



PANGEA NET

International Network of Independent Law Firms



Pangea Net Annual Report **2016/17**

www.pangea-net.org

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An introduction

Dear Members

It is a pleasure to once again introduce a document which sets out a summary of some of the highlights and key achievements within the network over the past 12 months, as well as a few other items which I hope will be of interest.

Following last year's report, the network continues to grow and evolve. With an established and proactive membership, it is encouraging to see so much activity taking place in the network. In particular, the network's practice groups go from strength to strength and a number of network members have been involved in secondments and exchanges.

The network has enjoyed additional growth, attracting quality new members in key jurisdictions such as China, New York, Malta and South Africa. We have included a brief introduction to each of these firms, and their nominated points of contact, in this year's report.

Following the format of last year's report, this edition also includes a summary of practice group activities and events. I have no doubt that the practice groups will continue to provide a platform for taking Pangea Net to the next level as energised lawyers from across each member firm pull together and generate new ideas for driving the network forward. I understand that a dynamic new "Sports Law" group is in its embryonic stages and a meeting is proposed in Switzerland, which should be very interesting for those lawyers involved.

Last but not least (from my perspective at least), I thought it would be helpful to include an informative section on Brexit. The UK's departure from the European Union gives rise to a number of complex issues for any business operating internationally, and for any law firm advising its clients on contracts with a UK element. Browne Jacobson will be following developments closely and I would be very happy to discuss Brexit with you when we next meet in Mexico.

I look forward to seeing you all soon.

All the very best,

Declan

- Board member responsible for marketing and communications



Thoughts from the Chair

With our eighth annual general meeting fast approaching, Pangea Net seems well positioned for strong growth over the next several years. We have added new members in China, Malta, South Africa and the USA (New York), as well as a new member in Denmark. This brings us close to almost 30 member firms, and includes new growth in the US, which has been one of our target areas. Our unique profile makes us an attractive network for similar minded firms, even if that process takes time. It is always worth the effort.

As part of this effort, Jens Förderer and Horacio Ayuso took a junket through Ecuador, Colombia, and Panama, where they met with multiple firms, marketed the network and received positive feedback. Several firms expressed interest, and depending on schedules, we may be fortunate to welcome one or two as guests at our AGM in Mexico. The results of this trip were very positive and it has inspired a model for growth plans not just in the Americas, but Asia as well.

This past March, the Board traveled to Mexico City to explore the site of this year's AGM and to discuss planning, speakers and attendance. We spent an entire day at the offices of our hosts, Cancino Ayuso Abogados, with the afternoon hours spent on the rooftop deck, where our Thursday evening kick off event will take place. Mexico City's size can be daunting, but our hosts quickly brought it down to a comfortable size, and saw that we were well cared for.

Our program at this AGM will include presentations on anti-corruption laws and anti-bribery systems in Mexico from Mr Max Kaiser a leading expert, a talk on doing business in Mexico and Latin America from Claudia Luna, the General Counsel to Grupo Herdez, one of Mexico's leading food distributors, as well as a discussion led by Sergio Zardon, a director of the same group on the company's expansion into Europe and Asia. I am sure you will find the presentations valuable and informative.

Finally, as promised last year, two more "old timers" on the Board have offered to step down in favor of new talent; part of the effort initiated

last year to transition leadership to other members of the network. This year, Franz Tepper and yours truly have offered to step down. Our replacements will be put forward at the AGM in accordance with the changes made to the Constitution last year. While both of us have enjoyed serving on the Board and working to build the strong network we now have, it is time to move on and let others take an active role.

Speaking for myself, I will miss the fellowship of the Board, but I know this is only a subset of the friendship that binds the membership as a whole.

From our first "meeting" at a now forgotten (and apparently defunct) pub on Wigmore Street in London, Pangea Net has truly prospered; attested to by our growing membership, our well attended AGMs and the very active practice groups. This is something in which we can all take pride.

Thank you to everyone for this opportunity to serve you over these past eight years, and best wishes to the new members of the Board going forward.

Peter - Chairman



Looking forward to Mexico 2017

Plans are well underway for this year's annual conference which is being hosted by Cancino Ayuso Abogados (Cayad) in Mexico City on 15 – 18 June 2017. Cayad has put together an impressive programme for the conference and we look forward to seeing as many of you in Mexico as possible. In advance of then, we wanted to use this opportunity to introduce this year's conference speakers and the topics they will cover:



Max Kaiser

Max is the anti-corruption director at Instituto Mexicano para la Competitividad (the Mexican Institute for Competitiveness), having also worked as a professor at the Instituto Tecnológico Autónomo de México.

