



30 OCTOBER - 4 NOVEMBER 2011

DUBAI

INTERNATIONAL BAR ASSOCIATION ANNUAL CONFERENCE



the global voice of
the legal profession®



Final programme

OFFICIAL CORPORATE SUPPORTERS



Working sessions

PLEASE NOTE THAT THE WORKING SESSIONS ARE IN DAY AND TIME ORDER, ALPHABETICALLY BY SESSION TITLE

Monday 0830 - 0930

National rapporteurs breakfast meeting

Presented by the Taxes Committee.

All national rapporteurs are invited to attend a breakfast meeting on Monday morning in order to meet each other, the Co-Chairs of their sessions and some of the Taxes Committee Officers.

AL WASL PRESS ROOM, GROUND FLOOR

Monday 0930 - 1230

A new order for the protection of traditional knowledge, genetic resources and folklore

Presented by the African Regional Forum.

Session Chair

Ashwin Trikamjee *Garlicke & Bousefield, Umhlanga, South Africa; Chair, African Regional Forum*

Africa is endowed with diverse and rich forms of traditional knowledge, genetic resources and folklore. The challenge confronting African states is how to establish appropriate regimes to protect these abundant and economically valuable resources from misappropriation while ensuring the benefits from exploitation are shared in an equitable manner. The session will discuss the benefits of protecting and commercialising traditional knowledge, genetic resources and folklore and examine the challenges and critical issues that have to be addressed. The panel will also discuss global and regional initiatives such as the World Intellectual Property Organization's Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) and the African Regional Intellectual Property Organization's Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore.

Speakers

Emmanuel Kofi Sackey *African Regional Intellectual Property Organization, Harare, Zimbabwe*

Edward Kwakwa *World Intellectual Property Organization (WIPO), Geneva, Switzerland*

Bankole Sodipo *GO Sodipo & Co, Lagos, Nigeria*

SHEIKH MAKTOUM HALL D, GROUND FLOOR

As tears go by: the impact of fundamental changes on long-term contracts

Presented by the International Construction Projects Committee.

Session Chair

Bruce Reynolds *Borden Ladner Gervais, Toronto, Ontario, Canada; Co-Chair, Project Execution Subcommittee*

Many construction industry and infrastructure contracts extend for periods upwards of 30 years, and their pricing mechanisms are based upon financial models with multiple assumptions. Post-GFC, there are those who believe that it is impossible to reliably predict financial and other conditions beyond a long-stop date of a decade.

This session will consider the potential impact on these types of contractual relationships of unanticipated changes that have the effect of undermining baseline financial modelling assumptions, and in some cases potentially undermining the entire relationship. These will include changes in technology, changes in scope of services, and changes in the economic balance. These issues will be considered from both a civil law and a common law perspective.

Speakers

Helmut Johannsen *Fasken Martineau DuMoulin, Vancouver, British Columbia, Canada*

Chris Seppala *White & Case, Paris, France*

Andrew Stephenson *Clayton Utz, Melbourne, Victoria, Australia; Vice-Chair, Project Execution Subcommittee*

Cecilia Vidigal *Motta Fernandes Rocha Advogados, São Paulo, Brazil; Vice-Chair, Project Execution Subcommittee*

UMM AL QWAIN, SECOND FLOOR

Breaking the mould: changing the delivery model for legal services

Joint session with the Law Firm Management Committee and the Multidisciplinary Practices Committee.

Session Co-Chairs

Robert Millard *Linklaters, London, England*

Pieter Tubbergen *Schaap & Partners, Rotterdam, the Netherlands; Chair, Government Procurement Subcommittee; Vice-Chair, Multidisciplinary Practices Committee*

All around the world, the delivery models used by the legal profession and by others in the legal services sector are changing. The demand for change is fuelled by the global economic climate and is coming from all directions: governments and regulators; consumers of legal services; sophisticated clients; advancing technology; as well as from lawyers who see opportunities to gain commercial and competitive advantage through meeting client demand in a different way.

Not all of the models facilitate (or require) a multidisciplinary approach but statutory intervention in several countries (most recently the UK) has introduced radical possibilities, including external investment in law businesses. The American Bar Association is considering its position on multidisciplinary practices as part of the work of its 'Commission on Ethics 20/20'.

This session will explore the latest, mould-breaking changes in the organisation of legal practice in different jurisdictions, as well as providing the annual opportunity for updates, views and experience from around the world to enrich the debate in jurisdictions where MDPs are not permitted and to assist their effective operation where they are.

