

In This Issue

[Business](#)

[Insurance](#)

[Resources](#)

[Construction](#)

[Intellectual Property & Technology](#)

[Paradigm Magazine](#)

[Healthcare](#)

[Labor & Employment](#)

[Upcoming Events](#)

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
- Free 30-minute legal consultation phone call with any Primerus member, anywhere in the world
- 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

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](#)

Business

UNITED STATES

Furnisher Duties for Collection Agencies-Creating a Good Compliance Management System

[Caren D. Enloe, Esq.](#)

Smith Debnam Narron Drake Saintsing & Myers, LLP

Raleigh, North Carolina

Recent FTC consent orders, as well as the CFPB's continued focus on credit reporting, serve as good reminders for collection agencies and creditors to carefully scrutinize their FCRA policies and procedures to ensure compliance with the FCRA's Furnisher Rule and the guidelines outlined in 12 CFR 1022, Appendix E.

[Full Article](#)

AUSTRALIA

Beware Suspect Sources of Funds

[Selwyn Black, Esq.](#)

Carroll & O'Dea Lawyers

Sydney, Australia

Leighton Contractors Pty Ltd v O'Carrigan [2016] QSC 223 is a recent case which highlights why you should not have any involvement with money obtained in breach of duty.

[Full Article](#)

NETHERLANDS

Blurring: Combining Different Concepts

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

Russell Advocaten B.V.

Amsterdam, Netherlands

More and more entrepreneurs are combining retail, catering, services and culture to create a "unique customer experience" and to generate more sales. A bookstore gets a coffee bar where people can read, the liquor store offers wine classes, and gas stations are also grocery stores offering a wide range of products. This phenomenon of combining different activities is generally referred to as "blurring".

[Full Article](#)

UNITED STATES

As VC Money Pulls Back, Enterprise Blockchain May Be Taking Off - Solutions For The IoT Data Problem?

[Khizar A. Sheikh, Esq.](#)

Mandelbaum Salsburg P.C.

Roseland, New Jersey

According to CoinDesk, there has been a decrease in venture money flowing into startups working on crypto-currencies or the technical principles underpinning them, generally known as blockchain technology. But this may have more to do with the lack of investment promise in the many public infrastructure proof-of-concept models floating around than the actual technology itself.

[Full Article](#)

HONG KONG

Double Duty: Disclosure of Interest in Associated Corporation

[ONC Lawyers](#)

Hong Kong, Hong Kong

Under Part XV of the Securities and Futures Ordinance ("SFO"), it imposes duties to file disclosure of interest forms on substantial shareholders and directors and chief executives of a listed corporation.

[Full Article](#)

AUSTRALIA

Wider Tax Exposure for Foreign Entities with Australian Operations

[Murray Thornhill & Lauren Copley](#)

HHG Legal Group

West Perth, Australia

Australian Courts often deal with cases involving commercial arrangements where foreign companies operating in Australia have arranged their corporate affairs, at least in part, to minimise paying tax in Australia.

[Full Article](#)

Construction

UNITED STATES

New Jersey Supreme Court Joins Recent Trend Holding That Construction Defects Causing Consequential Damage Unambiguously Give Rise to an "Occurrence" and "Property Damage"

[Thomas Paschos, Esq.](#)

Haddonfield, New Jersey

In *Cypress Point Condo Assoc. v. Adria Towers, et al.*, 226 N.J. 403 (August 4, 2016), plaintiff sought coverage from the general contractor on the complex, Adria Towers LLC, for consequential damages caused by the subcontractors' faulty workmanship.

[Full Article](#)

Healthcare

UNITED STATES

Academic Health Center Settles Alleged HIPAA Violations With \$2.7 Million Penalty

[Carol A. Hyde](#)

Iseman, Cunningham, Riester & Hyde, LLP

Albany, New York

Oregon Health & Science University (OHSU), Oregon's only academic health center comprising two hospitals and multiple general and specialty clinics, has agreed to pay a penalty of \$2.7 million to settle alleged HIPAA violations.

[Full Article](#)

Insurance

UNITED STATES

Tennessee Supreme Court Holds that Rental Cars are Uninsured Motor Vehicles Under UM Policy

[Christopher M. Myatt, Esq.](#)

Spicer Rudstrom PLLC

Memphis, Tennessee

The Tennessee Supreme Court recently held that rental cars are uninsured vehicles in the context of uninsured motorist insurance coverage, despite seemingly clear policy language. In *Martin v. Powers*, Mr. Powers rented a car from Enterprise and drove to a bar. After becoming intoxicated, the bar owner (the plaintiff) asked him to leave and followed him out of the bar.

