

## UIA 12<sup>th</sup> Winter Seminar

# Corporate Law and Litigation/Arbitration/Mediation Recent Developments with an Emphasis on Emerging Markets

February 25 to March 4, 2017



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## Niseko, Hokkaido, JAPAN

Seminar organised by the UIA

with the support of the Tokyo Bar Association, the Sapporo Bar Association,  
the ABA Section of Litigation and the ABA Section of International Law

## PROGRAMME

With its rich variety of terrain and beautiful winter woods, Niseko offers an unforgettable experience for all levels of skier/snowboarder. Seasonal winds from the Eurasian continent pick up moisture over the warm currents of the Sea of Japan to form snow clouds and in turn some of the driest, lightest powder in the world. Niseko is also very attractive for non-skiers and non-boarders.

Local experts predict an outstanding winter season in the Niseko region with a lot of fresh snow.

All the information relative to our seminars is available on our Website [www.ujianet.org](http://www.ujianet.org)  
("UIA events – seminars" section)

### SATURDAY, FEBRUARY 25, 2017

**7:30 pm** Informal Get-Together, Ezo Pub, Hilton Niseko Village

### SUNDAY, FEBRUARY 26, 2017

**6:00 pm** Opening Reception & Opening Remarks, Room Higashiyama, Hilton Niseko Village

### MONDAY, FEBRUARY 27, 2017

**MODERATOR: Franz SCHUBIGER, Pestalozzi Attorneys at Law, Zurich, Switzerland**

**am** **General Welcome**

**Chances and Risks relating to Cross-Border Investments/Transactions (with an Emphasis on Emerging Markets) – PART I**

- Inbound Investments/M&A Activity into Asia
- Outbound Investment/M&A Activity of Companies from Asia (part I)
  
- Corporate: Environment surrounding inward foreign investment in Japan  
**Motoyasu HIROSE, Uryu & Itoga, Tokyo, Japan**
  
- The new Federal Administration in the USA  
**Winfried F. SCHMITZ, SCHMITZ Law Offices, New York, N.Y., USA**

**pm** **Chances and Risks relating to Cross-Border Investments/Transactions (with an Emphasis on Emerging Markets) – PART II**

- Outbound Investment/M&A Activity of Companies from Asia (part II)
- Legal Challenges and Pitfalls of Cross-Border Investments  
**Nikolaos PISTOFIDIS, Nikolaos Pistofidis law firm, Thessaloniki, Greece**

**Common Law /Nigeria / African inbound investments issues covering the following broad themes**

- Legal Challenges and Pitfalls of Cross-Border Investments
- Establishment and Operation of Subsidiaries in Local Markets
- Structuring and Organization of Company
- Duties and Potential Liability of Directors & Officers
- Managing Regulatory and Compliance Issues and Risks  
**Olufemi SUNMONU, Femi Sunmonu & Associates Qais Conrad Laureate, Lagos, Nigeria**

### TUESDAY, FEBRUARY 28, 2017

**MODERATOR: Winfried F. SCHMITZ, SCHMITZ Law Offices, New York, N.Y., USA**

**am** **Duties and Potential Liability of Directors & Officers**

**Franz SCHUBIGER, Pestalozzi Attorneys at Law, Zurich, Switzerland**

**Christoph R. RAMSTEIN, Pestalozzi Attorneys at Law, Zurich, Switzerland**

## Managing Regulatory and Compliance Issues and Risks

David SCHNEIDER-ADDAE-MENSAH, *Law Offices Schneider-Addae-Mensah, Karlsruhe, Germany and Strasbourg, France*

pm

### Establishment and Operation of Subsidiaries in Local Markets – PART II

- Harmonization of Corporate Governance Principles and Procedures?
- Cultural and Legal Differences in Corporate Governance in Asia versus Europe/USA and of Expected Diligence relevant in Case of a Dispute

Nathalie TORTELLIER, *Slotine, Hong Kong Solicitor's Firm, Hong Kong*

- Competition – New Anti-Trust Law in Brazil and the improved Competition Tribunal Structure – Relevant Aspects to M&A in Brazil

Jeanne MACHADO, *Machado e Silva Advogados, Rio de Janeiro, Brazil*

## WEDNESDAY, MARCH 1, 2017

**MODERATOR:** Yoshihisa HAYAKAWA, *Uryu & Itoga, Tokyo, Japan*

am

### Chances and Risks of Internal Investigations within Companies in the Context of Alleged Illegal Acts or Omissions with an Emphasis on Deferred Prosecution Agreements

Maria CRONIN, *Peters & Peters Solicitors LLP, London, UK*

Andre FONSECA, *Koury Lopes Advogados, São Paulo, Brazil*

### White Collar Crime Laws: Anti-corruption; or Reinforcement of Measures against Money Laundering, etc.

Motoyasu HIROSE, *Uryu & Itoga, Tokyo, Japan*

pm

### Brexit and its Influence to Litigation in particular in Asia, Emerging Countries and the Rest of the Commonwealth

Keith OLIVER, *Peters & Peters Solicitors LLP, London, UK*

Daniele DE BENEDETTI, *Turin, Italy*

### Recent Development and Case Law on Cross-Border Transactions (in particular, the China market) under the Anti-Bribery and Anti-Trust Regulations [focusing on the emerging market]