Speakers

Armen Khachaturyan *Asters Law, Kiev, Ukraine*

Moray McLaren *Iberian Legal Group, Madrid, Spain*

Jorge Nemr *Leite Tosto e Barros Advogados, São Paulo, Brazil; Secretary, Business Crime Committee*

Mieke Olaerts *Maastricht University, Maastricht, the Netherlands*

Charles Plant *Solicitors Regulation Authority, Redditch, England*

Deepa Vallabh *Webber Wentzel, Marshalltown, South Africa*

EXHIBITION HALL 5, GROUND FLOOR

Environmental impacts of rapid industrial development

Joint session with the Environment, Health and Safety Law Committee and the Water Law Committee.

Session Co-Chairs

Mirella Lechna *Wardynski & Partners, Warsaw, Poland; Vice-Chair, Water Law Committee*

Dr Claus-Peter Martens LLM *ROLEMA, Berlin, Germany; Council Member, Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL)*

The industrial development of the 'old world' in the past two centuries has shown that rapid industrial development very often results in severe environmental damage. Nowadays it is the new world, in particular the so-called BRIC States, whose economies develop with immense speed. Thus, high demand for all media is experienced. This includes consumption of space, air and water with the – very often – negative consequences that were experienced in the old world, in particular in the past 50 years. This rapid industrial development comes with massive extraction of natural resources, such as fossil fuels, minerals and rare earths as well as excessive use of water for production purposes and the generation of electricity. In this context, the panel will discuss lessons to be learned from large projects, such as hydropower plants on the Yellow River in China and the Aswan Dam. Effects on large reservoirs of water such as the Aral Sea will also be addressed.

Panellists

Héctor Herrera *Herrera Ordoñez Abogados SC, Mexico City, Mexico*

Glen McLeod *Minter Ellison, Perth, Western Australia, Australia; Vice-Chair, Environment, Health and Safety Law Committee*

Gunita Pahwa *Singh & Associates, New Delhi, India*

Mark Preece *Regulation and Supervision Bureau, Abu Dhabi, UAE*

Michael Webb *Hadef & Partners, Abu Dhabi, UAE*

DUBAI D, FIRST FLOOR

Fundraising for family and private businesses in the Middle East

Joint session with the Arab Regional Forum and the Closely Held and Growing Business Enterprises Committee.

Session Co-Chairs

Sadiq Jafar *Hadef & Partners, Dubai, UAE; Vice-Chair, Arab Regional Forum*

Valerie Ong *Rodyk & Davidson, Singapore; Membership Officer, Closely Held and Growing Business Enterprises Committee*

Family and private businesses all over the world have their own special issues. This is particularly so in the Middle East, where there are both important cultural and succession (Sharia) planning issues and legal and regulatory issues that drive commercial transactional structures. Although the Middle East houses some of the world's wealthiest families and businesses, growth and expansion of businesses require capital. The panel will give an overview of the landscape of family and private businesses typically operating in the Middle East and the key fundraising avenues open to them; discuss issues such as the impact of the central role of the patriarch on family ownership and management, local ownership restrictions on trading entities, land issues, licensing requirements, taxation and corporate structures peculiar to the Middle East countries; and share the experiences of specialised business advisers who advise family offices in the United Arab Emirates.

Speakers

Luis Fernando Gonzalez Nieves *Solórzano Carvajal González y Pérez-Correa, Mexico City, Mexico; Secretary-Treasurer, Closely Held and Growing Business Enterprises Committee*

Martin E Kovnats *Aird & Berlis, Toronto, Ontario, Canada*

Hamad Majed Al Ghurair *Abdulla & Hamad Al Ghurair Investment, Dubai, UAE*

Ludmila Yamalova *HPL Yamalova & Plewka JLT, Dubai, UAE*

SHEIKH MAKTOUM HALL A, GROUND FLOOR

Hot topics for international sales, international franchising and product law and advertising

Presented by the International Sales, Franchising and Product Law Section.

Session Co-Chairs

Marco Hero *TIGGES Rechtsanwälte, Munich, Germany; Senior Vice-Chair, International Franchising Committee*

Colin Loveday *Clayton Utz, Sydney, New South Wales, Australia; Chair, Product Law and Advertising Committee*

Sönke Lund *Monereo Meyer & Marinel-Io Abogados, Barcelona, Spain; Vice-Chair, International Sales Committee*

International sales, international franchising and product law and advertising are experiencing evolutionary changes that will continually affect the core of daily legal practice. These changes require periodical re-examination of current approaches to both clients' and lawyers' businesses. This discussion-based session, hosted by the three committees, will highlight recent developments using experienced practitioners to lead a discussion on relevant law and practice. Participants will move from one table to another, covering a number of hot topics of current interest and, in the process, actively discussing issues with other participants and the moderators. Each moderator will have prepared for discussion issues arising from a topic of international significance.

