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## Labor & Employment

### **UNITED STATES**

#### **Sexual Harassment Training Now Mandatory for All Connecticut Employers**

**[Brody Wilkinson PC](#)**

Southport, Connecticut

On October 1, 2019, the clock begins to tick on Connecticut's new training requirements under the "Time's Up Act" (Public Act No. 19-16 together with Public Act No. 19-93). This law amends Connecticut's existing workplace discrimination statutes to require employers with 3 or more employees to provide sexual harassment training to its employees by October 1, 2020. Employers with less than 3 employees must provide training to its supervisors. Prior to the new law, Connecticut only mandated sexual harassment training for employers with 50 or more employees. The new law also imposes stringent notice requirements on all employers.

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### **GERMANY**

#### **Half a Holiday Is Not a Holiday**

**[Dr. Eric Uftring](#)**

**[WINHELLER Attorneys at Law & Tax Advisors](#)**

Frankfurt, Germany

In Germany, there are always disputes between employers and employees regarding holidays. Employers and employees are often unable to agree on the periods during which leave is to be taken.

The legislation stipulates that, if possible, holidays are granted for several days in a row so that the effect of the holiday is correspondingly significant. However, in practice, many employees naturally take one or two days off on "bridging days" to extend a weekend. Would it not then be possible to take half days off?

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# Business

## **BELGIUM**

### **Can a Private Practice Still Be Run in the Form of a "Cooperative Company"?**

**Maxiem Devos & Leo Peeters**

**Seeds of Law**

Brussels, Belgium

Code of Companies and Associations, cooperatives (CV-SC) can only be established if they are based on a genuine cooperative goal. The cooperative is therefore in principle no longer eligible for running a private practice.

This is at the essence of the answer the Minister of Justice gave following a parliamentary question.

The Minister of Justice was asked whether a cooperative (CV-SC) as defined in the new Code of Companies and Associations can still be used for a private practice and what would be the consequence when the new conditions are not met on 1 January 2020.

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## Patent & Trademarks

## **UNITED STATES**

### **Hong Kong Launches New Patent System**

**Mark Malek**

**Widerman Malek, P.L.**

Melbourne, Florida

The Hong Kong Intellectual Property Department (HKIPD) will launch a new patent system on December 19, 2019. The system becomes effective through the Patents (Amendment) Ordinance 2016 and the Patents (General) (Amendment) Rules 2019, which will also come into force on the same date.

**Full Article**

## **UNITED STATES**

### **The USPTO's Fraudulent Trademark Problem is Receiving Attention**

**Coleman & Horowitz, LLP**

Fresno, California

On December 3, 2019, Senator Thom Tillis, R-NC, chaired the Senate Committee on the Judiciary Intellectual Property Subcommittee hearing entitled "Fraudulent Trademarks: How They Undermine the Trademark System and Harm American Consumers and Businesses."

The hearing focused on ways to address fraudulent trademark filings, which have increased, particularly fraudulent filings by companies in China. According to Professor Barton Beebe, one of five witnesses who testified at the hearing, the problem is so great that "[t]wo-thirds of the applications filed in 2017 in Class 25 (apparel) were fraudulent in nature, and yet 60% of those were approved for publication by the USPTO, and 39% proceeded to registration."

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# Liability

## **UNITED STATES**

### **New Scooters + Old Roads = Big Liability**

**Foland, Wickens, Roper, Hofer & Crawford, P.C.**

Kansas City, Missouri

Every year society sees technological changes in the way people transport themselves over distances. The scooter and hoverboard revolution joined the bicycle revolution to demand a greater share of public roads. This has resulted in greater mobility for children, people with disabilities, people ineligible for a driver's license and those who cannot afford to drive. The way automobiles and alternative transportation devices intersect on our roads is calling the design and maintenance of aging transportation networks into question.

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# Property

## **KENYA**

### **Foreigners and Property Ownership in Kenya**

**Njoroge Regeu & Company**

Nairobi, Kenya

Foreigners can own property in Kenya in their name. The Constitution (2010), the Lands Act (6/2012) and the Land Registration Act (3/2012), subject to certain limitations, grant the right to any person, either individually or in association with others, to acquire and own land in Kenya. This is important as many foreign investors have been duped into believing that they cannot own land in their own name in Kenya.

**[Full Article](#)**

## **AUSTRALIA**

### **A Sense of Entitlement: Squatters Rights' and Adverse Possession Laws in Australia**

**Murray Thornhill & Anne Hurley**

**HHG Legal Group**

West Perth, Australia

The recent 'bizarre squatter's rights case' in Sydney is an example of this innovative thinking using where a developer successfully used the law of 'squatter's rights'. In that case, a developer took possession of an abandoned home, renovated it, leased it out for 19 years, and subsequently applied and successfully received legal title to the home.

In less bizarre cases of using the law of squatter's rights people have successfully taken strips of land, driveways, gardens and successfully become registered on the title to the land on which they have squatted. In Legal speak, *squatter's rights'* is actually the operation of the law of Adverse Possession.

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# Banking & Finance

## **GERMANY**

### **Establishment of a Subsidiary for Financial Services in Germany**

**Phillipe Dagobert Winterstein**

**WINHELLER Attorneys at Law & Tax Advisors**

Frankfurt, Germany

An institution domiciled in an EU member state or another signatory state to the Agreement on the European Economic Area may establish a subsidiary in Germany and provide payment services via it without the permission of the Federal Financial Supervisory Authority (BaFin). The prerequisite for this is a license already granted abroad to the company establishing its subsidiary.

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## Environment

### **UNITED STATES**

#### **Fracking of Other Properties From West Virginia Land**

**Paul Yagelski**

**Rothman Gordon**

Pittsburgh, Pennsylvania

You own the surface of your land, but you do not own the minerals thereunder. They have been severed from the surface. An oil and gas company has leased the oil and gas and wants to use your surface to install a wellpad and one or more wells from which it will extend its horizontal laterals to frack the shale under other properties. This is not an uncommon occurrence. If you live in West Virginia, however, this can no longer be done unless the right to do so is agreed to by the surface owner or the right is expressly obtained, addressed or reserved in the parties' deeds, leases or other writings.

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## Paradigm Magazine



The **[2019 Fall Paradigm Magazine](#)** 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 Alicia Bos at **[abos@primerus.com](mailto:abos@primerus.com)**.

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The PCRI was created with the help of some long-standing Primerus corporate clients, and offers in-house counsel and corporate executives an opportunity to connect with not only great law firms and lawyers, but also with other similarly situated in-house and corporate professionals.

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- Access to the PCRI Listserv to communicate with other PCRI members
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- [Doing Business in the Asia Pacific Region](#)
- [Young Lawyers Section Stare Decisis](#)
- [Women Lawyers Section Lady Justice Newsletter](#)
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