Corporate Client e-Newsletter

March 2015

Welcome to the March edition of the Primerus Xpress. This month's edition contains several articles focusing on emerging legal issues that may impact your business; including, data breaches and cyber security litigation and employee. This edition also contains several informative articles covering a variety of international legal issues, including, but not limited to, Import/Export law, social media challenges, insolvency, bonds commercial transactions, and money laundering. Each article shares insights into the author country's laws and judicial proceedings, which are all home to many multinational companies and subsidiaries.

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.

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

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Primerus Events

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Video: Why hire a Primerus lawyer?

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Primerus Events

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 LDingman-Nowicki@primerus.com

Products Liability

CANADA
Product Liability: Overview and Protection
By: Alexander R. Levy, Esq.
Houser Henry & Syron LLP
Toronto, Canada
One of a manufacturer's greatest worries is an unexpected call about an accident and injuries involving its product. When product liability claims arise, they require a calm and quick assessment of legal liability, corporate reputation and insurance coverage.

This article offers some considerations for manufacturers and distributors with products in Ontario and some practical suggestions for managing and avoiding expensive and reputation or relationship damaging product liability claims. Knowing your potential exposure to liability and having a plan to deal with product liability claims before they arise will help preserve your company's reputation and minimize the costs associated with a claim.
Full Article

Business

UNITED STATES
Target Corporation Data Breach Litigation: Has the Pendulum Swung in Data Breach Consumer Cases?
By: Jonathan W. Macklem, Esq. & J. Paul Zimmerman, Esq.
Christian & Small LLP
Birmingham, Alabama
If 2014 was the year of the data breach, then the Target Corporation data breach - which impacted approximately 110 million customers - serves as the high water mark in a year full of cyber attacks on some of the world's largest companies. In part because of its sheer size, the resulting consumer litigation has garnered a significant amount of attention from both the media and the legal community.
Full Article

Employment

UNITED STATES

"ABC Test" Governs Whether an Individual is an Employee or an Independent Contractor for Purposes of New Jersey's Wage Laws

By: Thomas Paschos, Esq.
Thomas Paschos & Associates, P.C.
Haddonfield, New Jersey

In Hargrove v. Sleepy's LLC, 2015 N.J. LEXIS 38 (January 14, 2015), the New Jersey Supreme Court was asked by the U.S. Court of Appeals for the Third Circuit to decide which test a court should apply regarding the classification of an individual as an independent contractor under the New Jersey Wage Payment Law ("WPL") and the New Jersey Wage and Hour Law.

Full Article

AUSTRALIA

Virtual Damage & Real Life Loss - Social Media and the Workplace

By: HHG Legal Group
West Perth, Australia

In this digital age when an employee has had a bad day at work it can be tempting for them to shout "Unfair" over a highly visible social network. An impulsive social media outburst can have dire consequences for the reputation of both the employee and the employer.

Full Article

NETHERLANDS

Contracts: Social Media Clause

By: Reinier W. L. Russell, Esg.
Russell Advocaten B.V.
Amsterdam, Netherlands

A good reputation is precious, both in the corporate world and your private life. However, after a dispute a reputation can be damaged quickly by social media content and negative information on the Internet. So what can you do to prevent this?

Full Article

GERMANY

Labor & Employment Law - What you need to Know about Parental Benefits in Germany

By: J. Elishewa Patterson-Baysal
WINHELLER Attorneys at Law & Tax Advisors
Frankfurt, Germany

The parenting benefits program "ElterngeldPlus" will be available as of January 2015. Based on these new rules, fathers and mothers, who would like to work part time during the time they draw parenting benefits, will be able to bene-fit twice as long from government assistance. One parenting benefits month will then be drawn out to two benefits months.

Full Article

International Business

INDIA

Directorate General of Foreign Trade ("DGFT") revokes physical submission of 'Importer Exporter Code ("IEC") application w.e.f. January, 2015

By: Seth Dua & Associates
New Delhi, India

Recently, DGFT issued a notification for revocation of the physical filing of Form ANF-2A for issue / modification of IEC number w.e.f. January 1, 2015. The application for new IEC will need to be filed in online mode only, along with requisite documents. The decision regarding grant / refusal of IEC should be conveyed within 2 working days by concerned jurisdictional Regional Authorities.

HONG KONG

Money-Laundering: Adverse Inference Drawn Following Defendant's Failure to Substantiate His Position

By: ONC Lawyers

Hong Kong, Hong Kong (SAR)

As a sequel to our January newsletter on money laundering, this newsletter will discuss another recent judgment of the Court of Appeal, which relates to dealing with shares in a listed company.

Full Article

HONG KONG

Limits on the Court's Power to Order Disclosure of Information to Assist Foreign Insolvency Proceedings

By: ONC Lawyers

Hong Kong, Hong Kong (SAR)

In our August 2014 issue we discussed that Hong Kong courts would recognize and assist foreign liquidators in obtaining information and documents in Hong Kong. However, the Privy Council, in a recent case of Singularis Holdings Ltd v PricewaterhouseCoopers [2014] UKPC 36, put a limit to the Bermudan court's common law power to assist a foreign court in overseas insolvency proceedings by ordering the disclosure of information. Such a common law power was only exercisable when an equivalent order could have been made by the court in which the foreign liquidation was proceeding.

Full Article

NIGERIA

The Legal Nature of Bonds in Commercial Transactions in Nigeria

By: Emwanta Omorodion Ehigiato, LLB. & Osayaba Giwa-Osagie, LL.B.

Giwa-Osagie & Company

Ikoyi, Lagos Nigeria

The purpose of a bond is to provide some financial security in the form of a cash sum payable by the surety for the contractor's failure to perform his obligations under a contract. A bond instrument may be executed by the government, a company, an individual or any other business entity, guaranteeing the performance of contractual obligations.

Full Article

AUSTRALIA

WA Supreme Court Ensures Liquidators of Insolvent Construction Contractors Give as Good as they get: Hamersley Iron PTY LTD v James [2015] WASC 10

By: HHG Legal Group

West Perth, Australia

In construction contracts, payment rights often conflict and compete with each other for priority. Never is this truer than in the context of a contractor's insolvency or an adjudication application under security of payment legislation.

Full Article

TURKEY

Turkey: A Quick Peek On The Novation Or Assignment Of Leases At A Glance

By: Serap Zuvin, Esq. & Melis Oget Koc, Esq.

Serap Zuvin Law Offices

Istanbul, Turkey

Charge of Lessor in Cross-Border Financial Lease Agreements

Under Turkish law, cross-border financial lease agreements must be registered by the Association of Financial Leasing, Factoring and Financing Companies ("Association"). The same authority registers any amendment made to the prior registered leases. The Association recently changed the practice of their legal predecessors, namely, Banking Regulation and Supervision Agency ("BRSA").

Full Article

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About Primerus

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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

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