



Friday, December 17, 2010

VOLUME 7 ISSUE 2

REGIONS

CARIBBEAN

MIDDLE EAST

ASIA PACIFIC

EUROPE

NORTH AMERICA

ASIA PACIFIC

Australian Women in the Workplace

Australia's New One Stop Shop for International Dispute Resolution

EUROPE

U.K. Domain Name Register Releases 1 and 2 Character Domain Names

Thirteen Cases of Class Action in Sweden

The Legal Concept of Examinership (1.3.2010)

Focus on Legislative Reform Currently Passed by Italian Parliament

It's a Matter of Trust - Why do Trading Trusts Make Insolvency So Much More Difficult?

The Building Blocks of a Strong Brand – Lego Takes its Appeal to the European Court of Justice (1.3.2010)

The Commercial Court – A Fast Track to Solutions (1.3.2010)

MIDDLE EAST

Various aspects in transferring manufacturing rights to a foreign company in products funded by the Israeli Chief Scientist

Israel Joins Madrid Protocol

NORTH AMERICA

Protecting Yourself

New York, December 17, 2010 - It is with great pleasure we announce the publication of the next issue of the International Legal News.

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As the editor of the International Legal News & Executive Director of the International Lawyers Network, I would be happy to hear your comments or answer any questions about our group, please contact me: email alangriffiths@iln.com or telephone 201.594.9985 - Alan Griffiths

Protecting Yourself When a Vendor Handles Personal Identifiable Information of Your Customers
McDonald Hopkins Co., LPA, West Palm Beach
by Alan M. Burger, Esq.



Companies are under the mistaken and risky impression that outsourcing risky tasks involving Personal Identifiable Information ("PII") of third parties equates to outsourcing the liability associated with those tasks. In fact, aside from the common law concepts of agency, in which the act of the third party vendor are attributed to the principal, current laws, rules and regulations specifically do not allow a total shifting of risk and liability that comes with the

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Bullet"iln" Volume 9 Issue 1
June 2, 2010
Vol. 9 Issue 1

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Vol. 7 Issue 1

Bullet"iln" Volume 8 Issue 2
October 27, 2009
Vol. 8 Issue 2

International Legal News
October 16, 2009
Vol. 6 Issue 2

Bullet"iln" Volume 8 Issue 1
April 10, 2009
Vol. 8 Issue 1

International Legal News
March 27, 2009
Vol. 6 Issue 1

[MORE]

When a Vendor Handles Personal Identifiable Information of Your Customers

Parent companies' obligation to rehabilitate industrial sites if their subsidiaries in France are insolvent: myth or reality?

Foreign Corrupt Practices Act (FCPA) Poses Risk for Middle Market Companies:

The Long and Winding Road - CIPO'S Ongoing Quest for Major Changes to the Trade-Marks Act

New Québec Business Corporations Act

The Failure of Comprehensive Financial Industry Regulation

A High Level Overview of the Dodd-Frank Act and Its Impact on the American Financial System

Canada considering big changes to trade-mark practice

Increased Fines Under the Québec Health and Safety Act

handling of PII and confidential information. Massachusetts, for instance, mandates that companies take steps to ensure that third party vendors are compliant with its laws with respect to information of its citizens.

[FULL STORY]

Parent companies' obligation to rehabilitate industrial sites if their subsidiaries in France are insolvent: myth or reality?

Lefèvre Pelletier et Associés, Paris
by Grégory Gutierrez & Arnaud Molinier

Lefèvre Pelletier & associés Avocats



During the Metaleurop case, Law 2003-699 of 30 July 2003, known as the "Bachelot Law", tried to resolve the problem of abandoned polluted sites, but the government authorities' inability to prevent company bankruptcies continued to feed the public sentiment that offenders were getting off scot-free. The Grenelle Environmental Forum (Grenelle de l'Environnement) marks an additional step towards "eco-liability" of parent companies and, through them, that of the group concerned. Indeed, the "Grenelle 2" Law 2010-788 of 12 July 2010 explicitly recognises, for the first time in French law, the possibility of transferring to parent companies the rehabilitation duty in relation to the pollution caused by the activities of their insolvent subsidiaries.

