



INTERNATIONAL LAWYERS NETWORK



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2007 Regional Meeting of the Americas, Scottsdale Arizona hosted by Ryley Carlock & Applewhite



Lowell Lifschultz opened the ILN Business Session on Friday, November 16, 2007 by introducing himself as the ILN's Chairman and welcoming all of the members to the ILN Regional Meeting of the Americas on behalf of Ryley Carlock & Applewhite, Alan Griffiths and Lindsay Griffiths.

Lowell gave a brief update the ILN's current status, saying that the Network has almost 90 firms, with approximately 5,000 lawyers. As the Network has grown dramatically, its focus has moved from being one of only referral development to one where the ILN looks to help member firms to expand the reach of their firms. Lowell noted that this would be a theme throughout the Regional Meeting of the

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Americas and said that as the ILN works towards implementing a strategic plan for the next few years, having an international link that can be used for marketing and as a real tool for clients will be important.

[\[FULL STORY\]](#)

ILN featured in a February 2008 supplement of Corporate UK Magazine.



We are pleased to announce that the ILN, along with numerous member firms, has been featured in a February 2008 supplement of Corporate UK Magazine. Corporate UK is a leading European corporate finance magazine with worldwide distribution. The supplement contains an extensive and positive article about the ILN, followed by the individual profiles of 26 participating ILN member firms. The publication's large distribution in paper, newsletter, and e-magazine, exposes our firms to a targeted audience of leading private equity houses, venture capitalists and banks throughout the world. They also distribute to thousands of financial institutions and advisors involved in mid-market M&A activity on a national and global level.

This supplement provides an excellent marketing opportunity for all participating firms, as well as the ILN as a whole. We are confident that many of our firms will benefit from this exposure to national and international readership. We recommend you consider having article reprints included in your marketing materials, as well as distributing them to clients. Please contact the ILN Administration for additional details on how to receive hard copies of the supplement.

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We sincerely thank those member firms who participated in this endeavor. We are certain that this supplement will be of great benefit to all the members of the International Lawyers Network.

Benefits and Risks of Fractional Aircraft Ownership

Howard Rice Nemerovski Canady Falk & Rabkin, San Francisco

by Edward A. Deibert



Over the last few years, numerous companies offering a dizzying array of options for individuals to fly privately have been established. The spectrum of options include: on demand charters, which entail contacting a broker or other charter source to bid out the details of each particular trip; card and membership programs, which entail pre-purchasing from a specific operator a set amount of time on a type of aircraft which can be used over a set period of time; fractional ownership programs, which entail buying from a specific operator a fraction of a plane and being guaranteed a proportionate number of hours annually on the type of plane purchased; and the outright purchase of a private aircraft.

[\[FULL STORY\]](#)

New Catalogue for the Guidance of Foreign Investment Industries

J&F PRC Lawyers, Shanghai



The long awaited revisions to the Catalogue for the Guidance of Foreign Investment Industries (the "Catalogue"), was approved by the State Council. the National Development and Reform

Commission and the Ministry of Commerce, taking effect December 1, 2007.

[\[FULL STORY\]](#)

Comparative Advertising Regulation in Russia

Lidings Law Firm

by Tatyana Bicheva & Marina Guseva



The Russian legislation doesn't provide for a special regulation of such a marketing technique as comparison of goods of different manufacturers. General regulation of civil and antitrust law is applicable in relation to these comparisons. If the distributed information contains characteristic features of an advertisement, the Federal Law on Advertising of March 13, 2006 № 38-FZ is also applicable (hereinafter – the Law on Advertising).

[\[FULL STORY\]](#)

Arbitration and Competition Law : A Troublesome Relationship

EXELIA (Brussels)

by Dominique Grisay - Professor of International and European Law, arbitrator



Ongoing cases, still to be pleaded in front of Belgian Courts, as well as rather recent French (Thalès) and Swiss judgments (ATF) have shown that the relationship between competition law and arbitration is somewhat troublesome.

It looks very much as if arbitrators too often forget (or are not called upon) to verify, in the course of their analysis of the cases they are handling, if the principles of competition law have been respected by

the parties (particularly in matters of distribution, licensing...) or even bring about solutions that are, in fact, contrary to those same principles, thereby opening the door to judiciary reviews of their awards

[\[FULL STORY\]](#)

Recognition and Enforcement of Foreign Non-Money Judgments in Canada

Fogler, Rubinoff LLP, Toronto

by Blair W.M. Bowen



The Supreme Court of Canada has recently held that, in proper circumstances, a foreign non-money judgment will be enforced in Canada. This decision marks a departure from the centuries old common law rule that prohibited the recognition and enforcement of foreign non-money judgments.

[\[FULL STORY\]](#)

Restrictive Covenants – A swing back in favour of the employer?