Cecilia XU LINDSEY, *9 Stone Buildings barristers chambers, London, UK*

## THURSDAY, MARCH 2, 2017

**MODERATOR:** Bruce LEPLA, *Lieff Cabraser Heimann & Bernstein LLP, San Francisco, CA, USA*

am

### Judicial Powers in Comparative Perspective: What to expect from a judge in Asia and beyond

### Where to Litigate a Dispute Related to an Investment in Asia? Governing Law Clauses and Forum Selection Clauses

### Some New Strategies for Investor-State Arbitration -The most Important Tool for the Investment in Emerging Markets

Yoshihisa HAYAKAWA, *Uryu & Itoga, Tokyo, Japan*

Francisco RAMOS ROMEU, *Ramos & Arroyo, Barcelona, Spain*

### Dispute on Whaling at ICJ - Did Japan really lose?

Takanori NAGATOMO, *Nagatomo International Law Firm, Sapporo, Japan*

pm

### Third Party Funding of Arbitration

Tbd, Kiev, Ukraine

**Procedural Obstacles to Enforcement of Arbitral Awards in U.S. Courts**

**Robert K. KRY**, *Molo Lamken LLP, Washington, D.C., USA*

**China's Investment in Africa and Inroads into International Arbitration in Africa**

**Victorine FROELICH**, *Former Administrative Law Judge, New York, NY, USA*

**FRIDAY, MARCH 3, 2017**

**MODERATOR: Francisco RAMOS ROMEU**, *Ramos & Arroyo, Barcelona, Spain*

**am Cultural and Legal Differences in International Mediation of Asia Related Disputes**

**Nicholas STEWART QC**, *Ely Place Chambers, London, UK*

**Antitrust and Securities Law Developments**

**Bruce LEPPLA**, *Lieff Cabraser Heimann & Bernstein LLP, San Francisco, CA, USA*

Review of the Seminar, Concluding Remarks

**7:30 pm** Closing Dinner

**SATURDAY, MARCH 4, 2017**

Informal interaction on the slopes

**Organizing Committee**

**Yoshihisa HAYAKAWA, Esq.**

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**Honorary Member of the Organizing Committee**

**Bradley RICHARDS, Esq.**

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77010-2007 Houston, TX, USA

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E [brad.richards@haynesboone.com](mailto:brad.richards@haynesboone.com)

## GENERAL INFORMATION

### SEMINAR VENUE

#### HILTON NISEKO VILLAGE

048-1592, Abuta-Gun, Niseko-Cho, Higashiyama Onsen, Japan

T + +81-136-441111 • F +81-136-443224

This seminar, organised by the UIA with the support of the Tokyo Bar Association, the Sapporo Bar Association, the ABA section of Litigation and the ABA section of International Law, is open to all lawyers, whether or not they are members of the UIA. Accompanying persons, children and friends are most welcome to join as well.

### LANGUAGE

The working language will be **English**.

### REGISTRATION FEES

<i>Amounts exclusive of VAT</i>	<b>Early Bird &lt;= 25.01.2017</b>	<b>Standard &gt; 26.01.2017</b>	<b>Speaker fees</b>
<b>Full Course</b>	€ 595	€ 645	€ 485
Young Lawyers (under 35)*	€ 505	€ 555	€ 415
Accompanying Person**	€ 200	€ 220	€ 180
<b>Monday to Wednesday</b>	€ 435	€ 485	€ 345
Young Lawyers (under 35)*	€ 345	€ 395	€ 255
Accompanying Person**	€ 120	€ 140	€ 100
<b>Wednesday to Friday</b>	€ 490	€ 540	€ 390
Young Lawyers (under 35)*	€ 400	€ 450	€ 300
Accompanying Person**	€ 185	€ 205	€ 145

\* Please attach proof of age to the registration form to benefit from the young lawyer fee. \*\* Children under 18 are free of charge.

Registration fees include the participation to the seminar, online access to the seminar presentations available on the seminar Website, breakfast in the morning and refreshments in the evening during seminar sessions, as well as an opening reception on February 26, (full course and Monday to Wednesday registrations only) and the Closing Dinner on March 3 (full course and Wednesday to Friday registrations only).

**Dress Code:** Extremely casual (jeans and even cowboy boots, ski suits etc. allowed). Closing dinner: Coat & tie, evening dress.

### CONTINUING LEGAL EDUCATION

Every participant attending the seminar will receive a "Certificate of Participation" at the end of the event that may be used for obtaining "Credits" for "Continuing Legal Education" - "Continuing Professional Development" purposes, depending on national rules. For more information, please contact the UIA.



## HOTEL RESERVATION

A limited number of rooms has been pre-booked at a preferential rate at the **Hilton Niseko Village**. Reservations should be made directly through the hotel. **Please book the hotel room as early as you can. The pre-reserved room block expires on January 16, 2017.** Credit card details must be given in order to secure your reservation. Please note that the **number of rooms is limited**.