[FULL STORY]

Various aspects in transferring manufacturing rights to a foreign company in products funded by the Israeli Chief Scientist

Glusman Shem-Tov Chowars Broid & Co,
Tel Aviv
by Rona Ginat

Israeli companies that hold in their possession knowledge and technology developed with the funding of the Israeli Chief Scientist often encounter difficulties manufacturing in Israel a product developed by them and often turn to foreign companies to transfer the manufacturing or the manufacturing rights to a foreign company. Sometimes, this cooperation also includes distribution and marketing services for the products.

[FULL STORY]

The Bahamian Private Foundation – A civil law concept in a common law world

Halsbury Chambers, Nassau

by Samantha Knowles-Pratt



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Historically, a foundation is a creature of civil law jurisdictions, where it is a distinct and separate legal entity. The legislation In 2004, the Foundations Act (the "Act") introduced into The Bahamas, a common law jurisdiction, the concept of the "private foundation". The Act was amended in 2005 and further amended in 2007.

[FULL STORY]

Australian Women in the Workplace

Gadens Lawyers, Sydney

by Meryl Remedios



Australia has recently introduced its first national government funded paid parental leave scheme. Under the Paid Parental

Leave Act 2010 (Cth), eligible primary caregivers will be entitled to up to 18 weeks of parental leave pay if they have or adopt a child on or after 1 January 2011. Primary carers who satisfy work, income and residency tests will be eligible to receive parental leave pay at the national minimum wage, which is currently \$570 per week.

[FULL STORY]

U.K. Domain Name Register Releases 1 and 2 Character Domain Names

Fladgate LLP, London

by Eddie Powell



On 1 December 2010 applications will be accepted to register very short ".UK" domain names, consisting of one or two characters. These short names have until now not been available for use as website names.

[FULL STORY]

Thirteen Cases of Class Action in Sweden

Hellström, Stockholm

by Staffan Michelson

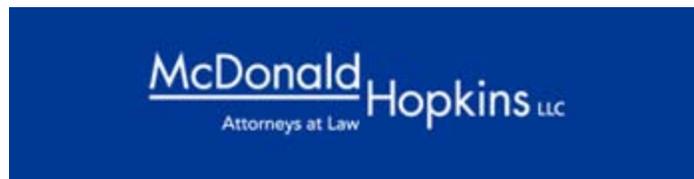


Group proceeding has been possible in Sweden for eight years, far from causing the boom of litigations, which some people feared. Till now, thirteen cases have been brought to group action. Still, the traditional model of court proceeding dominates the civil cases, even when a group proceeding could be an alternative.

[FULL STORY]

Foreign Corrupt Practices Act (FCPA) Poses Risk for Middle Market Companies:

McDonald Hopkins Co., LPA, Cleveland
by Edmund W. Searby & BBP Partners' Forensic Accountant, George P. Farrag



This article explains why the Foreign Corrupt Practices Act (FCPA) poses a real risk to middle market companies that conduct business abroad and outlines cost effective measures to limit this risk.

[FULL STORY]

The Legal Concept of Examinership (1.3.2010)

Holmes O'Malley Sexton, Limerick
by Harry Fehily



HOLMES O'MALLEY SEXTON
SOLICITORS

Examinership has been the subject of sustained recent media scrutiny following the dramatic increase in the numbers of companies seeking to avail of the court protection provided by this process.

Examinership is unique to Ireland having been introduced by the Companies (Amendment) Act 1990. It is a formal court-supervised corporate recovery process. It is designed to enable insolvent but potentially viable companies to explore all opportunities to provide for their survival. An examiner is appointed (usually a practising accountant) to review a company's affairs, consider

its viability for the future and, if feasible, formulate proposals for the company's financial survival. The examiner must also confirm the availability of sufficient cash resources to trade during the period of examinership, which is an increasingly difficult proposition.

