

2nd Annual Conference on Commercial Contracts and Alternative Dispute Resolution

Develop Rigorous Strategies to Successful Contract Drafting and Dispute Resolution to Manage Performance and Growth in Business

19th - 20th November 2009
ITC Maratha, Mumbai, India

OUR EMINENT SPEAKERS



Pallavi Shroff
Partner, Amarchand & Mangaldas & Suresh A. Shroff & Co.



Vijayendra Pratap Singh
Partner, Amarchand & Mangaldas & Suresh A. Shroff & Co.



Ritu Bhalla
Partner, Amarchand & Mangaldas & Suresh A. Shroff & Co.



M.R. Prasanna
Group General Counsel, Aditya Birla Group



JLN Murthy
Head Legal & Secretarial, Marico Ltd.



B. Gopal Krishnan
President & Head (Law), Axis Bank Ltd



Ajay Thomas
Registrar LCIA India



Anil Fernandes
Senior VP Legal & Corporate Affairs, Group General Counsel, Network 18



Sriram Panchu
Senior Advocate, Madras High Court.



Yogesh Wadhwa
Attorney, Halliburton India Pvt Ltd



Dr. Sanjeev Gemawat
Vice President, Legal & Secretarial, DLF Commercial Developers Limited



Tejas Karia
Principal Associate, Amarchand & Mangaldas & Suresh A. Shroff & Co.

PLUS

- **Sandeep Kapoor**
Senior Attorney South Asia, Intel Technologies Pvt Ltd.
- **Samuel Mani K.**
Head of Legal, Infosys Technologies Limited
- **Dr. Akhil Prasad**
Director and Head Legal, Fidelity Business Services India Private Limited
- **Arvind Kumar Vij**
Managing Director and Associate General Counsel, Head of Legal, J.P. Morgan Services India Pvt. Ltd

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AGENDA

Day 1 - 19th November 2009

- 08:30 Registration
- 09:15 Chairperson's Opening Remark
- 09:30 The Boundaries of Negotiating & Re-negotiating Contracts
- Relevance of pre-contractual agreements
 - Need for creating a win-win situation
 - Re-negotiating of a concluded contract to sustain tough economic times & other imponderables"
- M.R. Prasanna, Group General Counsel, Aditya Birla Group
- 10:15 Safeguard Your Business: Draft a Master Class Contract
- Revisiting the Contract Act
 - Gaining insight into effective drafting techniques to cater your domestic and international contract needs
 - Understanding varied types and interpretations of contract clauses
 - Addressing the tax and financial issues in both inbound and outbound contracts
 - Integrating flexibility in clauses to leave space for modifications and termination if needed
- Yogesh Wadhwa, Attorney, Halliburton India Pvt Ltd.
- 11:00 Coffee Break
- 11:30 The Road Less Traveled: Alternative Dispute Resolution in India; Challenges and Opportunities
- Understanding how an efficient ADR system is paramount for the successful development of any modern international economy
 - Examining the commercial practicalities and increasing importance of ADR
 - Situations in which commercial arbitrations are being used in India
- JLN Murthy, Head Legal & Secretarial, Marico Ltd.
- 12:15 Examining Evolution of Competition Policy and Law While Promoting, Regulating and Sustaining fair Competition in the Market
- Insight into anti-competitive agreements – overview of the horizontal and vertical agreements, cartels and leniency Regime
 - Understanding the abuse of dominance: what is dominance and market power.
 - Assessing if combinations cause appreciable adverse effect on competition - Knowing the relevance of various factors: do's and don'ts
- Pallavi Shroff, Partner, Amarchand & Mangaldas & Suresh A. Shroff & Co.
- 13:00 Lunch & Networking Break
- 14:00 Know the 4R's – Rights, Risks, Remedies and Recourse: Prevent Your Ship from Disputes on Intellectual Property Infringements
- Understanding the risks – "A man is known by the company he keeps". How to preserve your IPR's in the new tech age
 - Highlighting Rights involved – Why you need to think through the conceptual architecture coherently?
 - Remedies - "The bark should be worse than the bite". Deterrents to perform
 - Examining the recourse – Simple, Hard, Inexpensive and Time bound
- Anil Fernandes, Senior VP Legal & Corporate Affairs, Group General Counsel, Network 18
- 14:45 Product Liabilities Goes Global: Relevant Issues in Cross Border and M & A
- Examining concerns regarding the major jurisdiction issues involved in Cross border and M&A agreements
 - Major clauses to ensure effective agreements
 - Examples of current issues faced within the M&A transactions in India
- Sandeep Kapoor, Senior Attorney South Asia, Intel Technologies Pvt Ltd.
- 15:30 Coffee Break
- 16:00 Managing Breach and Termination of Contracts
- Insight into antecedent contractual obligations to breach of a contract
 - Importance of warranty and indemnity clauses to a contract at the time of breach
 - Commercial pre nuptial- effective termination clauses
 - Types of termination
 - Breach vs. repudiation
 - Settlement of liability without exposure
 - Limitations to early termination
- Samuel Mani K., Head of Legal, Infosys Technologies Limited
- 16:45 Panel Discussion: Examining How Alternative Dispute Resolution in India has Ended Up as an Abject Failure
- Assessing significance of utilizing arbitration procedures during this strenuous economic climate
 - Comparing the approach of Indian and international companies towards arbitration
 - What will reinforce the adoption of arbitration as an effective resolution measure in India
 - Case citations of success and failures
- Panelists:
- JLN Murthy, Head Legal & Secretarial, Marico Ltd
Ajay Thomas, Registrar LCIA India
Ritu Bhalla, Partner, Amarchand & Mangaldas & Suresh A. Shroff & Co.
Ekta V.Kanade, Asst. Vice President – Legal, UTV Global Broadcasting Limited.
- 17:15 Closing Remarks by the Chairperson
- 17:30 End of Day One