Max is a leading authority on anti-corruption, and at this year's conference Max will deliver a presentation on anticorruption laws and anti-bribery systems in Mexico and Latin America.



Claudia Luna

Claudia is the General Counsel at Grupo Herdez, providing strategic advice to the CEO and board on all aspects of the law. She has also worked for Shearman & Sterling LLP and HSBC, and founded her own firm, with a focus on corporate and wealth planning.

At this year's conference Claudia will explore the topic of doing business in Mexico and Latin America, and some of the wider considerations when doing business in other jurisdictions.



Sergio Zardoni

Sergio has vast experience in the food sector, having worked for Del Fuerte through its merger with Grupo Herdez. He currently acts as Director of Strategic Planning for Herdez del Fuerte, and has previously held an array of business-focused roles, including strategy, M&A, marketing, business development, finance, quality control and purchasing.

Sergio will be discussing his company's expansion into Europe and Asia, and what he expects from service providers in those jurisdictions with a particular focus on legal services.



The Brexit Agenda

A background to Brexit

Brexit – the process for the UK’s departure from the EU

- On 23 June 2016, the United Kingdom held a referendum regarding its continued membership of the EU. By a majority of 52% to 48%, the vote to leave won.
- The UK triggered Article 50 of the Treaty of Lisbon on 29 March 2017, following the passing of the European Union (Notification of Withdrawal) Act 2017 in Parliament.
- A two-year negotiation process has now commenced, whereupon the UK government will start negotiations for the UK’s withdrawal from the EU.
- The UK government will enact further legislation (currently referred to as the ‘Great Repeal Bill’) which is expected to repeal the European Communities Act 1972, bringing an end to the supremacy of EU law over UK national law. Because a large amount of EU law effective in the UK currently relies upon the 1972 Act, the Great Repeal Bill is likely to provide that (at least in the short term) laws which have effect under the 1972 Act will continue to apply.

Brexit – the key political considerations

- A ‘soft’ Brexit (for instance by the UK becoming a member of EFTA or the EEA) seems very unlikely. The premise of the June 2016 referendum was to provide the UK people with a straightforward choice - ‘in or out’ - and the message from the UK government suggests that they intend to deliver on the referendum result.
- The more likely outcome of Brexit is that the UK will need to negotiate its own trade deal with the EU going forward (like the CETA deal recently concluded by Canada), or perhaps adopt a unilateral free trade approach by defaulting to World Trade Organisation rules like city states such as Hong Kong and Singapore. Senior figures in government have also suggested that the UK may need to adopt a more radical approach, turning the UK into a low tax, low regulation environment, and abandoning European-style taxation to remain competitive on the world stage.
- Brexit raises a number of important socio-political concerns for the UK, in particular increasing pressure from the SNP for a second Scottish independence referendum, and the risk of a hard border in Northern Ireland has also prompted calls by Nationalists for a united Ireland. The EU referendum result puts the UK at risk of becoming fragmented.

- In this context Theresa May has laid out her ‘twelve point plan’ for Brexit, summarised below:



Brexit and intellectual property

The UK’s intellectual property (IP) law regime is intrinsically linked with EU law in a number of respects. Although, at this stage, we can provide you with relatively little certainty, we have set out below our thoughts as to some of the more likely consequences of Brexit:

EU Trade Marks (EU TM)

An EU TM is an EU unitary right that provides protection throughout all EU member states. This raises the obvious question – upon leaving the EU, what will happen to the UK element of an EU TM?

Key points to note:

- We feel that the most likely outcome is that EU TM’s will no longer provide protection in the UK, but that EU TM holders may be allowed to convert the UK element of an EU TM to a UK TM.
- EU TM holders currently trading, or intending to trade, in the UK should consider the merits of filing for a UK TM pre-Brexit (lead time approx. 14 weeks).
- EU TM holders should also be aware that their EU TM’s could become susceptible to challenge, following Brexit, if they have only made use of their EU TM in the UK.

Community Registered Designs (CRD)

CRD is also an EU unitary right. UK Registered Design Right is very similar to CUD and, accordingly, the same issues apply to CRD as discussed above in the context of EU TMs above.

