



Corporate Client e-Newsletter

February 2015

Welcome to the February edition of the Primerus Xpress. This month's edition contains articles regarding key areas of law that may impact your business; including, overtime claims, changes in employment laws, and the newest state enact Parental Leave laws. You will also find that this edition contains several useful articles addressing international legal issues affecting several industries, including, but not limited to, utilities, textile manufacturing, web based companies, and aviation.

The articles in this e-newsletter were authored by Primerus members and provide you with relevant information regarding legal developments, best practices, and trends from around the world. If you are seeking a specific article or legal development and don't find it in this e-newsletter, please feel free to contact me at LDingman-Nowicki@primerus.com.

Sincerely,
Lisa N. Dingman-Nowicki, Esq.
General Counsel
International Society of Primerus Law Firms

In this Issue...

Primerus Events

Articles:

Insurance

Employment

International Business

Video: Why hire a Primerus lawyer?

Paradigm Magazine

Resources

About Primerus

Primerus Events

Primerus Asia Pacific Institute/Corporate Client Networking Event
April 1-2, 2015
The American Club - Singapore

Primerus Defense Institute Convocation

April 23-26, 2015

The Ritz-Carlton - Amelia Island, Florida

Agenda**Primerus Latin America & Caribbean Institute/Association of Corporate Counsel Brazil
Networking Event**

May 14, 2015

Renaissance Sao Paulo Hotel - Sao Paulo, Brazil

Association of Corporate Counsel Annual Meeting

October 18-21, 2015

Boston, Massachusetts - Primerus will be a corporate sponsor

To learn more about these events, please contact Lisa N. Dingman-Nowicki via email at

L.Dingman-Nowicki@primerus.com

Insurance

UNITED STATES**Overview of Insurance Law in the State of New Jersey**

By: **Thomas Paschos, Esq.**

Thomas Paschos & Associates, P.C.

Haddonfield, New Jersey

I. Handling of Property & Casualty Insurance Claims

A. Acknowledgment of Claim

Under New Jersey law, insurers must acknowledge the receipt of a notification of claim within 10 working days after receiving it, unless payment is made within such period of time. See N.J. A.C. § 11:2-17.6(b).

Furthermore, insurers must promptly provide all necessary claim forms, instructions, and reasonable assistance so that first-party claimants can comply with policy conditions. Compliance with this paragraph within 10 working days of notification of a claim shall constitute compliance with the above paragraph. See N.J. A.C. § 11:2-17.6(c).

Full Article

Employment

UNITED STATES**Massachusetts Replaces Maternity Leave Law with Parental Leave Law**

By: **The Bennett Law Firm, P.A.**

Portland, Maine

On January 7, 2015, Governor Patrick signed into law an expanded Parental Leave bill. Starting April 7, Massachusetts employers with at least six employees will be obligated to provide up to eight weeks of parental leave for the birth or adoption of a child or for a child placed with the employee by court order. The new law replaces the Commonwealth's Maternity Leave Act, which on its face only extends such leave to female employees. However, despite the wording of the to be replaced Maternity Leave Act, the Massachusetts Commission Against Discrimination has consistently enforced the law as applying equally to men and women.

Full Article**UNITED STATES****The U.S. Supreme Court Holds Warehouse Workers Not Entitled to Overtime for Security Screens**

By: **Thomas Paschos & Associates, P.C.**

Haddonfield, New Jersey

In *Integrity Staffing Solutions, Inc. v. Busk*, 574 U.S. ____ (December 9, 2014), Jesse Busk and Laurie Castro were former employees of Integrity Staffing Solutions, Inc. (Integrity), a company that provides warehouse space and staffing to clients such as Amazon.com. Busk and Laurie both worked in warehouses in Nevada

filling orders placed by Amazon.com customers. At the end of each day, all the workers were required to pass through a security clearance checkpoint where they had to remove their keys, wallets, and belts, pass through a metal detector, and submit to being searched. The whole process could take up to 25 minutes. Similarly, up to ten minutes of the workers' 30-minute lunch period was consumed by security clearance and transition time.

[Full Article](#)

UNITED STATES

ALERT - Employment Law Update 2015

By: [Tonya D. Hubinger, Esq.](#) & [Roger J. Brothers, Esq.](#)

Buchman Provine Brothers Smith LLP

San Francisco, California

2014 was a big year for legislation in the employment arena. Some of the more significant changes include the introduction of mandatory paid sick leave, potential liability for employers who use labor contractors (staffing agencies) and the requirement that supervisors receive anti-bullying training in addition to the sexual harassment training already required. In this Alert, we provide a brief introduction to the new laws impacting California employers.

[Full Article](#)

International Business

GERMANY

Corporate Law - Contractually Defined Non-Solicitation Agreements Between Companies Illegal

By: [Thomas Schwab](#)

WINHELLER Attorneys at Law & Tax Advisors

Frankfurt, Germany

Section 75f of the German Commercial Code stipulates that agreements between companies, which forbid each company mutually to hire the other company's employees, cannot be enforced by way of legal action. It has already been clarified in the highest court that this rule applies generally to employers and that the refusal of the courts to provide legal protection also includes the undertaking of liquidated damages.

[Full Article](#)

HONG KONG

Is Google Subject to the Hong Kong Court's Defamation Jurisdiction?