The topics to be discussed are:

- retention of title – after sales security interests;
- letters of credit, UCP, Incoterms – creditor's remedies on the horizon;
- dispute resolution clauses in international sales contracts – choice of law in CISG convention countries, common and civil law jurisdictions;
- franchising v distribution – the winner takes it all;
- post-termination – compensation v enforcing franchisor's rights;
- how to deal with underperforming master franchisees;
- private equity investment in franchising;
- behavioural advertising and privacy in the internet; and
- comparative advertising.

Speakers

Julio Batista *Guerra Batista Associados Ltd, São Paulo, Brazil*

Silvio Bortolotti *Buffa Bortolotti & Mathis, Turin, Italy*

Jan Dreyer *Dabelstein & Passehl Rechtsanwälte, Hamburg, Germany; Senior Vice-Chair, Maritime and Transport Law Committee*

Gunter Erdmann *Schlarmann von Geysso, Hamburg, Germany*

Anders Fernlund *Advokatfirman Nova, Stockholm, Sweden*

Cynthia G Fischer *Schnader Harrison Segal & Lewis, New York, USA*

Gregory L Fowler *Shook Hardy & Bacon, Kansas City, Missouri, USA; Vice-Chair, Product Law and Advertising Committee*

Aldo Frignani *Frignani e Associati Studio Legale, Turin, Italy*

Christie Helmer *Miller Nash, Portland, Oregon, USA; Chair, Agency Distribution Agreements Subcommittee*

Sakate Khaitan *Clasis Law, Mumbai, India*

Harry Liu *King & Wood, Shanghai, China*

Marina Palomba *McCann Worldgroup, London, England; Corporate Counsel Forum Liaison Officer, Product Law and Advertising Committee*

Fredrik Roos *Setterwalls, Gothenburg, Sweden; Website Officer, Product Law and Advertising Committee*

Gérard Sautereau *Henry Sautereau & Associes, Paris, France*

Wayne Steinberg *General Counsel WSI Canada, Mississauga, Ontario, Canada*

Barbara Helene Steindl *Brauneis Klauser Prändl Rechtsanwälte, Vienna, Austria; Chair, Vienna Convention Subcommittee*

DUBAI C, FIRST FLOOR

IBAHRI SHOWCASE: Human rights – are they still relevant?

Presented by the Human Rights Institute, the Discrimination Law Committee and the Human Rights Law Committee. See page 55 for details.

DIAMOND, NOVOTEL WORLD TRADE CENTRE – DUBAI

Islamic securities and structured products: new products or a new paradigms?

Presented by the Securities Law Committee.

Session Chair

Dean Naumowicz Norton Rose, London, England; Chair, Public Company Practice and Regulation Subcommittee

Islamic securities and structured products have been held up as an alternative to conventional financing techniques. Such claims, and the products themselves, have been closely scrutinised recently in light of market events. This session will consider issues relevant to such products, including:

- key structural differences between conventional and Islamic products and their consequences on the parties to a structure;
- the enforcement of Islamic structured products, including the effect of conflicting governing law provisions. In particular, the lessons learnt from the Dubai World restructuring, including the resulting concerns of sukuk holders in respect of their rights will be explored; and
- hedging strategies that have been developed in the market, the asset coverage of such strategies and the impact the Tahawwut Master Agreement (the standard form document) has had on such strategies.

Speakers

Peter Casey Dubai Financial Services Authority, Dubai, UAE

Neil D Miller KPMG, Dubai, UAE

Mussassir Siddiqui SNR Denton & Co, Dubai, UAE

John H Vogel Patton Boggs, Washington DC, USA

Sirajulhaq (Hilal) Yasini HSBC Amanah, Dubai, UAE

SHEIKH RASHID HALL E, GROUND FLOOR

Issues in operating leasing

Presented by the Aviation Law Committee.

Session Chair

James D Tussing Fulbright & Jaworski, New York, USA; Vice-Chair, Aviation Law Committee

This session will address important issues in operating leasing, such as the role of equity funds in financing operating leasing companies, debt and equity offerings by leasing companies, bank facilities, securitisations, managing an operating lease portfolio and structuring joint venture leasing companies.