[Full Article](#)

Intellectual Property & Technology

HONG KONG

Lessons From a Year of Setbacks for Apple in China

ONC Lawyers

Hong Kong, Hong Kong

In May 2016, Apple was ordered to stop selling iPhone 6 and iPhone 6 Plus in Beijing, following the ruling by Beijing Intellectual Property Office ("**BIPO**") that Apple has violated the design patents held by Shenzhen Baili Marketing Services Co. ("**Shenzhen Baili**"). Shenzhen Baili accused Apple of copying its prior design patent of 100C smartphone filed in January 2014 and successfully registered in July 2014.

Full Article

Labor & Employment

NETHERLANDS

Personnel: Do You Have a Reporting Regulation for Whistleblowers? This is Required from 1 July!

Jan Dop, LL.M.

Russell Advocaten B.V.

Amsterdam, Netherlands

From 1 July 2016, each Dutch company with a minimum of 50 employees is required to have a whistleblowers regulation. A whistleblowers regulation is a procedure on how to deal with internal reporting of suspicions of wrongdoing within a company.

Full Article

UNITED STATES

U.S. Department of Labor Clarifies Rules Relating to Gender

Connie Elder Carrigan, Esq.

Smith Debnam Narron Drake Saintsing & Myers, LLP

Raleigh, North Carolina

Gender issues have recently come to the forefront with laws like North Carolina's much-talked-about HB 2. In recognition of these issues, the U.S. Department of Labor's Office of Federal Contract Compliance Programs has enacted a new rule that protects against discrimination based on a variety of gender-based concerns.

Full Article

HONG KONG

Employment (Amendment) Bill 2016 - A Boon to Employees?

ONC Lawyers

Hong Kong, Hong Kong

Unreasonable and unlawful dismissal of employees often hits the news headlines in Hong Kong. Imagine you were a pregnant women being dismissed during your maternity leave, or a man in hospital being dismissed during your sick leave.

[Full Article](#)

UNITED STATES

Legalization of Marijuana Creates Uncertainty as to the Rights of Employers in Responding to Marijuana Use Outside the Workplace

[Peter Bennett, Esq. & Rick Finberg, Esq.](#)

The Bennett Law Firm, P.A.

Portland, Maine/New Hampshire

On November 8, 2016, both Maine and Massachusetts voters legalized recreational marijuana use under state law. In Maine, the marijuana question passed by 4,073 votes, leading opponents to request a recount. A recount will begin during the first week of December and will probably take about one month to complete.

[Full Article](#)

UNITED STATES

Update: Court of Appeals Affirms the U.S. District Court's Ruling Continuing the Application of the Massachusetts Earned Sick Time Law to Unionized Employer

[Peter Bennett, Esq. & Rick Finberg, Esq.](#)

The Bennett Lawfirm, P.A.

Portland, Maine/New Hampshire

As we reported to you on July 10, the United States District Court for the District of Massachusetts rejected the argument that federal labor law preempted Massachusetts' new Earned Sick Time Law, dismissing a lawsuit seeking a contrary finding.

[Full Article](#)

UNITED STATES

EEOC Issues Enforcement Guidance On National Origin Discrimination

[Brian M. Culnan, Esq.](#)

Iseman, Cunningham, Riester & Hyde, LLP

Albany, New York

In fiscal year 2015, approximately eleven percent of the private sector discrimination charges filed with the United States Equal Employment Opportunity Commission ("EEOC") alleged national origin discrimination.

[Full Article](#)



Resources

[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](#)

[Primerus Xpress Archives](#)

[Find a Primerus Member Law Firm](#)

[Primerus Client Resource Institute](#)

Paradigm Magazine



The [2016 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 Joan Bartosh at jbartosh@primerus.com.

Upcoming Events

Primerus Defense Institute Transportation Seminar

February 17, 2017, 8:00 am - 3:45 pm

Omni La Mansión del Rio, San Antonio, Texas

Seminar Cost: \$200

This outstanding educational program is intended for in-house counsel and other corporate professionals who have risk, claims or litigation management responsibilities, and will provide up to 5 hours of CLE credit.

For program details and to register, contact Katie Bundyra at kbundyra@primerus.com, or 800.968.2211.

About Primerus

Primerus is a society of the world's finest independent, boutique law firms. With nearly 200 member firms in more than 40 countries, Primerus provides clients easy access to the right lawyer, with the right skills, in the right location, and at the right cost.

We seek out, accept and retain only the best firms for membership. Each firm is screened to ensure its commitment to excellence as embodied in the Six Pillars: Integrity, Excellent Work Product, Reasonable 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.

[Click Here](#) to visit our website and learn more.

[Video: Why Hire a Primerus Lawyer?](#)

[Testimonials - Video Gallery](#)

[Find a Primerus Law Firm](#)

[Contact Us!](#)

Legal Disclaimer: The general information contained in this e-Newsletter is intended for informational purposes only. It is not intended to be legal advice, and should not be construed as legal advice or legal opinion on any specific facts or circumstances. You should consult legal counsel regarding your individual circumstance.

[Contact Us](#) | Toll Free: 800.968.2211