Community Unregistered Designs (CUD)

CUD is very different to UK Unregistered Design Right (UK UDR), and each right protects different aspects of design. The key differences are summarised in the table below:

UK UDR	CUD
Must be “original” and not be “commonplace”	Must be “new” and have “individual character”
15 years (5 years licence of right)	3 years from when first made available
Surface decoration excluded	Can cover 2D designs
Infringements - made “substantially to the design’	Infringements - create the same “overall impression” on “informed user”



A significant difference between the two rights is that UK UDR does not protect surface decoration. This is a key aspect of protection which has made CUD a valuable intellectual property right in industries such as fashion and textiles.

Although, in the long-term, we expect the UK government to introduce an equivalent right, we expect that in the short-term, CUD will disappear leaving a gap in the protection available to businesses operating in the UK.

Patents

The Patent Cooperation Treaty (PCT) is an international treaty intended to ease the process of filing patents in numerous countries by claiming priority from an original application. The PCT will remain unaffected by Brexit.

The European Patent Office (which is independent of the EU) will continue to be responsible for granting applications for EP patents. Again, as this is not an EU institution, the process for obtaining and enforcing EP patents in the UK will remain unaffected by Brexit.

However, following the UK’s exit from the EU, it is unlikely the UK will participate in the Unitary Patent Court system.

Copyright

Copyright is the least harmonised of any IP right in the EU. We do not expect any significant implications arising from Brexit, or any significant changes to the UK’s law on copyright in the short-to-medium term.

Licensing

We would encourage businesses to consider any contracts that they currently have with UK businesses which cover the licensing of EU unitary rights in the UK, or which define the territory of the contract as being the 'EU'. In the case of the latter, it will be important to understand whether existing contracts would result in the UK falling outside of the territorial scope of the contract following Brexit, or not.

The principle of exhaustion

Once goods are put on the market in the EEA by the rights holder or with its consent, IP rights can no longer be relied upon to further control the movement of goods within the EEA. However, rights holders in the EEA can rely on their IP rights to prevent the importation of goods into the EEA in relation to goods which were first put on the market outside of the EEA. Unless the UK concludes a trade deal with the EU which preserves the existing position on exhaustion, there are two potential implications posed by Brexit:

- Rights holders in the EEA would be able to rely on their EU rights to prevent the importation into the EEA of goods which were first put on the market in the UK.
- The UK may decide to adopt the principle of "international exhaustion" which would mean that UK rights holders would be prevented from exerting their rights if their goods are put on the market anywhere in the world.

Brexit and commercial contracts

For commercial contracts the main impact of Brexit is likely to be an economic, rather than legal, one. The next few years will be characterised by a high degree of uncertainty with the risk of volatility in the exchange rate markets, a risk of recession, and the likelihood that new barriers to trade will be imposed in the form of customs duties and tariffs.

What will be the status of existing contracts?

Some commentators have queried whether contracts might fail because of the English common law doctrine of frustration (which applies when a contract becomes incapable of being performed by one or both of the parties), or that one of the parties may be relieved of its obligations under the contract if the contract contains specific force majeure provisions.

This might be relevant for some contracts in industries which are currently subject to heavy EU regulation. For instance, these issues may arise in contracts with UK financial services businesses, if those businesses were to lose their EU passporting rights and can no longer do business in the EU.

The vast majority of contracts will, however, remain in full force and effect.



Reviewing existing contracts

We would recommend reviewing existing contracts, particularly those which are high value or otherwise strategically important.

Although most contracts will remain in force following Brexit, the economic implications of Brexit may mean that those contracts become less commercially attractive. If so, it would be advisable to gain an understanding of your exit and termination rights, and whether the contract allows scope to renegotiate.

Key considerations for commercial contracts

- Territory references to the "EU" – do these definitions mean the EU as at the date of the agreement, or the EU as constituted from time to time? Variation letters may be required to vary the terms of existing contracts to either bring the UK within, or take it out of, the scope of the territory.
- Exchange rate mechanisms – consider including exchange rate mechanisms in new contracts. These provisions could either prompt an informal negotiation, or result in the automatic increase or decrease in prices, in the event that exchange rates move beyond certain agreed parameters.
- Term and termination - it may be worth considering shorter-term contracts, or contracts which provide a break clause or a right to terminate for convenience.
- Insolvency risk – it would be advisable to carry out more stringent financial due diligence before entering into new agreements, and to consider imposing more restrictive credit terms. If you have any concerns about the solvency of your customers or suppliers, you may wish to consider the merits of payment and/or performance guarantees.
- Compliance with EU legislation – on the basis that UK businesses will no longer have to comply with EU legislation, it would be prudent for businesses to place express contractual obligations on UK customers and suppliers to comply with relevant EU legislation.

