in Brussels, Belgium

After the Tax Practice Group had held the second seminar in September 2014 in Porto in Portugal with the subject "BEPS – Base Erosion and Profit Shifting" the third seminar took place in Brussels in Belgium on 14th May 2015 before the ADVOC AGM.

The seminar was organized by the host law firm Buyle Legal and its partner Jean-Pierre Brusseleers. As a prelude to this seminar, some participants met the previous evening to have dinner together at a restaurant in Brussels' historic center for talking about experiences in the field of tax law in their countries.

The next day the participants learned in eight lectures, whether and how the income taxation of individuals occurs in the countries from which the speakers came, if the individuals move their countries of residence. The speakers explained the country-specific income taxation for inbound and outbound issues in the following eight European States:

- Belgium (Jean-Pierre Brusseleers, Buyle Legal),
- France (Alfred Lortat-Jacob, CORNET VINCENT SEGUREL),
- Germany (Sabine Unkelbach-Tomczak, LSV Rechtsanwalts GmbH),
- Great Britain (UK) (John Toth, Ashfords LLP),
- Luxembourg (Denis Van den Bulke, VANDENBULKE),
- Norway (Svein Aalling, Orwall & Co.),
- Poland (Katarzyna Gajda, BSJP Sp. k.),
- Portugal (Gonçalo Bastos Lopes, CUATRECASAS GONÇALVES PEREIRA, LLP).



The presentations are available on the ADVOC website, member area, Tax Practice Group.

Author: Sabine Unkelbach-Tomczak, LSV Rechtsanwalts GmbH, Germany

### Junior Lawyers

#### Junior Lawyers Practice Group

Group Co-ordinator: Dominic Holden D.Holden@ashfords.co.uk

#### Is there an obligation of good faith between contracting parties in Finland, England and France?

##### Finland

In Finland there is legislation relevant to the concepts of good faith (bona fide) and bad faith (mala fide). The main acts that regulate the question are Contracts Act (228/1929) and Sale of Goods Act (355/1987). These Acts set the limits, or so called ground rules, for parties' behaviour.

Finnish contract law is based on general clauses. When a contract does not include any express provision in answer to a particular question, resolution is sought from legislation and case law in Finland is a secondary source of law.

The basic rule of good faith in Finnish law is provided for in Section 33 of Contracts Act: "A transaction that would otherwise be binding shall not be enforceable if it was entered into under circumstances that would make it incompatible with honor and good faith for anyone knowing of those circumstances to invoke the transaction and the person to whom the transaction was directed must be presumed to have known of the circumstances."

On the other hand, the Sale of Goods Act regulates the duties of buyer and seller especially with regard to duties of giving information to the other party. Neglect or failure will lead to certain sanctions. It is noteworthy that the Act is only applicable to sale of goods and it is subject to the provisions of the Consumer Protection Act (38/1978).

By Maisa Cederström



##### England

It is well established that there is no general doctrine of good faith in English contract law. There are a number of reasons for this, including a concern that implying a duty of good faith would create too much uncertainty by implying obligations that are potentially vague and subjective. This could undermine the goal of contractual certainty, on which English law places great weight.

While the courts are unlikely to imply a duty of good faith in a commercial contract, parties may agree between themselves and include an express obligation to act in good faith.

One notable aspect of an expressly agreed duty of good faith is the obligation to disclose all material facts. This is a particular risk for many commercial lawyers who would not normally stop to consider whether appropriate disclosure had been made before entering into a contract.

A further, well-established aspect of good faith is the duty of rationality which is an implied obligation requiring parties not to exercise any contractual discretion 'arbitrarily' or 'capriciously'.

The wider application of good faith in English contract law was comprehensively reviewed in Yam Seng Pte Limited v International Trade Corporation Limited ([2013] EWHC 111), where the High Court combined the concept of good faith with the methodology for implied contractual terms to establish: a core duty of honesty; and a context-specific duty relating to the price of products. In the two years since it was handed down, the courts have given Yam Seng a mixed reception in practice.

By Dominic Holden



##### France

There exists a principle of contractual good faith under French law.

Art.1134 of the French civil Code provides that "[Legally formed contracts] shall be performed in good faith".

Courts may apply that principle depending on the facts and circumstances of the case, having regard to e.g.:

The age, profession, knowledge or experience of the parties;

- the subject-matter of the contract;
- the preliminary negotiations between the parties;
- whether contractual terms reduce or exclude the possibility to invoke good or bad faith.

Some other legal provisions, as well as some rules created by case-law, may be regarded as deriving from the good faith principle. For instance:

- judges' right to mitigate or increase the amount of manifestly excessive or derisory contractual liquidated damages;
- the 'duty of consistency' (one cannot change its behaviour arbitrarily, where the other party relied on the initial behaviour, and the change would be detrimental to him/her).

Some legal commentators have tried to militate in favour of general duties of contractual cooperation, mitigation of losses, correction of imbalances, etc.

However, the French Supreme Court ruled in 2007 that: "Contractual good faith may well allow judges to sanction the unfair exercise of a contractual right. However, it does not allow them to alter the very substance of contracts".

Current French legislation in preparation (reform of contract law) will probably uphold the rules created by case-law on the basis of the good faith principle (such as, for instance, the duty to disclose essential information that is legitimately unknown to the other party, prior to entering into a contract).

By Charles-Henri Prioul



## Junior Lawyers Placement Scheme

Seufert Rechtsanwälte welcome Fiona Ladič of Ashfords LLP to their office in Munich

As part of the Advoc Next Placement Scheme, Fiona Ladič of Ashfords' Dispute Resolution Team in Bristol spent one week with Seufert Rechtsanwälte at their head office in Munich. Fiona was given the opportunity to review and discuss some of Seufert's ongoing cases with the firm's partners, which has given her an invaluable insight into both the workings of a German law firm and Seufert's main practice areas.

During her visit Fiona also enjoyed views of the Munich Opera House from her desk, sampled the delights of the "Viktualien" Market and was treated to the best Bavarian cuisine. The week ended with an evening at Munich's infamous Oktoberfest (or "Wiesn" in Bavarian) for which Fiona even managed to source a traditional Dirndl!



Fiona Ladič "I would like to take this opportunity to thank everyone at Seufert for making me feel so welcome and for taking the time to give me an introduction to the work that the firm undertakes. It has been a thoroughly enjoyable and fascinating experience, which I hope will only serve to strengthen our existing relationship with Seufert and give rise to more opportunities for us to work together in the future."

Seufert's Advoc partner Dr Johannes Gruber: "It was great having Fiona in Munich. Advoc is about professional relationships and friendship. And how better to enhance these than by seeing where and how one works and by having fun together."

If you would like to be involved, please contact Amy Noonan ([a.noonan@advoc.com](mailto:a.noonan@advoc.com)).

