

PRELIMINARY PROGRAMME

UIA 12th 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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#UIAWS

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

PRELIMINARY 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 ("UIA events – seminars" section). The topics, the speakers and the allocation of speakers to the topics are still subject to change. The final programme will be available in the coming weeks.

SATURDAY, FEBRUARY 25, 2017

7:30 pm Informal Get-Together

SUNDAY, FEBRUARY 26, 2017

6:00 pm Opening Reception & Opening Remarks

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*

Jacob STEIN, *Aliant LLP, Los Angeles, LA, USA*

Thomas SASSE, *WPM Werner & Partner, Munich, Germany*

Rabindra JHUNJHUNWALA, *Khaitan & Co, Mumbai, India*

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*

Mónica ROTHENBERG, *M. & M. Bomchil Abogados, Buenos Aires, Argentina*

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

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 **Establishment and Operation of Subsidiaries in Local Markets – PART I**

- Structuring and Organization of Company

Marla BOJORGE ZÚÑIGA, *Bojorge & Associates, Valencia, Spain*

- Duties and Potential Liability of Directors & Officers

Franz SCHUBIGER, *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*

- 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*

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, *Fongs International Practice, Hong Kong*

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*

Robbert-Jan BOSWIJK, *AKD Advocaten, Amsterdam, Netherlands*

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*

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

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

Corporate Fights over Control of listed Companies in Hong Kong

William M.F. WONG, *Des Voeux Chambers, Hong Kong*

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*

Arbitration/Litigation in Civil Law Jurisdiction, Especially China

Jiong LIU, *AllBright Law Offices, Shanghai, P.R. China*

THURSDAY, MARCH 2, 2017

MODERATOR: Enrico FADANI, *Corplegal Großmann Fadani & Partner, Munich, Germany*

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*

[TBA]

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

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

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

- pm** **Pros and Cons of Different Seats of Arbitration in Asia**
Jessica FEI, *Herbert Smith Freehills LLP, Beijing, P.R. China*
Third Party Funding of Arbitration
Sam NOSHADHA, *International Commercial Court of Arbitration at the Ukraine Chamber of Commerce & Industries, Kiev, Ukraine*
- Antitrust and Securities Law Developments**
Bruce LEPPLA, *Lieff Cabraser Heimann & Bernstein LLP, San Francisco, CA, USA*
- China's Investment in Africa and Inroads into International Arbitration in Africa**
Victorine FROELICH, *New York, NY, USA*
- Recent developments in ICC Arbitration**
Jacob ENOCH, *M. Firon & Co. Advocates, Tel Aviv, Israel*

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*
Alessia SIALINO, *Sialino Studio Legale Internazionale, Udine, Italy*
Laurence AZOUX BACRIE, *Paris, France*
- Review of the Seminar, Concluding Remarks
- 7:30 pm** Closing Dinner

SATURDAY, MARCH 4, 2017

Informal interaction on the slopes

Organizing Committee

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Honorary Member of the Organizing Committee

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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>	Early Bird <= 25.01.2017	Standard > 26.01.2017	Speaker fees
Full Course	€ 595	€ 645	€ 485
Young Lawyers (under 35)*	€ 505	€ 555	€ 415
Accompanying Person**	€ 200	€ 220	€ 180
Monday to Wednesday	€ 435	€ 485	€ 345
Young Lawyers (under 35)*	€ 345	€ 395	€ 255
Accompanying Person**	€ 120	€ 140	€ 100
Wednesday to Friday	€ 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 • 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

The hotel reservation form will be available on the UIA Website www.uanet.org upon execution of the hotel contract.

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

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



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

<i>Amounts exclusive of VAT</i>	Early Bird <= 25.01.2017	Standard > 26.01.2017	Speaker fees
Full Course	€ 595	€ 645	€ 485
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** Children under 18 are free of charge.

Please indicate below whether you plan to attend the following events included in the cost of your registration:

- ### C. ACCOMPANYING PERSON ACTIVITIES

Please indicate below whether you plan to attend the following events included in the cost of the accompanying person registration:

- It is intended that the seminar sessions take place in the morning from 8:00 to 10:30 am, and in the evening from 5:00 to 8:00 pm.

D. TOTAL

Total (A) – Registration Fees	€
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I, the Undersigned, confirm that I have read and accepted the **cancellation conditions** as well as the **general conditions** given on **page 6** of the registration programme. My registration will only be taken into account on receipt of the payment.

Participants are aware that their image and/or voice may be photographed, recorded or filmed throughout the duration of the seminar. They hereby assign to the UIA, with the signature of this form, the right to exploit, reproduce and disseminate the images and recordings by all means, both known and unknown, using all media, for an unlimited term and free of charge.

☐ By cheque in € payable to the UIA, addressed to: UIA - 25 rue du Jour - 75001 Paris - France

☐ By bank transfer in €, without charges to the payee, in favour of the Union Internationale des Avocats, quoting “2017 Niseko Seminar”, to the following bank and account:

Société Générale – Paris Elysées Entreprise
91, avenue des Champs Elysées – 75008 Paris - France
BIC / SWIFT N°: SOGEFRPP
IBAN: FR76 3000 3033 9200 0503 4165 164

- ☐ By credit card: ☐ Visa ☐ Mastercard

Card N°: _____

3 digits: Expiry date: /

Name of card holder:.....

I authorise the Union Internationale des Avocats to debit the above mentioned credit card in the amount of
€ (EUR)

Date:/...../..... Signature: