

The International Society of Primerus Law Firms

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Business

CANADA

Starting a Business? Avoid These Common Mistakes

By **Alexander Levy, Esq.**

Houser Henry & Syron LLP

Toronto, Canada

Starting a company is an exciting venture, though it is undoubtedly accompanied by many challenges. At Houser Henry & Syron LLP ("HHS"), we have the pleasure of working with many new and exciting businesses and helping them navigate the Canadian legal landscape.

[Full Article](#)

GERMANY

German Tax Law: Tax Numbers That Every Entrepreneur Should Know

By **Dr. Astrid Plantiko, Esq.**

WINHELLER, Attorneys at Law & Tax Advisors

Frankfurt, Germany

Doing business in Germany can be challenging with regard to compliance with laws and regulations. Challenges often arise concerning the different ID numbers that entrepreneurs require from the German tax authorities. Therefore, we would like to give a short overview over the most important tax and ID numbers and their meaning:

[Full Article](#)

LUXEMBOURG

BEPS, Tackling Tax Avoidance Strategies

By [Hance Law](#)

Luxembourg, Luxembourg

How can BEPS impact my organization?

The Organisation for Economic Co-operation and Development (OECD) has the mission to promote policies that will improve the economic and social well-being of people around the world. The organization has some projects going on, and one of them which we will focus on, is "Base Erosion and Profit Shifting", best known for BEPS. The initiative refers to tax avoidance strategies that identifies gaps in tax rules that could shift profits to low or zero tax locations. Under the inclusive framework, over 100 countries and jurisdictions are collaborating to implement the BEPS initiative. This means that this initiative pursue to reduce or close gaps in international taxations for companies that allegedly reduce or avoid taxation in their home country, by moving operations or implementing different strategies depending on each case.

[Full Article](#)

LUXEMBOURG

Luxembourg in the Post-Brexit Scenario

By [Hance Law](#)

Luxembourg, Luxembourg

Almost a year ago, the United Kingdom withdrawn from the European Union through a referendum. Since the Brexit, changes and movements have been relatively felt across the EU.

Luxembourg has been one of the top destinations of banks, insurance companies, corporations, and other financial institutions owing the country's conducive financial ecosystem. The country is a growing financial hub, a center for investment funds management services and financial technology, making it a real attraction.

[Full Article](#)

NETHERLANDS

5 Steps to Starting an NV in the Netherlands

By [Guus van Lieshout, LL.M.](#)

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

Amsterdam, Netherlands

Would you like to start a public limited company (NV) in the Netherlands? We will let you know, step-by-step, how to do it!

Step 1: Check Availability of Trade Name

Before starting your NV, we advise to you to check whether or not the trade name you have chosen is already being used by another company. Due to intellectual property rights, a previous registration of the same or a similar trade name might cause problems.

[Full Article](#)

NETHERLANDS

Art and Law: Rules for Selling Art Online

By [Paul W.L. Russell, LL.M.](#)

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

Amsterdam, Netherlands

Do you sell art to consumers via a webshop? Keep in mind that strict rules are in place for this. What are the requirements you have to fulfil as an online art dealer?

Consumer Protection in Distance Selling

When you sell artworks to consumers via the Internet, the rules differ from those for the physical sale in, for instance, an art gallery. For purchases and sales via the Internet, also known as distance selling, the consumer enjoys extra protection since 2014. Thus, the buyer has more rights, the seller more obligations and the sanctions for non-compliance with these obligations are harder.

[Full Article](#)

Cyber Security & Data Privacy

UNITED STATES

Equifax Data Breach: What Are Your Notification Obligations?

[Barton LLP](#)

New York, New York

Has your organization engaged Equifax to perform credit reports or background checks on potential new hires or others? Have you provided personal information such as Social Security numbers or driver's license numbers for those individuals? If so, you may be required by state data breach notification laws to provide specific notification to these individuals, and to state law enforcement agencies. Failure to make these notifications may result in significant financial penalties.

[Full Article](#)

Insurance

UNITED STATES

Texas Seeks to Deter Insurance Fraud in the Wake of Severe Weather Events

By [Donato, Minx, Brown & Pool, P.C.](#)

Houston, Texas

Introduction: A Model for Insurance Fraud

In recent years, numerous public insurance adjusters, contractors illegally acting as public adjusters and attorneys have used severe weather events, like the 2012 Hidalgo County hailstorms, to manipulate a profit from the subsequent flood of insurance claims. A typical model used to maximize profit on fraudulent insurance claims starts with canvassers going door-to-door convincing homeowners they are entitled to more compensation than their insurance company provided.

[Full Article](#)

Labor & Employment

NETHERLANDS

Employee Handbook

By [Jan Dop, LL.M.](#)

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

Amsterdam, Netherlands

What is an employee handbook? What is the point of it? What can be arranged by such a handbook? And how do you make sure that the employee handbook applies to all your employees?

What is an Employee Handbook?

An employee handbook contains (house) regulations and employment related rules and conditions that apply within a company. In addition, the core values of the company can be included in an employee handbook. An employee handbook applies to all employees and can be considered as an addition to their employment contracts. The employee handbook is also referred to as staff regulations, office manual, code of conduct, staff policy, or company regulations.