Example 'Brexit Clauses'

Please note that the provisions below are provided as illustrative examples only. Each contract will, of course, have its own particular requirements.

Territory references to the 'EU'

"If the United Kingdom ceases to be a member of the European Union, then with effect from the date of such event [the United Kingdom will not be part of the Territory] [OR the Territory is amended to include the United Kingdom and the European Union]."

The imposition of tariffs or customs duties

"If tariffs and/or customs duties are imposed in relation to the importation of [relevant goods] from the United Kingdom to [e.g. Denmark], any such tariffs and/or customs duties shall be paid for by [PARTY A]. In the event that [PARTY B] pays such tariffs and/or customs duties to secure the importation of such goods into [e.g. Denmark], [PARTY A] shall reimburse [PARTY B] in full and on demand."

Compliance with EU legislation

"The Supplier shall be responsible for manufacturing and supplying the [relevant goods] in accordance with all Applicable Laws"

"Applicable Laws" could then be defined, for example, as:

"all laws, statutes, and regulations from time to time in force in the United Kingdom or any member state of the European Union and including, without limitation, the following: [LIST SPECIFIC KEY LEGISLATION]."



Brexit and data protection

The EU General Data Protection Regulation (GDPR) is expected to come into force in EU member states on 25 May 2018. If the UK is a member of the EU at that point it is possible that the GDPR will, from 25 May 2018 to the exit, have direct effect on businesses established in the UK. If that is the position, UK businesses will be required to comply with the GDPR.

The implications of Brexit on data protection are complex and create a great deal of uncertainty for individuals, business and the UK economy. Data protection is, for example, a key area impacting on the UK's participation in the Digital Single Market.

On 8 November 2016, the Rt Hon Matt Hancock, in a written ministerial statement on the Triennial Review of the Information Commissioner's Office, confirmed that the GDPR would come into force in the UK on 25 May 2018.

What the government hasn't confirmed is the form of UK data protection law after the UK's exit from the EU. It is, however, likely that some form of legislation very close to the text of GDPR will be in force in the UK.

We would suggest that businesses:

- Undertake at least a high level audit of compliance with the UK's current Data Protection Act
- Review where the business and any group companies are established
- Check whether the activities of UK business include offering goods and services to, or monitoring the activities of, EU individuals.

Both Declan and Ryan would be very happy to discuss Brexit with you further at this year's conference in Mexico.

Authors: Declan Cushley, Ryan Harrison, and Mark Gleeson (Browne Jacobson)

An introduction to our newest members

This year we are very pleased to announce that the following firms have officially joined Pangea Net:

**Du
Yusong**



Jurisdiction:
China

Member Firm:
Grandall

www.grandall.com.cn

**Søren Stig
Langlørkke
Hansen**



Jurisdiction:
Denmark

Member Firm:
Andersen Partners

www.andersen-partners.dk

**Christopher
Dali**



Jurisdiction:
Malta

Member Firm:
Gonzi & Associates

www.gonzi.com.mt

**Mark
Mutterperl**



Jurisdiction:
New York, USA

Member Firm:
Zeisler Law

www.zeisler-law.com

**Jan Bruun
Jørgensen**



Jurisdiction:
Denmark

Member Firm:
Andersen Partners

www.andersen-partners.dk

**David
Gonzi**



Jurisdiction:
Malta

Member Firm:
Gonzi & Associates

www.gonzi.com.mt

**Hulme
Scholes**



Jurisdiction:
South Africa

Member Firm:
Malan Scholes

www.malanscholes.co.za

**Nick
Magowan**



Jurisdiction:
South Africa

Member Firm:
Malan Scholes

www.malanscholes.co.za

Unfortunately we have also said farewell to Halling-Overgaard & Partners in Denmark, but are very much looking forward to working with Andersen Partners going forward.

This takes the total number of members to 29 firms, covering 28 countries. We would encourage you to give our new members a warm welcome in Mexico.

Secondment success stories

Pangea Net's greatest strength is the close working relationships, and personal friendships, formed between its members. This year has seen a number of our members engaging in secondments and exchanges including BRANDI, Whiteford Taylor Preston, Cancino Ayuso (Cayad), Wenner and UEPA.

We wish to remind you that a sum of up to €2,000 per secondment is available at the Board's discretion. If you plan to host a junior lawyer from another Pangea Net law firm on secondment at your offices, and would like to apply for funding, please contact Pangea Net's Treasurer, Georg Weber, by sending an email to georg.weber@probst-law.ch.