[FULL STORY]

Focus on Legislative Reform Currently Passed by Italian Parliament

CFMP Studio Legale Associato, Milan
by Riccardo Bollini



On 19 October 2010, the Italian Parliament definitively approved the so-called "collegato lavoro" (bill no.1141-quater-G). Currently the "collegato lavoro" still has to be signed by the President of Italian Republic and subsequently published in the Official Journal of the Italian Laws ("gazzetta ufficiale della repubblica italiana"), after which it will enter into force 15.

[FULL STORY]

The Long and Winding Road - CIPO'S Ongoing Quest for Major Changes to the Trade-Marks Act

Clark Wilson LLP, Vancouver
by Neil P. Melliship

CLARK WILSON LLP

At a recent INTA Roundtable held in Vancouver, B.C. (the "Roundtable"), a representative from the Canadian Intellectual Property Office ("CIPO") commented on a number of changes that CIPO has proposed to Canada's Trade Marks Act (the "Act"). The Roundtable followed on a conference call that CIPO hosted in June of 2010 concerning ideas for the modernization of the Act. That conference call itself

followed a Consultation and request for comments by CIPO in late 2009 to provide proposals relating to the proposed implementation in Canada of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks ("Madrid Protocol") and the Singapore Treaty on the Law of Trademarks ("Singapore Treaty"). Both INTA and the Intellectual Property Institute of Canada put forward submissions in March of 2010 in response to CIPO's request for comments.

[FULL STORY]

New Québec Business Corporations Act

Robinson Sheppard Shapiro, Montreal

by Sharon G. Druker



On December 4th, 2009 the Québec National Assembly adopted the new Business Corporations Act (Bill 63 - the "QBCA"). As recently announced by the Québec government, it will come into force on February 14, 2011, and proposes a substantial reform of the legal regime applicable to entities currently governed by Parts I and IA of the Companies Act (Québec) (the "Old Act")

[FULL STORY]

The Failure of Comprehensive Financial Industry Regulation

Harrison & Moberly, LLP Indianapolis

by David Williams Russell



At this writing, the United States is attempting to recover from a liquidity panic of a breadth and depth unprecedented in our financial history. Much of the financial chaos has resulted from some intrinsic difficulties in our financial system as to the accurate determination of the value of enterprises and, consequently, of interests therein, i.e. "securities." Most of these intrinsic difficulties are of long

standing, but the recent development of new securities instruments seemingly unmoored to underlying assessable values has exponentially compounded the traditional difficulties.

[FULL STORY]

Israel Joins Madrid Protocol
Glusman Shem-Tov Chowers Broid & Co,
Tel Aviv
by Miriam Hackmey



Effective September 1st, 2010, the relevant sections in the Trade Marks Ordinance concerning the Madrid Protocol are in force.

[FULL STORY]

A High Level Overview of the Dodd-Frank Act and Its Impact on the American Financial System
McGlinchey Stafford PLLC, New Orleans
by Lauren E. Campisi, Robert D. Sheesley and Robert W. Savoie



On July 21, 2010, the United States Congress enacted the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law No. 111-203, the latest effort to reign in perceived abuses that led to the recent financial crisis in the United States. This massive historic piece of legislation touches a wide range of businesses and business practices, and reconfigures the federal regulatory framework for financial services institutions. The Act expands the potential exposure of financial institutions, both by increasing potential penalties and by expanding the possibilities for liability. To limit exposure to increased liability under the Act, financial institutions should take care to understand the scope and impact of these new provisions and to become familiar with the regulatory bodies that will enforce them. This article provides a high level review of many of these changes, particularly with respect to the Act's

emphasis on consumer protection.
[FULL STORY]

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