[Full Article](#)

NETHERLANDS

Your Company's Integrity Policy

By [Reinier W.L. Russell, LL.M.](#)

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

Amsterdam, Netherlands

How do you create a transparent, open and professional corporate culture where everyone knows which actions would be considered appropriate and which would (not) be considered ethically acceptable?

Increasingly often, company managers are dismissed because of violations of the code of conduct, such as involvement in scandal, (sexual) harassment, fraud or leaks of sensitive information. This is also due to the increasing public interest in this kind of violations and the zero tolerance policy nowadays applied by many companies.

[Full Article](#)

UNITED STATES

Back to the Drawing Board: Department of Labor's "White Collar" Exemption Overtime Regulations

By [David B. Walston, Esq.](#)

[Christian & Small LLP](#)

Birmingham, Alabama

Is the Obama-era "white collar" overtime regulation dead? In practical terms, yes. You will recall from past updates, President Obama's Department of Labor announced the implementation of a rule that would double the salary threshold for the "executive" and "administrative" exemptions from \$23,660 per year to \$47,476 per year. The increase was designed to reduce the number of employees exempt from overtime, but a federal court temporarily blocked its implementation (but did not invalidate the rule) before it became effective. Obama instructed the Department of Labor to appeal the judge's decision, but the order blocking the rule remained in effect during the appeal.

[Full Article](#)

UNITED STATES

New Connecticut Law Regarding Pregnancy

By [Barbara Miller, Esq.](#)

[Brody Wilkinson PC](#)

Southport, Connecticut

On October 1, 2017, a new Connecticut law takes effect which requires employers having three or more employees to reasonably accommodate the needs of pregnant employees. Reasonable accommodations may include, but are not limited to, longer breaks, rest periods, assistance with manual labor, job restructuring, light duty modified work schedules and time off to recover from childbirth. This law is in addition to the existing law requiring employers to give employees a reasonable amount time off for pregnancy and childbirth related disabilities.

[Full Article](#)

Litigation & Dispute Resolution

HONG KONG

The Hong Kong and English Courts' Different Approaches to Privilege Protection and the Impact on Corporate Internal Investigation

[ONC Lawyers](#)

Hong Kong, Hong Kong

In Hong Kong, Legal Professional Privilege ("LPP") offers wide protection to both individuals and corporations seeking to resist disclosure of confidential documents in the context of civil litigation, criminal investigations and investigations by regulatory authorities.

[Full Article](#)

UNITED STATES

Flood Lawsuits Against Government Agencies

By [Donato, Minx, Brown & Pool, P.C.](#)

Houston, Texas

Introduction

Historic flooding recently occurred as a result of Hurricane Harvey. This flood reached levels never before recorded, even eclipsing the record recently established during the Tax-Day Flood of 2016. As a result of this most recent flood, the Army Corps of Engineers and local officials decided to release water from the Addicks and Barker reservoirs. This release of water by a governmental agency presents a major legal hurdle for liability: governmental immunity.

[Full Article](#)

Oil & Gas

UNITED STATES

Can a Lis Pendens be Imposed Against Oil and Gas Rights?

By [Paul Yagelski, Esq.](#)

A lis pendens, pending legal action, is notice to the world that a cloud over the title to real property exists. *Janus Management Services, Inc. v. Schlessinger*, 810 A.2d 637 (2002). A lis pendens may be imposed when a specific piece of real property is subject to litigation. *Vintage Homes v. Levin*, 382 Pa. Super. 146, 554 A.2d 989, 994 (1989) (citing *Psaki v. Ferrari*, 377 Pa. Super. 1, 546 A.2d 1127, 1128 (1988)). A lis pendens does not establish an actual lien on the affected real property. *McCahill v. Roberts*, 421 Pa. 233, 219 A.2d 306, 308 (1966). Its purpose is merely to give notice to third persons that the real estate is subject to litigation and that any interest which they may acquire in the real estate will be subject to the result of the action. *Psaki*, 546 A.2d at 1128.

[Full Article](#)

Premises Liability

UNITED STATES

Managing Retail Trespassers

By **[John Dahlberg, Esq.](#)**

[Dillingham & Murpy, LLP](#)

San Francisco, California

Grocers, shopping centers and big box retailers are besieged every day by various sorts of trespassers who claim to have a legal right to collect money and signatures from customers. Petition circulators make money for each customer signature they can gather. Dubious charity groups seek donations in the same places. They all station themselves at store entrances. They rely on one case that has never applied to their activities in front of grocery or big box stores.

[Full Article](#)

Real Estate

NETHERLANDS

Estate Agent Commission

[Ynze Kliphuis, LL.M.](#)

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

Amsterdam, Netherlands

What is commission? When do you have to pay your estate agent commission? And when is it not due?

What is Estate Agent Commission?

An estate agent is called in to negotiate the sale of a home. The estate agent makes advertisements and accompanies clients during viewings. As payment for his services he receives estate agent commission (Dutch: courtage). This commission often consists in a percentage of the sales price but other arrangements can be made. The question is however whether the latter is advisable. The estate agent will surely make a greater effort if the amount of remuneration depends on the sales price of your home.

[Full Article](#)

Paradigm Magazine



The **2017 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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Legal Articles

Compendiums:

- [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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