In the meantime, we are delighted to share reports from some of our most recent secondments below:

Rodrigo Mora's (Cayad) secondment to Whiteford Taylor Preston

"Before I went to the secondment in Baltimore, I was introduced to Peter Guattery, Partner of WTP. During our conversations by email, Peter explained to me every detail regarding living in Baltimore and the activities I would be doing during my stay over there. He made me feel, before I met him in person, that I already had a very good friend.

Baltimore is a great city if you love the sea; my favourite place was the harbour in which I spent all my afternoons watching the people and ships passing by. Being with Peter as a tour guide was really helpful to understand the history of the area and why one must have a crab cake in October.

During my very first day at WTP, Peter introduced me to all the associates and partners of the firm at Baltimore, and all of them were very interested in learning about Mexico and my professional experience. I guess that the most important thing of the secondment is to be a part of the team you're working with, and that was what I actually felt when I met everybody.

During my secondment at WTP, I had the opportunity of learning, among other things, about depositions, the basics of employment law and U.S. civil rights laws, corporate contracts and M&A transactions. Also, I had the opportunity to visit the courtrooms and observe U.S. procedure. I must say that being a part of the secondment experience opened my eyes to a whole new world full of opportunities not only for me but for all the law firms who are members of Pangea."

Author: Rodrigo Mora (Cancino Ayuso, Cayad)

Rodrigo Mora

"October in Baltimore is a perfect time of year. The heat of Summer is finally giving way, and work is usually active with opportunities. It was a pleasure to welcome Rodrigo to Baltimore at this time and to orient him to our firm and the city.

As part of his secondment, Rodrigo was able to spend a day at the Baltimore County Circuit Court, where he was introduced to members of the court and was able to observe U.S. courtroom procedure. He also reviewed and discussed legal pleadings and transactional documents with WTP attorneys and was able to spend time with other members of the Maryland Bar through activities our firm arranged for him.

A colleague who handles M&A transactions shared his work with Rodrigo and spent time with him comparing notes on how various legal problems were handled under U.S. and Mexican law.

I spent time with Rodrigo boring him to death with the basics of employment law. On at least two occasions during his month-long visit, he was able to assist firm clients with Mexican legal issues.

All was not work, however, and Rodrigo had the chance to attend a Ravens' football game with clients and to visit various points of interest, including Fort McHenry, where he checked out the cell once the accommodations of a certain John Merryman of the Supreme Court case, *In re Merryman* infamy. A local cider and mead distillery housed in a pre-Civil War mill building in the farmland north of the city was another stopping point.

Occasionally, we discussed the upcoming U.S. Presidential election, even making a clandestine trip deep into rural Pennsylvania. Throughout it all, Rodrigo showed incredible fortitude. He returned home safely before November."

Author: Peter Guattery (Whiteford Taylor Preston)

It was a pleasure to welcome Rodrigo to Baltimore... and to orient him to our firm and the city.

Isaac López's (Cayad) secondment to BRANDI

"During November 2016, I had the opportunity of participating in the first (and hopefully, not the last) secondment exchange between Cancino Ayuso and BRANDI.

I am thankful for the fact that each one of BRANDI's members made me feel like I was part of their team, and -most importantly- their friend. To me, the valuable part of the secondment lies entirely in the little things. Undoubtedly, you learn more about German Law after sharing lunch with a German lawyer, than what you learn after sitting through an entire lecture about German Law.

Although BRANDI hosted me in Gütersloh, I visited BRANDI's offices in Hannover, Bielefeld and Paderborn; all filled with fine and talented lawyers, all of whom took the time to sit down with me and talk about the scope and challenges of their practice. Some of them even took me sightseeing, regardless of their busy schedules. During the weekends, I took my spare time to travel around their regions of Germany; the perfect complement for a secondment experience!

When November came to an end and the secondment was over, I took a plane back home with great new friends and experiences. I am sure that the new perspective I gained during my visit to BRANDI will boost my performance as a lawyer, improve the competitiveness of my firm and, consequently, expand the reach of the network.

I do have, however, an announcement for future secondees visiting Germany: the struggle when speaking German is real. Arminia Bielefeld (the local soccer team) has a new Mexican supporter."

Author: Isaac López (Cancino Ayuso (Cayad))



"We had the pleasure of hosting Isaac Lopez from Cancino Ayuso in our firm from November 1st to 30, 2016.