### Hotel & Rates

#### HILTON NISEKO VILLAGE

048-1592, Abuta-Gun, Niseko-Cho, Higashiyama Onsen, Japan

T + +81-136-441111 • F +81-136-443224

[reservation.niseko@hilton.com](mailto:reservation.niseko@hilton.com) • [www3.hilton.com](http://www3.hilton.com)

#### **February 25:**

Standard Single Room: **JPY 30,000 / night\***

Standard Double Room: **JPY 38,400 / night\***

#### **From February 26 to March 2:**

Standard Single Room: **JPY 28,000 / night\***

Standard Double Room: **JPY 34,400 / night\***

#### **March 3:**

Standard Single Room: **JPY 30,000 / night\***

Standard Double Room: **JPY 38,400 / night\***

**\* All prices include:** Hilton Buffet Breakfast, 20% service charge and 8% consumption tax on Feb. 25 and March 3. For the other nights, the price of the breakfast is included in the seminar registration fee.

**NOT included:** JPY 150 hot spring tax per pers. per day

Reservations should be made:

- **By phone: +81 136-441919** using the following reference "**MUIAA**"

- **Online** by clicking on the following link:

[http://www.hilton.com/en/hi/groups/personalized/C/CTSNVHI-MUIAA-20170225/index.jhtml?WT.mc\\_id=POG](http://www.hilton.com/en/hi/groups/personalized/C/CTSNVHI-MUIAA-20170225/index.jhtml?WT.mc_id=POG)

### CANCELLATION CONDITIONS

All cancellations will be subject to a 50% deduction and will have to be sent in writing, to be received by the Union Internationale des Avocats **no later than January 25, 2017**. No refund will be made for cancellations received after this date.

**VISAS:** Anyone who requires a visa invitation letter in order to attend the seminar should register and pay their registration fees **no later than February 5, 2017** to ensure there is enough time to obtain a visa.

All cancellations will be refunded in full, minus €50 to cover administrative costs, provided that the UIA has received the registration documents and **total** registration fees **no later than January 25, 2017**.

If you register after this date, only 50% of the amount paid minus €50 to cover administrative costs will be refunded for cancellations due to visa refusals. All cancellations due to a visa refusal must be sent in writing and reach the UIA **before the seminar**. Cancellations must be accompanied by a **proof of visa refusal**. If your visa is issued after the seminar date or if you do not have proof of visa refusal, you will not be entitled to a refund.

### GENERAL CONDITIONS

All registrations received by the Union Internationale des Avocats (UIA) along with the full payment of fees corresponding to the events selected will be confirmed in writing.

The UIA reserves the right to cancel or postpone the seminar to a later date, change the seminar venue and/or programme, make any corrections or modifications in the information published in the seminar programme and cancel any invitation to participate in the seminar, at any time and at their entire discretion, without having to provide any reasons for the same.

Neither the UIA, nor any of its managers, employees, agents, members or representatives shall be held responsible for any loss or damage, of any nature, suffered (directly or indirectly) by a delegate, accompanying person or a third party following any cancellations, changes, postponements or modifications.

**The UIA strongly advises participants to subscribe to modifiable and/or refundable services, as well as to take out a cancellation insurance.**

Neither the UIA, nor any of its managers, employees, agents, members or representatives shall be held responsible for any loss or damage, of any nature whatever, suffered (directly or indirectly) by a delegate or accompanying person, except in case of death or personal injury due to gross negligence by the UIA.

The contractual relations between the UIA and each participant (delegate or accompanying person) in relation to the seminar are subject to French law and jurisdiction, to the exclusion of any other law. Paris is the city of jurisdiction.

### FORMALITIES

It is the responsibility of participants to ensure compliance with police, customs and health formalities for their journey. Participants unable to take part in the seminar because of their inability to take a flight or any other means of transportation due to being unable to provide the documents required (passport, visa, vaccination certificate, etc.) cannot claim any reimbursement.

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**Corporate Law and Litigation/Arbitration/Mediation**  
**Recent Developments with an Emphasis on Emerging Markets**

**February 25 to March 4, 2017** **NISEKO, JAPAN**

**REGISTRATION FORM**

Register online at [www.uianet.org](http://www.uianet.org)  
or please complete and return this form **before February 10, 2017**, by email, fax or post, to:  
**UNION INTERNATIONALE DES AVOCATS**  
25 rue du Jour, 75001 Paris, FRANCE  
Tel: +33 1 44 88 55 66 / Fax: +33 1 44 88 55 77 / Email: [uiacentre@uianet.org](mailto:uiacentre@uianet.org)



**UIA INDIVIDUAL MEMBERS**

*Please specify your membership number (Please check your membership card or membership fees):*

**MI** \_ \_ \_ \_ \_

Family Name: .....

First Name: .....

Firm: .....

Address: .....

Post Code: ..... City: .....

Country: .....

Tel: ..... Fax: .....

Email: .....

Date of Birth: .....

**EU VAT ID-number:** .....

**Special requests (special diet, allergies, handicap...):** .....

**A. SEMINAR REGISTRATION FEES**

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