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Labor & Employment

AUSTRALIA

The Wait is Over for Australia's Whistleblower Reforms

[Murray Thornhill](#) & [Blair Campbell](#)

[HHG Legal Group](#)

West Perth, Australia

With the recent raids by the Australian Federal Police on the Australian Broadcasting Corporation and an Australian journalist's home reminding us that whistleblowers are at risk of prosecution, Australia's whistleblower laws have been criticised for providing inadequate protection.

[Full Article](#)

UNITED STATES

Employers, Beware! United States Senate Introduces Bill to Limit Enforceability of Covenants Not to Compete

[Connie Elder Carrigan](#)

[Smith Debnam Narron Drake Saintsing & Myers, LLP](#)

Raleigh, North Carolina

Effectively drafted restrictive covenants are valuable tools employers can utilize to protect their proprietary interests. Covenants not to compete and covenants not to solicit an employer's clients or employees are the most common forms of restrictive covenants used by employers to prevent their former employees from working for a competitor for a period of time after the termination of their employment or from enticing their former coworkers or clients to follow them when they depart.

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Business

GERMANY

Import, Export and Customs Issues: the Consequences of a Hard Brexit

Bartosz Dzionsko

WINHELLER Attorneys at Law & Tax Advisors

Frankfurt, Germany

In the referendum of June 23, 2016, a small majority of British voters decided to withdraw from the European Union. Since then, the British government and the European Union have been conducting unsuccessful withdrawal negotiations, with a particular focus on trade law issues.

After the last extension, October 31, 2019, has now been set as the official withdrawal date. The fact that the contracting parties can reach a withdrawal agreement, let alone a transitional arrangement, by then is doubtful considering the election of the new Prime Minister Johnson, who is regarded as a strong supporter of a hard Brexit.

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Product Liability

GREECE

The International Comparative Legal Guide to: Product Liability 2019

Dimitris Emvalomenos

Bahas, Gramatidis & Partners

Athens, Greece

What systems of product liability are available (i.e. liability in respect of damage to persons or property resulting from the supply of products found to be defective or faulty)? Is liability fault based, or strict, or both? Does contractual liability play any role? Can liability be imposed for breach of statutory obligations e.g. consumer fraud statutes?

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Contracts

UNITED STATES

In Louisiana, No Protection From Your Own Gross Negligence

Micah Zeno

Gordon Arata Montgomery Barnett

New Orleans, Louisiana

While the blame game for gross negligence continues in Texas, Louisiana law is clear: a party may not contract for indemnification against its own gross negligence. Under article 2004 of the Louisiana Civil Code "[a]ny clause is null that, in advance, excludes or limits the liability of one party for intentional or gross fault that causes damage to the other party." Gross fault includes gross negligence, as well as bad faith breach of contract and fraud.

Full Article

Immigration

UNITED STATES

EB-5 News: Double or Nothing for Foreign Investors

Demian Serianni

Widerman Malek, P.L.

Melbourne, Florida

USCIS recently raised the stakes for foreigner investors hoping to gain permanent residence status in the United States through the EB-5 program with a new rule announcement.

Starting November 21, 2019, foreign applicants to the EB-5 Immigrant Investor Program will be required to invest \$900,000 in a "targeted employment area" (TEA), a sharp increase from the previous \$500,000 requirement. Outside of economically disadvantaged areas, the standard minimum investment level will now be \$1.8 million, up from \$1 million.

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Tax

PERU

General Tax Treatment in Peru

Juan Prado Bustamante

Llona & Bustamante Abogados

Lima, Peru

According to the Peruvian tax regime, all legal entities domiciled and/or doing business in Peru are levied with the following taxes:

1. Income Tax: Peruvian Income Tax, is a tax applicable to legal entities domiciled in Peru over the income obtained in the fulfillment of its business activities, in and out of the Peruvian territory(worldwide source of income system).

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Blockchain

GERMANY

BaFin Publishes New Leaflet for ICOs and STOs

Benjamin Kirschbaum

WINHELLER Attorneys at Law & Tax Advisors

Frankfurt, Germany

The Federal Financial Supervisory Authority (BaFin) has published a new, detailed information note on the current legal situation regarding the so-called Initial Coin Offerings (ICOs) and Security Token Offerings (STOs). The authority explains which licensing obligations may exist for an ICO, when a security token is available and which documents must be submitted to BaFin in order to obtain legal information or approval for one's own project.

Environment

UNITED STATES

Non-Surface Use Lease: The Devil is in the Details

[Paul Yagelski](#)

[Rothman Gordon](#)

Pittsburgh, Pennsylvania

You have been offered an oil and gas lease, and you are interested in leasing your oil and gas; however, you do not want any activity of any kind on your land. Can such a lease be negotiated? Yes. Such an oil and gas lease is usually referred to as a non-surface use lease, a non-surface operating oil and gas lease or a non-surface oil and gas lease (collectively "non-surface use lease"). What is a non-surface use lease?

[Full Article](#)

UNITED STATES

Third Appellate District's "narrow" opinion could have far reaching impacts on SGMA, groundwater rights, and groundwater extractions

[Coleman & Horowitz, LLP](#)

Fresno, California

In *Environmental Law Foundation et.al., v. State Water Resources Control Board* ("Environmental Law Foundation") the Third Appellate District of the State of California (the "Court") held (1) the Public Trust Doctrine applies to the extraction of groundwater that adversely impacts a navigable waterway; and (2) the State Legislature did not intend to occupy the field of groundwater management by enacting the Sustainable Groundwater Management Act ("SGMA") in 2014.

[Full Article](#)

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.

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- [A Survey of the Law of Dram Shop and Alcohol Liability](#)
- [Doing Business in the Asia Pacific Region](#)
- [Young Lawyers Section Stare Decisis](#)
- [Women Lawyers Section Lady Justice Newsletter](#)

Additional Resources



On behalf of the Primerus Labor and Employment Practice Group, we are pleased to provide to all you, our valued clients, the Labor and Employment Law Compendium. Please review it and utilize it in your business. If you have any specific questions on the application of the labor and employment laws in your jurisdiction and their application to your specific issues, please consider contacting the firm or attorneys who contributed to this very scholarly and timely update of the current laws in this field. Please feel free to send this compendium to any of your colleagues who may benefit from its contents.

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Navigating U.S. Regulatory, Legal & Communications Hurdles - A Guidebook for Foreign Companies was prepared by [Levick](#) as part of the E-Book Series Volume 3. The obstacles facing foreign companies seeking to establish or expand operations in the U.S. are formidable. Not only are there a host of federal regulatory rules that must be observed but foreign companies must also comply with state and, in certain markets, local regulations.

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