Despite the poor weather in Germany in November (the difference to the weather at that time of year in Mexico cannot be greater) Isaac has proven to get along with everyone in Germany just perfectly.

He proved to be a great person, a young, talented lawyer with a true sense for both the legal and the cultural side of cross-border business. Isaac had the opportunity to visit four of the six national BRANDI offices and was introduced to the lawyers there and the work they do, which differs from one location to the next.

Everyone in the firm enjoyed his company as he is open and communicative, clever and funny. He was very interested in learning about the work we do and the clients we represent. We organized a "Mexican Night" (with Spanish food which he was too polite to tell us then...) and Isaac gave a presentation on Mexican law at the university in Bielefeld.

Over one month we learned a lot about Mexico, the legal landscape in Mexico and after the US election night on November 8 we knew why the Mexicans like Tequila. Good for us they produce so much of it – they can give it as presents to Germans they visit!

We are confident that Pangea Net's secondment program offers true value to young lawyers in members' firms and strengthens the ties between members as it gives the participating members a possibility to show their young lawyers the international reach of their own firm."

Author: Nils Wigglinghaus (BRANDI)

He proved to be a great person, a young, talented lawyer with a true sense for both the legal and the cultural side of cross-border business.



Nils Wigglinghaus

www.pangea-net.org

Petra Kutková's (UEPA) secondment to Wenner

"I remember the day, when Andreas Ueltzhöffer suggested I could go for a secondment to one of our Pangea Net partner firms and asked me, where I would prefer to go. He received the answer within a second - Paris.

A few months later, I found myself in Paris, one of the most wonderful cities in Europe. Everybody at WENNER welcomed me very kindly and the entire WENNER team made me feel at home from the very first day of my six week term at their office.

For me it was an unforgettable stay, not only with regard to the fact that I could improve my French. It was also a perfect work experience. I had the opportunity to compare the Czech and the French legal and judicial systems (at least in some aspects), the way the team at WENNER is working, the approach of French lawyers towards their clients, as well as the internal structure and organisation of another law firm of comparable size.

My French colleagues involved me in their ongoing projects, invited me to be present during calls and meetings with their clients, they took me to interesting court hearings or enabled me to attend a work shop, which they prepared for their clients. It was all very fascinating and I am grateful to have had the opportunity for such a great experience.

I would like to thank the whole WENNER team, especially Uwe Augustin, my colleague from the Pangea labor law group, with whom I cooperated on various labor law matters during my time with WENNER, my colleagues Valérie Orsini-Morgado, Christoph Schödel and Martin Riedel, who brought me along to court hearings, and last but not least the office manager Samal Assarbayeva, who shared an office with me and made me feel very comfortable at WENNER every day.

I also would like to thank Pangea Net for the opportunity and for the financial contribution to my secondment, which in my opinion perfectly underlines the idea of bringing Pangea Net members closer together. Special thanks also to Andreas Ueltzhöffer, former Pangea Net board member, who made it possible for me to participate in the Pangea Net secondment program.

Finally, I would like to encourage all Pangea Net members to take the opportunity to participate in the Pangea Net secondment program, because it is a great way to experience special moments abroad, to step out of your day-to-day routine, to broaden your knowledge about other legal systems and to meet other Pangea Net members. UEPA is prepared and willing to host secondees with pleasure."

For me it was an unforgettable stay, not only with regard to the fact that I could improve my French. It was also a perfect work experience.

Author: Petra Kutková

"Petra Kutkova from UEPA was seconded to WENNER in Paris for 6 weeks in September 2016. The objective of the secondment was to work together in order to create a close relationship between the concerned firms. From WENNER's perspective it was a full success. Petra integrated easily into our team and supported us on several cases. She also attended client meetings, conference calls and hearings before the French courts. Moreover, we could exchange information and useful tips with her about best practice in our respective law firms.

Due to the success of the secondment, it is intended by UEPA and WENNER to strengthen their relationship by seconding Beata Reddet to UEPA later this year.



Petra Kutková

Petra integrated easily into our team and supported us on several cases. She also attended client meetings, conference calls and hearings before the French courts.

From our point of view we can only underline Petra's opinion about the opportunities to participate in the Pangea Net secondment program. We are convinced that such exchanges not only promote the personal relations between the concerned law firms but also lead to a mutually beneficial working partnership."

Author: Uwe Augustin (Wenner)

An update on practice group activities

Pangea Net's practice groups continue to play a key role in the network's success and development, proving to be one of the most effective ways of broadening the scope of Pangea Net participation within each member firm.

Practice groups have so far been established for Employment Law, Corporate Transactional Law, and IP & Technology Law. In addition, plans are underway to launch a new practice groups for Sports Law practitioners.

The section below sets out a summary of recent events and developments:

Employment Law practice group

The third meeting of the Employment Law Practice Group was held in early January 2017 in London, hosted by Browne Jacobson.

Although the previous meetings were dominated by case studies, this time it was intended to mainly focus on working on strategies to develop the network further.

To start the discussions, a panel of guests was invited. The guests (Clare Auty of Browne Jacobson (and former in-house counsel at St Andrews Healthcare and Molson Coors); Andrew Scull of 4imprint PLC; and Jana Kley of Otis Elevators) talked about the objectives and expectations that they have regarding the provision of outside legal counsel, especially in an international context. Their presentations gave useful insights on the needs of our clients.

This first part of the meeting was followed by a presentation on the General Data Protection Regulation from Claire McCann, Counsel at Cloisters.

The group then debated the commoditisation initiative proposed by Ray Silverstein. The main goal of the initiative is to develop products that could be offered to interested foreign clients considering an investment in a country of the network. It was therefore discussed between the attendees what questions could be important for such a client.

As a result of the discussions, a first draft was established and circulated by Ray Silverstein and his team regarding the services that could be rendered by Browne Jacobson to help an international client in this matter. All other members of the group were invited to produce similar products which will at a later stage accessible on the employment section of the Pangea Net website.

The meeting was completed by two sessions regarding the potential effect of Brexit on UK employment law and questions of immigration especially with regards to Brexit.

Browne Jacobson's team did an excellent job in organising this meeting which was a success for all attending members. Andreas Ueltzhöffer and Petra Kutkova from UEPA then proposed to host the next meeting in Prague in autumn 2017.

Update provided by: Uwe Augustin (Wenner)



IP and Technology Practice Group

The Pangea Net IP and Technology Law Practice Group had its second meeting in Dublin, Ireland on 7 November 2016. Hosted by DFMG Solicitors (Dublin), a variety of topics were discussed. Bonita Trimmer (Browne Jacobson) spoke about Brexit and its implications for IP. Patricia McGovern (DFMG Solicitors) then took the attendees through the issues relating to Data Transfer. Anthony Nagle (Browne Jacobson) took us up to lunchtime when he spoke about the key issues in cross-border IT contracts.

After lunch Delia Belciu (Stratulat Albulescu) spoke about the changes to the European Union Trade Mark and we finished off the meeting with Barbara Kuchar taking us through trade secrets.

Dinner was held at Darwins restaurant in Dublin.

Update provided by: Bonita Trimmer (Browne Jacobson)

Corporate Law Practice Group

The Corporate Law Practice Group held its second meeting at KWR's offices in Austria in March this year. Representatives attended from 12 different jurisdictions (Austria, Belgium, Czech Republic, England, France, Germany, Ireland, Italy, Poland, Spain, Turkey and USA).

The agenda for the meeting started with brief presentations from a number of firms attending. These presentations covered some of the types of work they are doing with an international transactional focus but also highlighted a number of potential mutual opportunities. It was apparent from these presentations that there were already some good examples of the network working successfully from a corporate finance perspective with both referrals and joint working on deals happening.

KWR managed to secure an external speaker being Inga Friederichs the head of W&I insurance at Zurich Insurance for Germany, Switzerland and Austria which was a real highlight of the event. Inga gave an interactive presentation on the usage of W&I insurance in corporate transactions with a global focus. It was clear from her presentation that in the transactional mid-market there was a significant and increasing use of these products which was likely to impact on a growing number of deals in the future. For those who were unable to attend the event the slides have been circulated to the wider corporate network.

The presentation by Inga was followed by a presentation by Browne Jacobson on Brexit and its potential implications on corporate transactions. It was clear that there a number of potential significant impacts for cross border mergers arising from Brexit and that from these there would undoubtedly be risks but also opportunities for businesses and the network member firms. These slides have also been circulated to participating members.