AGENDA

Day 2 - 20th November 2009

- 09:15 Chairperson's Opening Remark
- 09:30 An Ounce of Prevention is Worth a Pound of Cure -- Achieving Effective Risk Control Measure to Minimize Legal Exposure and Avoid Disputes
- Knowing your partners by effective due diligence
 - Using business strategies that would ease the possibility of disputes
 - Bridging gaps between legal practices, business frameworks and cultural differences
 - Creating realistic exit strategies to ensure timely and cost effective business continuity
 - Devising escalation mechanisms
 - Most common pitfalls and traps; examining how to avoid being trapped
- Dr. Akhil Prasad**, Director and Head Legal, Fidelity Business Services India Private Limited
- 10:15 Getting Grounded in the Process - Drafting and Negotiating Successful Alternative Dispute Resolution Provisions
- Identifying factors that will encourage organizations to adopt ADR
 - Analyzing various forms of Alternative Dispute Resolution
 - Understanding and documenting strategic negotiation techniques for settlement of disputes
 - Testing and drafting the major dispute resolution clauses
 - Addressing the domestic and international jurisdictional issues
- Ajay Thomas**, Registrar LCIA India
- 11:00 Coffee Break
- 11:30 Dissecting Alternative Dispute Resolution: Examining Mechanisms and Their Implementation
- What are the various techniques at the disposal of corporates
 - Advantages and disadvantages to your business by the use of various alternative mechanisms
 - Would "ADR" be better than "Litigation" – making a situation specific choice
 - Applicability and documentation of these mechanisms
- Dr. Sanjeev Gemawat**, Vice President, Legal & Secretarial, DLF Commercial Developers Limited.
- 12:15 Understanding Dispute Resolution Through a "Different" Lens: Lessons from Most Effective Cross Border Dispute Resolution
- Examining the pros and cons of each situation specific dispute resolution mechanism pertinent to cross border issues
 - How do you proceed if arbitration is your choice
 - How does the choice of litigation, arbitration or mediation affect the business interest and legal rights of your clients
 - The most effective way to respond to litigation or arbitration actions
- B. Gopal Krishnan**, President & Head (Law) ,Axis Bank Ltd.
- 13:00 Lunch & Networking Break
- 14:00 Judicial Intervention under the Arbitration and Conciliation Act, 1996- Lessons on the concept of Party Autonomy
- Learning the Constitution of the Tribunal
 - Gaining insight in Reference to Arbitration in Domestic and International Arbitrations
 - Measure and means to Interim relief
 - Challenge to an award
 - Recognition and Enforcement of foreign awards
 - Report Card on India as an arbitration friendly venue
- Vijayendra Pratap Singh**, Partner, Amarchand & Mangaldas & Suresh A. Shroff & Co.
Tejas Karia, Principal Associate, Amarchand & Mangaldas & Suresh A. Shroff & Co.
- 14:45 Offshore and Multi-Jurisdictional Outsourcing Contracts
- Insight into "offshoring models"
 - Managing outsourcing in the economic downturn
 - Approaches and techniques to restructuring the existing outsourcing contracts
 - Examining the key legal issues around the outsourcing contracts
 - Assessing the global sourcing trends for 2010
- Arvind Kumar Vij**, Managing Director and Associate General Counsel, Head of Legal, J.P. Morgan Services India Pvt. Ltd.
- 15:30 Coffee Break
- 16:00 Deal or No Deal? Real Mediation Case Studies
- The role and power of the mediator
 - Effective strategy when the dispute escalates
 - How it helps in attaining maximum degree of party control
 - How it aids future problem solving in parties
 - Procedural easiness that makes it most likely to be adopted
- Sriram Panchu**, Senior Advocate, Madras High Court.
- 17:00 Closing Remarks by the chairperson
- 17:30 End of Day Two

Registration Form

YES, I would like to register:

2nd Annual Conference on Commercial Contracts and Alternative Dispute Resolution

19th & 20th November 2009, ITC Maratha, Mumbai, India

Standard Price 18,000 INR plus service tax / Person (Including participation fee, course materials, lunch & refreshments)

Early registration 16,200 INR plus service tax / Person (Registration within 48hrs upon receipt of enrolment form)

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Person 2

Family Name			Given Name		
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