

IPBA NEW DELHI 2012

Topic: “Investments in Dynamic Economies in Challenging Time”

Committee: Cross-Border Investment

Description: The session investigated uncertainty in regulations and other challenging circumstances in cross-border investments in the charged economic atmosphere.

The session sought to bridge the gap between reality and rhetoric. As a spring board for discussion, the session relied on comparative case studies of cross border investments in specific industries in certain jurisdictions. Issues, approach and solutions in various jurisdictions were discussed in the context of the case studies presented.

The session concluded with concrete do’s and don’ts for lawyers advising on cross border investment and present useful insights from those who are present and participating.

Topic: “Airline Alliances in The New ERA – The Strategic Planning & Competitive Issue”

Committees: Cross-Border Investment in cooperation with the Committee on Aviation Law

Description: We all hear and see and have been involved in quite a bit of alliances in recent times in particular. Whilst the traditional view is that they are necessary for the older ‘legacy’ lines to survive in a world increasingly driven by low-cost competitions, this is not necessarily true.

The panel took into consideration both sides of this issue, arguing pros and cons. The panel also looked into the practical difficulties associated with doing an alliance, beginning with the planning considerations, both from the strategic as well as the commercial aspect plus regulatory issues, including anti-competitive issues that typically arise in this context.

Topic: “Free Trade Agreements in Asia – What Works & What Does Not?”

Committees: Cross-Border Investment in cooperation with the committees on International Trade & Intellectual Property

Description: This session addressed such issues as trade liberalization, IP protection, or investment disincentives. We have all witnessed the growth of FTAs in the Asia-Pacific region; there are more of them and they cover more issues. Through the lens of investment, IPR, and trade, this session considered whether the proliferation of FTAs is a good thing or not - do the benefits outweigh the costs for international business?

Topic: “Legal Trends, Thoughts & Times – Recent Issues with Cross-Border Franchising”

Committees: Cross-Border Investment, in cooperation with the **Committee on Tax Law**

Description: Franchising is one of the fastest ways of entering markets. Drawing examples from the largest privately owned healthy food organization, the various presenters from the tax committee, the IP committee and the Cross-Border Investment committee discussed issues such as: the qualifications of the payments made under a franchise agreement (royalty or participation in e.g. advertising programs), conditions applying in many Asian countries to non-resident franchisors (China PRC expects a franchisor to actually own outlets, while this is contrary to the Franchise concept), restrictions on banking transactions (franchisors prefer a direct debit system which is not available yet in many countries, certainly if there is no on-shore presence).