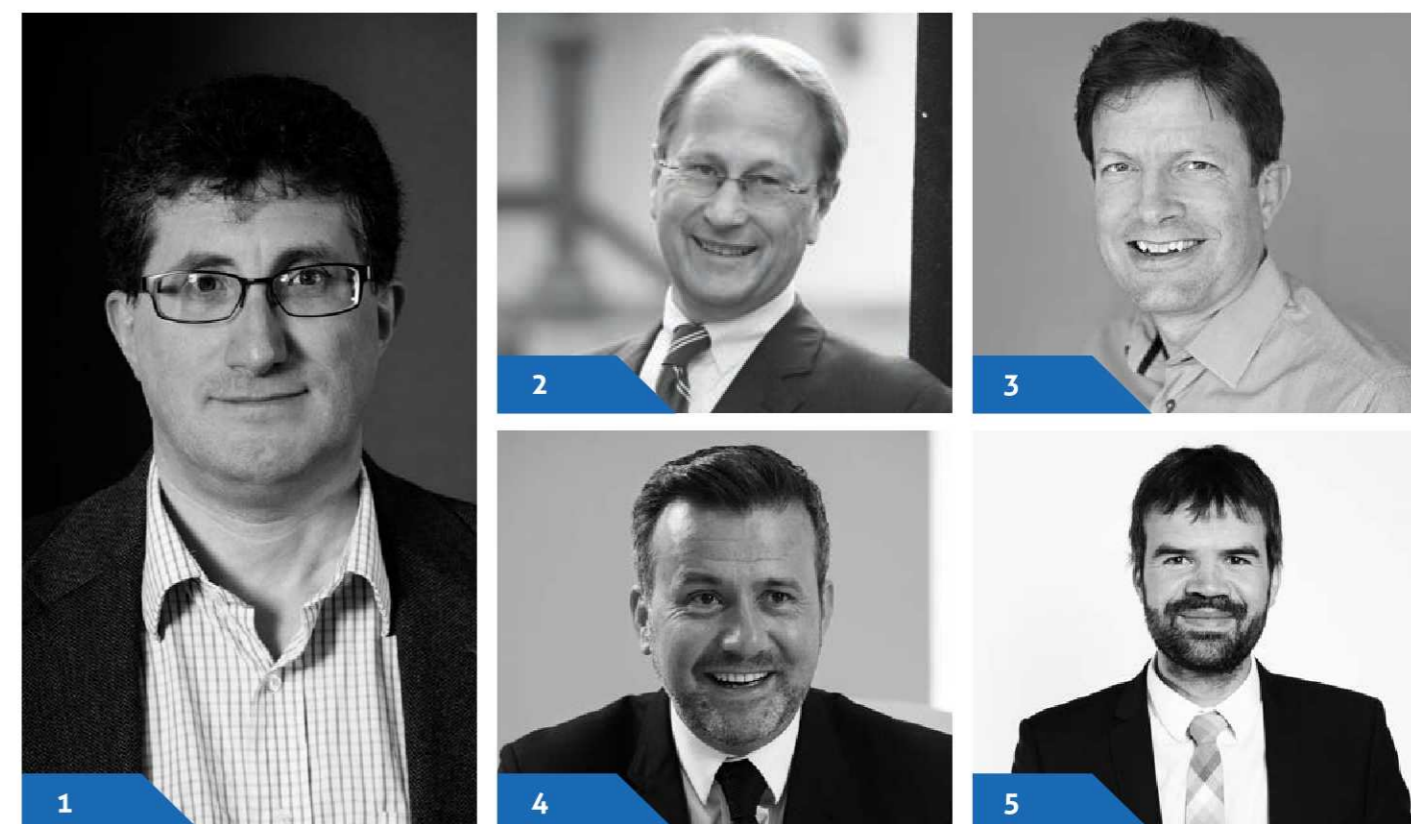
Before the meeting closed the delegates discussed how corporate lawyers across the member firms can work better together to maximise the opportunities that will continue to enhance the services which the network can provide. This has given rise to a number of action points (including the production of a corporate transactional brochure highlighting the advantages the network can offer in this area) which will be actioned in the coming months.

Update provided by: **Richard Cox (Browne Jacobson)**



Meet the Board

Pangea Net's current management team and their respective responsibilities:



- | | |
|--|---|
| <p>1 Peter Guttery (Whiteford, Taylor & Preston, USA)
- Board member and Chairman</p> | <p>4 Declan Cushley (Browne Jacobson, England)
- Board member responsible for Marketing & Communications</p> |
| <p>2 Franz Tepper (BRANDI, Germany)
- Board member responsible for quality and Vice Chair</p> | <p>5 Jens Förderer (Wenner, France)
- Board member responsible for network growth</p> |
| <p>3 Georg Weber (Probst Partner, Switzerland)
- Board member and Treasurer</p> | |



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