



Corporate Client e-Newsletter

October 2015

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Business

AUSTRALIA

Offers to Australians of Shares in Non-Australian Companies

By: [Selwyn Black, Esq.](#)

Carroll & O'Dea

Sydney, Australia

We recently considered the Australian law implications of an acquisition by a European company of an Australian resident's shares in a non-Australian company (Acquisition).

[Full Article](#)

HONG KONG

"No" Means "No" in Direct Marketing

[ONC Lawyers](#)

Hong Kong, Hong Kong (SAR)

On 9 September 2015, Hong Kong Broadband Network Limited ("HKBN") was fined HK\$30,000 for failing to comply with the request of a data subject (a customer of HKBN) to cease to use his personal data in direct marketing ("HKBN Case").

[Full Article](#)

INDIA

Recommendations of MCA's Committee on CSR

By: [Atul Dua, Esq.](#)

Seth Dua & Associates

New Delhi, India

The Ministry of Corporate Affairs ("MCA") has constituted a High Level Committee ("HLC/Committee") to suggest measures for monitoring the implementation of Corporate Social Responsibility ("CSR") policies by the companies under section 135 of the Companies Act, 2013 ("Act"). The HLC comprises of six members including representatives from MCA, Industry, NASSCOM and Department of Public Enterprises.

[Full Article](#)

UNITED STATES

Beware the "Send" Button: Offer, Acceptance and the "Knockout Rule" in Electronic Contract Negotiation

By: [Thomas Cardelli, Esq.](#), [Chris Doyle, Esq.](#), [Vani Gujuluva, Esq.](#) & [Jennifer Paine, Esq.](#)

Cardelli Lanfear P.C.

Detroit, Michigan

In this e-business age, it is not uncommon for contract negotiations to take place purely online through the use of emails.

[Full Article](#)

UNITED STATES

Sweepstakes and Contests: A Great Way to Promote your Business

By: [Casey Gocel, Esq.](#), [Dan Richards, Esq.](#) & [Khizar Sheikh, Esq.](#)

Mandelbaum Salsburg P.C.

Roseland, New Jersey

Hosting a giveaway, such as a sweepstakes or prize contest, is a great way to promote your brand and raise awareness for your business. Giveaways can be promoted at a business location, on a company website or on social media sites such as Facebook, Instagram and Twitter. If you plan to host a giveaway it is important to first familiarize yourself with the legal requirements to avoid unnecessary sanctions and penalties.

[Full Article](#)

UNITED STATES

Dealing with Liability Threats to Your Veterinary Practice

By: [Daniel L. Baxter, Esq.](#)

Wilke, Fleury, Hoffelt, Gould & Birney, LLP

Sacramento, California

Veterinarians are exposed to liability threats each time they encounter a potentially dangerous animal in a clinical setting. Fortunately, you have several weapons at your disposal to minimize your risk.

[Full Article](#)

Construction

AUSTRALIA

Construction Issue - When is an Adjudication Good Enough?

By: [Mark Madsen, Esq.](#) & [Ryan Solomons, Esq.](#)

Mullins Lawyers

Brisbane, Australia

In an attempt to avoid a decision given against them, parties to construction contracts have sought to argue that an adjudicator's reasons were not sufficient.

[Full Article](#)

Family and Matrimonial

AUSTRALIA

What is a Child Support Agreement?

[HHG Legal Group](#)

West Perth, Australia

International parental child abduction occurs when one parent or guardian takes their child from its home country without the permission of the other parent or guardian, or without the authorisation of a court.

[Full Article](#)

HealthCare

UNITED STATES

Doctors Given Warning on Pay - Avoid liabilities associated with compensation arrangements

By: [Carol A. Hyde, Esq.](#)

Iseman, Cunningham, Riester & Hyde LLP

Albany/Poughkeepsie, New York

The U.S. Department of HHS' Office of Inspector General issued a fraud alert recently warning doctors to avoid payment agreements that could violate the anti-kickback statute.

[Full Article](#)

UNITED STATES

California Medical Care Through a Telehealth Practitioner

By: [Michael G. Polis, Esq.](#)

Wilke, Fleury, Hoffelt, Gould & Birney, LLP

Sacramento, California

Medical care continues to evolve given the use of electronic media and communication, and a number of large health care practitioners are turning to telehealth as a method to provide medical care to a greater number of patients who reside in California's rural communities. Before embarking on a telehealth practice, a practitioner must first be licensed by the Medical Board of California if the care provided involves California residents. If a physician is not licensed in California and provides care to a California resident, the physician has violated California law and could be subject to substantial fines and possible imprisonment.

[Full Article](#)

Hospitality

AUSTRALIA

Unacceptable Liquor Practices and Promotions

By: [Jodie Lonard, Esq.](#) & [Curt Schatz, Esq.](#)

Mullins Lawyers

Brisbane, Australia

The Commissioner has recently released new Guideline 60: Unacceptable liquor practices and promotions in licensed venues. This new Guideline is a response to the recent addition of section 142ZZ of the Liquor Act 1992 (Qld) earlier this year.

[Full Article](#)

Insurance

HONG KONG

Would I Be Able to Get Compensation for a Dog Bite?