Memery Crystal

by Merrill April



Are people expendable? A cost, or an asset? If you subscribe to the “people are assets” viewpoint, how safe are those assets? Are yours or your clients’ businesses vulnerable to them walking out of the door to make money for a competitor? Part of the employer’s armoury in these circumstances (alongside providing stimulating work, an effective reward scheme and developing a positive culture) has always been the use of restrictive covenants.

[\[FULL STORY\]](#)

Arbitration-by-Attrition: Is Arbitration in Australia Losing its Appeal?

Gadens Lawyers, Sydney

by Damian Sturzaker & Megan Valsinger-Clark



It's not often that one feels sorry for large gas exploration companies. However one can't help feeling a little sorry for Oil Basins following the decision of the Victorian Supreme Court in Oil Basins Ltd v BHP Billiton Ltd. Unfortunately for Oil Basins, BHP was successful in its bid to have an award against it set aside, both in the Supreme Court and in the Court of Appeal. Arbitration is designed to be both fast and final. In Oil Basins' case, arbitration has been neither. The real question us, could this problem have been avoided?

[\[FULL STORY\]](#)

Czech green card project for non-EU skilled workers

PETERKA & PARTNERS v.o.s., Prague

by Alena Brichackova



PETERKA & PARTNERS

Advokátní kancelář, Law Offices, Cabinet řávocats

The Czech Ministry of Labour and Social Affairs in cooperation with the Ministry of Industry and Trade and the Ministry of Interior are currently preparing a green card project to attract workers from third countries. Work on the project started in spring 2007 and was motivated by the shortage of university educated experts (technical experts, project engineers, designers or programmers) and other qualified workers (toolmakers, locksmiths, welders, blacksmiths) on the Czech labour market. The lack of a labour force is becoming a serious threat to the economy.

[\[FULL STORY\]](#)

Use of E-Mail and Internet in the Employment Context

Corrado Ferrari Mainieri Pedefferri & soc, Rome

by Andrea L. Pedefferri and Caterina Mainieri

Corrado Ferrari Mainieri Pedefferri & soci
STUDIO LEGALE ASSOCIATO

The increasing numbers of claims, report and questions brought to the attention of Italian Courts and Authorities pointed to the need that the processing of personal data performed by employers to verify that the workable IT tools are used appropriately in the employment context is carried out in compliance with legislation in force and the law principles applicable to the different matters concerned.

[\[FULL STORY\]](#)

Challenges in International Arbitration for Non-Signatories

Beirne, Maynard & Parsons LLP , Dallas

by Clint A. Corrie



This article is published in The Comparative Law Yearbook of International Business by Kluwer Law International under the auspices of the Center for International Legal Studies (CILS). Reprinted here by permission of the CILS and Wolters Kluwer. Please note that the cite form used in Europe for U.S. cases is not the same as standard Bluebook form used in the U.S., so some case cites look slightly different from how they would appear in a U.S. publication. Given the magnitude and the consequences of the many international arbitral awards, even signatories to the underlying arbitral agreement can face challenges to the enforcement of such an award. However, persons or entities that are non-signatories to an underlying arbitration agreement face challenges over and above those of willing participants in an arbitral agreement. Parent companies, subsidiaries, contract assignees, governmental and quasi-governmental entities, and other non-signatories to an underlying arbitration agreement may find themselves bound by an arbitration agreement, and by the subsequent arbitral award. This article explores the case law and rulings—primarily arising from courts of the United States—on these types of issues, and offers guidelines to entities wishing to avoid the impact of agreements they did not sign.

[\[FULL STORY\]](#)

Brazil's Tax System

Nehring e Associados Advocacia, San Paulo

by David Silva & Joao Burke



Brazil has traditionally had a complex tax system. The Federal Constitution of Brazil divides the tax jurisdiction among the (federal) Union, the States, the Federal District and Municipalities. All levels of government may create taxes according to the tax jurisdiction granted by the Federal Constitution. The Union still has powers to create certain taxes, so-called contributions, such as social contributions, contributions for the intervention in the economic order and in the interest of professional or economic categories. Upon exercising their taxing powers the Union, the states, the Federal District and municipalities are subject to many constitutional limitations, which exist to assure taxpayers a certain level of certainty and avoid arbitrary tax impositions.

[\[FULL STORY\]](#)

Medical Tourism: The U.S. Industry and Legal Fundamentals

Epstein Becker & Green P.C. , Chicago

by Kevin J. Ryan & Dale C. Van Demark



Medical tourism, the practice of a resident of one country traveling to another for medical treatment, has become a small but thriving industry in the United States, as more and more under and uninsured Americans have found high quality, low cost alternatives to medical treatment in the United States. While medical tourism has long been a thriving industry globally, and the U.S. has been a destination for international medical tourists, the more recent phenomenon of U.S. residents traveling abroad for medical care is a fairly recent development. Nonetheless, in many ways, the U.S. has embraced the practice, and developments in the insurance industry indicate that Americans covered by private insurance or employer funded plans may begin to see travel to a foreign destination as an option.

[\[FULL STORY\]](#)

Published by [Alan Griffiths](#)
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