

P Primerus

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International Society of Primerus Law Firms XPress e-Newsletter
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Business

AUSTRALIA

Australia-Singapore Comprehensive Strategic Partnership - Newly Announced Initiatives

By: Selwyn Black, Esq.

Carroll & O'Dea

Sydney, Australia

On 6 May 2016 the Australian and Singaporean governments jointly announced a new package of bilateral cooperation initiatives to give effect to the Australia-Singapore Comprehensive Strategic Partnership.

The Australian and Singaporean governments signed the Joint Declaration on the Comprehensive Strategic Partnership on 29 June 2015. The idea behind the partnership is to encourage and strengthen areas of cooperation between the nations and further economic integration between Australia and Singapore. Given Australia and Singapore's shared interests in the political stability and economic prosperity of the region, this is a partnership that stands to be of significant value to both countries and the region as a whole.

[Full Article](#)

AUSTRALIA

Digital Disruption: Changing Distribution Models

By: David Williams, Esq.

Mullins Lawyers

Brisbane, Australia

The digital disruption that is impacting businesses around the world is a modern day industrial revolution, many times over. Every business needs to face the reality that the way they are conducting their operations may not be the most efficient method. At least, not in relation to technology.

[Full Article](#)

NETHERLANDS

Good Governance: Right of Appeal of the Works Council

By: Thomas Schutte, LL.M.

Russell Advocaten B.V.

Amsterdam, Netherlands

The Works Council has - in addition to the right to be consulted and the right of consent - a right of appeal if the management does not (entirely) adopt the advice of the Works Council or has not consulted the Works Council. The appeal can be lodged with the Enterprise Division of the Amsterdam Court of Appeal.

[Full Article](#)

UNITED STATES

Michigan Court of Appeals Decision Urges Caution When Entering Into Fixed-Price, Take-or-Pay Contracts

By: Lisa Okasinski, Esq.

Demorest Law Firm, PLLC

Detroit, Michigan

In December of 2015, the Michigan Court of Appeals handed down a decision which spells caution for parties entering into a long-term contract for the supply of goods at a fixed price which requires the buyer to order a preset amount of goods or pay the difference if the buyer falls short of that quota. In *Kyocera Corp. v. Hemlock Semiconductor, LLC*, a Japanese solar panel manufacturer attempted to shed its contractual obligation to purchase large amounts of polysilicon from a Michigan manufacturer due to the fact that the pre-negotiated fixed price of the product was well above the going market price.

[Full Article](#)

UNITED STATES

New Federal Trade Secrets Law Requires Immediate Employer Action

[The Bennett Law Firm, P.A.](#)

[Portland, Maine](#)

[Defend Trade Secrets Act](#)

The newly enacted federal Defend Trade Secrets Act ("DTSA") amends the Economic Espionage Act of 1996 to create a federal civil cause of action for the misappropriation of trade secrets. Previously, trade secret theft was a federal crime, but companies wishing to seek civil damages could pursue only state law remedies which can be inconsistent from state to state. Under the DTSA, the owner of a trade secret may now bring a civil action in federal court to recover damages and obtain injunctive relief, among other remedies for misappropriation of trade secrets. The DTSA also provides to employees, consultants and independent contractors limited whistleblower immunity for disclosure of trade secrets under certain circumstances.

[Full Article](#)

Consumer Protection

UNITED STATES

FTC Agrees to Settle with Hardware and Software Provider over Data Privacy Breaches

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

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

[Raleigh, North Carolina](#)

A recent settlement by the FTC with the manufacturer of computer routers serves as a reminder to all that in the growing Internet of Things, it is critical for companies to have effective security measures in place to protect consumer's private data. The FTC's latest proposed consent order targets Taiwan-based computer hardware maker ASUSTek Computer, Inc. ("ASUS"). ASUS manufactures and sells home routers and related software and services for consumer use. ASUS's routers include software features that allow consumers to access and share files via a wireless connection through their routers. The FTC complaint contends that ASUS routers are prone to multiple vulnerabilities and that critical security flaws within the router's software "put the home networks of hundreds of thousands of consumers at risk." FTC Press Release: ASUS Settles FTC Charges that Insecure Home Routers and "Cloud" Services Put Consumers' Privacy at Risk (Feb. 23, 2016).

[Full Article](#)

UNITED STATES

CFPB Issues Annual Report on Consumer Complaints: What Debt Collectors Should Know

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

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

[Raleigh, North Carolina](#)

Since opening its doors in 2011, the CFPB has accepted consumer complaints on a variety of consumer products. Beginning with credit cards in 2011, the CFPB has expanded its complaint portal to receive complaints on debt collection, credit reporting, mortgage, bank accounts and services, student loans, payday loans, prepaid cards, and other products. On April 1, the CFPB issued its Annual Report synthesizing consumer complaints in 2015 and the CFPB's response.

[Full Article](#)

Finance and Banking

UNITED STATES

The Financial Exploitation of the Elderly a Growing Problem..What Banks Can Do to Help

[By: Cara Williams, Esq.](#)

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

[Raleigh, North Carolina](#)

My grandmother receives calls every couple weeks from someone pretending to be her grandson. claiming to be in trouble and asking her to wire money. If my grandmother were one of

the tens of thousands of elderly people suffering from cognitive decline, she might easily fall for this scam as she has twelve grandsons. I am thankful that my grandmother still has her mental faculties, but there are many elderly people who are not as fortunate.

[Full Article](#)

Intellectual Property & Technology

AUSTRALIA

Beware the Devil (or Zombie) in the Detail

By: [Andrew Nicholson, Esq.](#)

**Mullins Lawyers
Brisbane, Australia**

The words "Zombie Apocalypse" don't cause me to feel quite the same level of unease as they used to.

Actually, that's a lie - because I don't believe in zombies, I have never felt uneasy about the use of those words. However, if I was a believer, I might now be sleeping much better at night thanks to the helpful people at Amazon, the largest internet-based retailer in the USA.

[Full Article](#)

HONG KONG

Arbitration over Intellectual Property Disputes?

[ONC Lawyers](#)

Hong Kong, Hong Kong (SAR)

With an increasing number of intellectual property transactions taking place around the world, there is a growing demand for the use of efficient dispute resolution procedures. With a view to promoting Hong Kong as an intellectual property trading hub and an international intellectual property arbitration and mediation centre, the Department of Justice published a consultation paper on Arbitration (Amendment) Bill 2016 in December 2015 for the purpose of studying the need for legislative amendments to clarify the arbitrability of intellectual property disputes.

[Full Article](#)

Labor and Employment

HONG KONG

Can Employers Be Sued for Imposing Employees' Dress Code?

[ONC Lawyers](#)

Hong Kong, Hong Kong (SAR)

Dress code discrimination is a common issue at most work places around the world. Any employer imposes any gender-specific dress codes at work could breach discrimination laws.

Recently in London, Nicola Thorp, a temporary receptionist, was sent home from work without pay at Pricewaterhouse Cooper after refusing to wear "2 to 4 inches" high heels at work. As Ms. Thorp found the employer's demand was discriminatory, she started a petition calling for a change in UK law so that companies can no longer force women to wear high heels to work.

[Full Article](#)

NETHERLANDS

Transfer of Undertaking: To what Employees does it Apply?

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

**Russell Advocaten B.V.
Amsterdam, Netherlands**

Planning on a merger, acquisition or division of (part of) a business in the Netherlands or any other EU country? Then be aware of the EU law which sets out the strong position of employees in case of a transfer of undertaking (Directive 2001/23/EC). Russell Advocaten will inform you of the EU law on transfer of undertaking and the consequences thereof by a series of newsletters. This time: To what employees does it apply?

[Full Article](#)

UNITED STATES

United States Supreme Court Holds Limitations Period for Constructive Discharge Claim Runs from Date of Resignation

By: [Thomas Paschos, Esq.](#)

Thomas Paschos & Associates, P.C.

Haddonfield, New Jersey

In *Green v. Brennan*, 2016 U.S. LEXIS 3484 (U.S. May 23, 2016), Marvin Green, who is African American, was serving as postmaster general in Englewood, Colorado, in 2008 when he decided to apply for a similar post in Boulder. After he was turned down, he contacted a Postal Service counselor to investigate whether race played a factor.

[Full Article](#)

UNITED STATES

Department of Labor Announces New Overtime Rule With a December 1, 2016 Effective Date

By: [The Bennett Law Firm, P.A.](#)

Portland, Maine

Last evening, the Department of Labor announced the issuance of the much anticipated Final Rule on the so called white collar overtime pay exemptions. DOL is expected to issue the actual Rule later today, but has provided a summary of the key points:

New Salary Threshold

The new salary threshold for those employees who meet the job duties test for the executive, administrative or professional exemptions will increase from \$455.00 a week to \$913.00 a week. The annual amount will be \$47,476.00. This amount is slightly lower than the amount DOL earlier proposed. It reflects the 40th percentile of earnings of full time salaried employees in the lowest wage Census Region, currently the South. The prior higher number was based on the 40th percentile of earnings nationally and did not account for regional differences.

[Full Article](#)

Real Estate & Leasing

NETHERLANDS

Real Estate: Termination of Rent to get a Better Return

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

Russell Advocaten B.V.

Amsterdam, Netherlands

Rent may not be casually increased or reduced. What possibilities do lessor and lessee have to adjust the rent to the developments of the housing market? Is the lessor allowed to give notice of termination to get a higher rent from another lessee? What steps can the lessee take who feels he's paying too much rent?

[Full Article](#)

Paradigm Magazine



The [2016 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 Joan Bartosh at jbartosh@primerus.com

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[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](#)

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We seek out, accept and retain only the best firms for membership. Each firm is screened to

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