[ONC Lawyers](#)

Hong Kong, Hong Kong (SAR)

Dogs are regarded as humans' best friends. It is because of the close association of dogs and humans in daily life, dog bites causing injuries are extremely common. Dog bites can happen for a lot of reasons, for example, an attack by a friend's dog or by a strange dog on the street but only in some circumstances the victims can seek redress. This article aims to discuss whether a victim is able to get damages if he / she is attacked by a dog and sustains personal injuries.

[Full Article](#)

INDIA

Clarification on term 'Indian Owned & Controlled' by IRDA

By: [Atul Dua, Esq.](#)

Seth Dua & Associates

New Delhi, India

The Insurance Regulatory and Development Authority (hereinafter referred to as 'IRDA') has through its guidelines dated October 19th, 2015, Reference No. IRDA/F&A/GDL/GLD/180/10/2015 (hereinafter referred to as 'guidelines') provided clarity on the term 'Indian owned and controlled' as used under the definition of 'Indian Insurance Company' in Section 2(7A) of The Insurance Laws (Amendment) Act, 2015.

[Full Article](#)

Labor and Employment

UNITED STATES

D.C. Circuit Court of Appeals Rejects NLRB's Lack Of Common Sense And Holds That Employer Is Entitled To Ban Employees From Wearing Unprofessional T-Shirt on House Calls

[The Bennett Law Firm, P.A.](#)

Portland, Maine

For one union in Connecticut, their use of creative t-shirts as a weapon against AT&T Connecticut (AT&T) has finally gone too far. In the past, employees had been permitted to wear union apparel at work, including shirts that read, "If I want your opinion...I'll take the tape off your mouth" and "I'm not drunk. I'm just a race fan." However, when employees were given shirts that read "Inmate #" with a black box beneath the lettering on the front and "Prisoner of AT&T" on the back, the company objected more strongly.

[Full Article](#)

UNITED STATES

Who Gets Paid for Snow Days?

By: [Brian Culnan, Esq.](#)

Iseman, Cunningham, Riester & Hyde LLP

Albany/Poughkeepsie, New York

During last year's rough winter, many employers had their business impacted by the adverse conditions and were confronted with questions as to how to account for employees' missed time from work. Now that winter is just around the corner, it may be a good time for employers to review and update their inclement weather policies.

[Full Article](#)

UNITED STATES

Suspension From Work With Pay Does Not Count as an Adverse Employment Action for a Discrimination Case Under Title VII of the Civil Rights Act

By: [Thomas Paschos, Esq.](#)

Thomas Paschos & Associates, P.C.

Haddonfield, New Jersey

In *Jones v. SEPTA*, 796 F.3d 323 (3d Cir. August 12, 2015), Michelle Jones was fired in 2011 by her employer, the Southeastern Pennsylvania Transportation Authority (SEPTA). SEPTA says it dismissed Jones for submitting fraudulent timesheets; Jones says her termination was the culmination of years of unlawful sexual harassment, gender discrimination, and retaliation.

[Full Article](#)

UNITED STATES

What You Need to Know About the New Sick Leave Law

By: [Samson R. Elsbernd, Esq.](#)

Wilke, Fleury, Hoffelt, Gould & Birney, LLP

Sacramento, California

The California Healthy Workplaces/Healthy Families Act of 2014 has been operative since January 1, 2015 even though employees have not yet begun to accrue sick leave pursuant to the law. Employees will only begin to accrue sick leave pursuant to the law on July 1, 2015.

[Full Article](#)

Real Estate

AUSTRALIA

Draft Planning Bill - Proposed Changes to Development Assessment

By: [Anthony O'Dwyer, Esq.](#) & [James Deegan, Esq.](#)

Mullins Lawyers

Brisbane, Australia

The Queensland Government has made the draft planning bills available for public consultation from 10 September to 23 October 2015.

[Full Article](#)

Upcoming Webinars



"Doing Business in Canada from Coast to Coast: Debunking Canadian Myths"

**This Webinar is presented by the
Primerus Business Law Institute and
offered through WestLegalEdCenter**

Many US companies or law firms have come to Canada with some presuppositions about what to expect when it comes to establishing a business here. In some cases they were shocked to find out we do not live in igloos, we don't get to work via polar bear and we eat more than maple syrup. In all seriousness, we have some great perspectives and experiences to share that will hopefully enlighten and illuminate your perspective on doing business in Canada as it relates to:

- Business Structure
- Employment law
- Tax Considerations
- Real Estate Law
- Navigating regulatory and cross-cultural business environments

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Paradigm Magazine



The Primerus Paradigm delivers articles regarding developments and trends in legal issues relevant to corporate clients around the world, while showcasing Primerus members as leaders with the expertise to

assist clients with any legal needs they may have. It is published twice a year and mailed to Primerus members as well as clients around the world.

If you would like to be added to our hard copy mailing list please include your mailing address in a brief email to Derek Hoeft at dhoeft@primerus.com

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[A Survey of The Law of Non-Contractual Indemnity and Contribution - Products Liability Practice Group Compendium - April 2015](#)

[Compendium of Principles of Law Regarding Bad Faith in the Fifty States and D.C. - 2013 Edition](#)

[A State by State Update of Tort Reform - 2013 Edition](#)

[Principles of Law Regarding Establishment and Operation of a Business in Various Countries Compendium - International Transactional Services Practice Group - March 2012](#)

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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.

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