By: [ONC Lawyers](#)

Hong Kong, Hong Kong (SAR)

In *Dr Yeung Sau Shing Albert v Google Inc* [2014] 5 HKC 375, the Plaintiff (Yeung), a Hong Kong businessman most famous for his success in the entertainment industry, discovered that typing his Chinese and English names in the search box of the Defendant (Google)'s search engine automatically generated below the search box a list of search suggestions that associated Yeung with criminal activities and triad groups (the "Autocomplete" function). Further, on hitting the search button with his Chinese and English names in the search box, a list of related search results of similar nature was displayed at the bottom of the page (the "Related Search" function). His solicitors wrote to Google and its legal representatives to demand removal of the defamatory words that the two functions generated. As Google failed to comply with his request, he initiated legal proceedings against Google in Hong Kong.

[Full Article](#)

MEXICO

A Critical Analysis of the Regulatory Model for Mexico's New Wholesale Electricity Market

By: [Jose Maria Lujambio Irazabal, Esq.](#)

Cacheaux Cavazos & Newton

Mexico City, Mexico

Perhaps one of the most noteworthy developments to come from the Mexican energy reform on electricity is that it allows private parties to freely generate and sell the electricity they produce to suppliers or, in certain cases, directly to qualified users, thus creating a truly competitive power market.

[Full Article](#)

MEXICO

Combating disloyal business practices to support the National Textile-Manufacturing Industry

By: [Iker Diequez, Esa.](#)

Cacheaux Cavazos & Newton**Mexico City, Mexico**

On December 3rd, 2014, the Department of Treasury and Public Credit ("SHCP" by its Spanish acronym) announced a new strategy to combat disloyal business practices and to support the growth and improvement in productivity of the Mexican Textile-Manufacturing Industry. The strategy announced covers the following measures.

- Creation of the Textile Manufacturing Sectorial Registration as a requirement to import;
- Establishing the automatic notice as a requirement before importation;
- Major supervision on disloyal business practices in the sector;
- Splitting up of customs duty fractions in Textile-Manufacturing to 10 digits;

[Full Article](#)

TURKEY**Economical Impacts Of TTIP On The US, EU And Turkey**

By: [Serap Zuvun, Esq.](#) & [Aybala Kurtuldu, Esq.](#)

Serap Zuvun Law Offices

Istanbul, Turkey

From past to present, international trade and investments have continued growing rapidly and connected the countries globally. Many bilateral treaties and/or conventions have been signed by many countries to boost the trade and the investment between the same. Those international treaties, at the same time, provided for a sustainable economic development in the commercial and investment areas by removing the trade and investment barriers among such countries.

[Full Article](#)

TURKEY**Islamic Financial Leasing (Sukuk Al-Ijarah) Implementations In Aircraft Financing**

By: [Serap Zuvun, Esq.](#) & [Mehmet Ali Akqun, Esq.](#) & [Ugur Toprak, Esq.](#)

Serap Zuvun Law Offices

Istanbul, Turkey

Despite the existence of general conventional financing methods, Islamic finance techniques have recently become quite popular among the Muslim countries due to the growing population and the wealth especially in the Middle East and certain other Far Eastern countries. Consequently, significant number of financial institutions and individual Muslims tend to utilize new financing techniques, complying with Islamic law, and thus the concept of Islamic finance relating to the conduct of financial and commercial transactions in accordance with Islamic law¹ came into scene.

[Full Article](#)

UNITED ARAB EMIRATES**Fraud: Federal Law No.(3) For the Year 1987 on Passing Penal Code Article No.399**

By: [Hassan Mohsen Elhais, Esq.](#)

Al Rowaad Advocates & Legal Consultants

Dubai, United Arab Emirates

"Shall be punishable by confinement or by a fine any individual who, by using fraudulent practice, assuming a false name or quality, takes possession for himself or for the others of any movable property or written instrument, or obtains any signature upon such instrument, its cancellation, destruction or amendment, whenever it is intended to deceive the victim and bring him to surrender a legal right. Shall also be liable to the same punishment he who alienates an estate or a movable property while being fully aware that it is not his own or that he has no right to dispose thereof; or he who knowing by alienates any of the above mentioned after having previously disposed thereof or having concluded any agreement thereon, whenever such an act operates to the injury of others..."

[Full Article](#)

Resources

[Find a Primerus Law Firm](#)

[Primerus Law Institutes](#)

[Primerus Law Practice Groups](#)

[Paradigm Magazine - Fall 2014](#)

[Legal Articles](#)

[Compendiums](#)

[Webinar Library](#)

[About Primerus](#)

[Primerus Video Gallery](#)

[Contact Us](#)

About Primerus

Primerus is a society of the world's finest independent, boutique law firms. With nearly 200 member firms in more than 40 countries, Primerus provides clients easy access to the right lawyer, with the right skills, in the right location, and at the right cost.

We seek out, accept and retain only the best firms for membership. Each firm is screened to ensure its commitment to excellence as embodied in the Six Pillars: Integrity, Excellent Work Product, Reasonable Fees, Continuing Legal Education, Civility and Community Service. After more than 20 years, in which Primerus has experienced tremendous growth in membership and expansion of services, we have never wavered from this commitment, and we never will.

International Society of Primerus Law Firms

171 Monroe N.W., Suite 750
Grand Rapids, Michigan 49503
Toll Free: 800.968.2211 Local: 616.454.9939
www.primerus.com

Legal Disclaimer: The general information contained in this e-Newsletter is intended for informational purposes only. It is not intended to be legal advice, and should not be construed as legal advice or legal opinion on any specific facts or circumstances. You should consult legal counsel regarding your individual circumstance.