



Primerus

X P R E S S

The International Society of Primerus Law Firms

XPRESS e-Newsletter

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In This Issue

Estate Planning
Cybersecurity
Real Estate

Labor & Employment
Business
Intellectual Property

Paradigm Magazine
Primerus Client
Resource Institute
Resources

Estate Planning

UNITED STATES

Document created on phone app ruled to be a binding will by Michigan Court of Appeals

By: [Lisa Okasinski](#)

[Demorest Law Firm, PLLC](#)

Royal Oak, MI

In a published opinion, the Michigan Court of Appeals held that a note created by a decedent on his phone is a valid will under Michigan law. Guardianship and Alternatives, Inc. v. Lanora Jones, Docket no. 339737 (July 2018).

[Full Article](#)

[Back to Top](#)

Real Estate

ITALY

Key Money/Goodwill in Retail Real Estate

[FDL Studio Legale E Tributario](#)

Milan, Italy

With the term 'key money' we are normally referring to a sum of money that a Brand, interested in a particular location, gives to the tenant in order to withdraw from an existing

lease agreement.

[Full Article](#)

NETHERLANDS

Pre-Emption Right in Lease Agreements

[Russell Advocaten, B.V.](#)

Amsterdam, Netherlands

Many lease agreements include a pre-emption right. What does this mean exactly and where does this right apply or lapse?

[Full Article](#)

[Back to Top](#)

Intellectual Property

HONG KONG

A Glimpse of Hearing at the Trade Marks Registry

[ONC Lawyers](#)

Hong Kong, Hong Kong

Whilst trade mark infringement and passing-off are common areas of dispute in the courts in Hong Kong these days, contentious matters arising from or in connection with trade mark registration, such as opposition to registration, request for a declaration of invalidity in respect of a registered trade mark which did not qualify for registration and should have been refused in the first place, or request for revocation of a registered trade mark, etc., appear to be increasingly popular.

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[Back to Top](#)

Labor & Employment

NETHERLANDS

Dismissal Just Before Retirement Age

[Russell Advocaten, B.V.](#)

Amsterdam, Netherlands

Employees who have almost reached retirement age are entitled to full transition compensation, even though this compensation might far exceed their salary up until retirement age. What do you have to keep in mind in dismissal of employees who have almost reached retirement age?

[Full Article](#)

NETHERLANDS

Obligation of Respect in Contract Law

[Russell Advocaten, B.V.](#)

Amsterdam, Netherlands

Can you be held liable if you manage to persuade one party to a contract not to comply with the agreement? Or will only the person be liable that commits the breach of contract?

[Full Article](#)

HONG KONG

Can I get my job back after being unreasonably and unlawfully dismissed?

ONC Lawyers

Hong Kong, Hong Kong

The Employment (Amendment) (No. 2) Ordinance 2018 (the "Amendment Ordinance") was passed by the Legislative Council on 17 May 2018 and took effect on 19 October 2018. Under the Amendment Ordinance.

Full Article

GERMANY

Can Vacancies Abroad Also Be Filled by Employees Dismissed for Operational Reasons?

By: Eric Uftring

WINHELLER Attorneys at Law

Frankfurt, Germany

Any employee, who has been working for a German company with more than 10 employees for a period longer than six months, enjoys protection against dismissal under the German Protection against Unfair Dismissal Act.

Full Article

[Back to Top](#)

Business

MEXICO

Mexico's Senate Ratifies Convention 98 of the International Labor Organization Guaranteeing Mexican Worker Rights to Organize and Bargain Collectively

By: Pablo Saenz & Maria Fernanda Magallanes

Cacheaux Cavazos & Newton

Mexico City, Mexico

On September 20, 2018, Mexico's Senate ratified Convention Number 98 concerning the Right to Organize and Collective Bargaining Convention, 1949 (the "Convention") of the International Labor Organization. The Convention provides that Mexican workers shall be fully protected against discrimination for any employer actions restricting their right to organize and bargain collectively.

Full Article

BRAZIL

Tax responsibility for collection of withholding income tax ("WIT") by International Payment Facilitators ("IPF")

Barcellos Tucunduva Advogados

Sao Paulo, Brazil

The Central Bank of Brazil ("BACEN"), through Circular 3.691 of 2013 and its subsequent amendments ("Circular 3.691"), regulates, in its articles 132 and 132-A, the foreign exchange rules for the acquisition of goods and services abroad by Brazilian residents (the "International Purchases"), through companies named Facilitadoras de Pagamentos Internacionais or "International Payment Facilitators" or "IPFs", free translation).

Full Article

NETHERLANDS

The Annulment of a Director's Dismissal Also Affects the Employment

Russell Advocaten B.V.

Amsterdam, Netherlands

When a director under the articles of association is dismissed the employment contract is also terminated. But what if the dismissal decision is subject to annulment?

[Full Article](#)

GERMANY

Payment Service Directive (PSD II) Under Privacy Law: Challenges for Payment Services Providers

By: [Olga Stepanova](#)

[WINHELLER Attorneys at Law](#)

Frankfurt, Germany

Payment services have seen significant technical innovations in recent years. These led to a fast increase in electronic and mobile payments and the creation of new payment methods, like Paypal, Giropay or instant transfers.

[Full Article](#)

[Back to Top](#)

Cybersecurity

NETHERLANDS

GDPR: Are You a Processor or a Controller?

[Russell Advocaten B.V.](#)

Amsterdam, Netherlands

The new European privacy regulation creates a great deal of confusion. Do you comply with the GDPR?

[Full Article](#)

[Back to Top](#)

Paradigm Magazine



The **2018 Spring 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 Derek Mallekoote at dmallekoote@primerus.com.

[Back to Top](#)

The Primerus Client Resource Institute

The Primerus Client Resource Institute (PCRI) is the client section of the Primerus membership intended for in-house counsel, risk managers, claims managers, and corporate executives who are responsible for the legal affairs of their companies. Given the challenges of doing business in today's fast-paced, global economy, it has never been more important for companies around the world to develop trusted relationships with law firms that offer high quality legal services at reasonable fees. Primerus seeks out, screens and audits our firms to make sure we have only the finest, so companies in need of legal services can call upon any Primerus lawyer with complete confidence that he or she is reasonably priced, highly competent, and worthy of your trust.



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.

Membership Benefits:

- There is no cost to join
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- Assistance in finding the right Primerus lawyer(s) to meet your needs
- Access to free Primerus educational webinars
- Access to the PCRI Listserv to communicate with other PCRI members
- On-site education programs can be arranged that are customized to your industry and business

It's Easy to Join the PCRI

Click below to complete a brief online application. Once submitted, membership applications are reviewed and approved by the Primerus Client Resource Institute Executive Committee. Apply today, and you will hear from us soon.

JOIN THE PCRI TODAY

[*Back to Top*](#)

Resources

Legal Articles

Compendiums:

- [A Survey of the Law of Dram Shop and Alcohol Liability](#)
- [A Survey of the Law of Legal Malpractice - A Professional Liability Practice Group Compendium - September 2015](#)
- [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](#)
- [Doing Business in the Asia Pacific Region](#)

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[Back to top](#)

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[Back to Top](#)

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