

Session Title: Warranty & Indemnity Insurance in M&A Transactions

Date: 15 April 2016

Time: 10.30 am to 12.00 pm

Duration: 90 minutes

Synopsis: The use of Warranty & Indemnity Insurance (WII) in M&A transactions has been increasing but in most parts of Asia, the use of WII is still rare. However, WII can help bridging the gap between seller and buyer by alleviating the task of evaluating the likelihood of a certain risk. Recently, government funds and private equity sellers have discovered WII as a means of avoiding almost any post-closing liability under the purchase agreement and they have started requesting the bidders to accept WII as part of the bidding process.

How does WII work and what kind of risks can and which risks cannot be covered by WII? How do insurance companies approach WII and how does WII influence the negotiations between the seller and the buyer? The aim of the session is to provide insights from seasoned practitioners to give transactional lawyers who are dealing with WII for the first time practical guidance.

Committee: Cross-Border Investment Committee

Moderator: Dr. Florian Joerg (Bratschi Wiederkehr & Buob Ltd, Switzerland)

Speaker: Steven Harwood (Lloyds WII Insurance, Japan), Frederic Ruppert (FR Law, France), Piyasena Perera (Hunton & Williams, Japan), Ali Chaudhry (Jardine Lloyd Thompson Ltd., Hong Kong), Eric Marcks (Southgate, Japan), Rohitashwa Prasad (J.Sagar Associates, India)