Speakers

Nick Chandler SNR Denton, London, England

Emma Giddings Norton Rose, Abu Dhabi, UAE

Will McCallum Vice-President, Legal, Pembroke Group Limited, Standard Chartered Bank, Dublin, Ireland

Gerard Melling General Manager and SVP Legal, Mitsui Bussan Aerospace Corporation, Long Beach, California, USA

Brenda Nichols Senior Lawyer, Engine Lease Finance, Shannon, Ireland

EXHIBITION HALL 6, GROUND FLOOR

Legal issues involving minority investments

Joint session with the Antitrust Committee and the Corporate and M&A Law Committee.

Session Co-Chairs

Janet L McDavid Hogan Lovells US, Washington DC, USA; Publications Officer, Antitrust Committee

Geert Raaijmakers NautaDutilh, Amsterdam, the Netherlands; Newsletter Editor, Corporate and M&A Law Committee

This panel will address the broad range of legal issues raised by minority ownership interests, including corporate governance, antitrust and securities law issues.

Speakers

Martin Brodey Dorda Brugger Jordis, Vienna, Austria

Amisha Dajee Galadari & Associates, Dubai, UAE

Carles Esteve Mosso Director, Competition Policy and Strategy, European Commission, Brussels, Belgium

Kenneth L Glazer K&L Gates, Washington DC, USA

Andrew Thompson Cravath Swaine & Moore, New York, USA

John Williamson-Noble Gilbert + Tobin, Sydney, New South Wales, Australia

ABU DHABI A, FIRST FLOOR

Negotiating legal opinions: how far should lawyers go?

Presented by the Banking Law Committee.

Session Co-Chairs

David Dali Liu Jun He Law Offices, Shanghai, China; Vice-Chair, Legal Opinions Subcommittee

Hannes Vallikivi Tark Grunte Sutkiene, Tallinn, Estonia; Chair, Legal Opinions Subcommittee

The session will deal with questions on how to respond to client expectations regarding the content of legal opinions and how far lawyers should go to understand the circumstances in which clients use their opinions. Part of the session is dedicated to recent developments in legal opinions practice.

Speakers

Michael Kutschera Binder Grösswang Rechtsanwälte GmbH, Vienna, Austria; Council Member, IBA Council

Timothy E Powers Haynes and Boone, Dallas, Texas, USA

SHEIKH MAKTOUM HALL C, GROUND FLOOR

New developments and legal issues in offshore shipping contracts

Joint session with the Maritime and Transport Law Committee and the Oil and Gas Law Committee.

Session Chair

Godofredo Mendes Vianna Law Offices Carl Kincaid, Rio de Janeiro, Brazil

This session will discuss the charter and operational contracts executed by oil majors and ship and rig owners, including the Supplytime, Heavycon and customised contractual structures. Included in the discussion will be consideration of the main contractual challenges and pitfalls when drafting such contracts and the most common areas of dispute arising from them. Indemnity clauses (included the 'knock for knock' clause), contractual rebalance, late delivery situations, frustration of charter contracts, insurance coverage implications and other interesting aspects of offshore shipping contracts will be addressed by the panel.

Speakers

Erika Chumaceiro *Clyde & Co, Caracas, Venezuela*
Fernando Escamilla *Garza Tello & Asociados, Mexico City, Mexico*
Fabien Lerede *Standard Protection and Indemnity Club – London, London, England*
Erik Linnarsson *Advokatfirman Lindahl, Stockholm, Sweden*
Jonathan Lux *Ince & Co, London, England*

AJMAN D, FIRST FLOOR

Round the tables – breakfast and a taste of hot topics in the Intellectual Property, Communications and Technology Section

Presented by the Intellectual Property, Communications and Technology Section.

Session Co-Chairs

Bill Bunker *Knobbe Martens, Irvine, California, USA; Vice-Chair, Intellectual Property and Entertainment Law Committee*
Erik Valgaeren *Stibbe, Brussels, Belgium; Vice-Chair, Technology Law Committee*

This always very dynamic and well-attended session enables you to select from a menu of hot topics in the IP, communications, media and technology sectors and participate in roundtable discussions. The format is interactive networking and topics are selected to be of current interest and likely to stimulate a lively debate. Moderators on each table introduce the table topic and the participants do the rest. Background knowledge or experience within areas for discussion is not required. You will have the opportunity to discuss three or four topics: at scheduled turnover times the participants move around the tables to the next topic of their choosing.

Our menu will include tasters for some of the section's sessions later in the week, as well as 'late breaking' topics. The session topics in Dubai will include a premium selection of the latest developments in intellectual property law, internet law and mobile technologies (including WikiLeaks, Google and Twitter), technology contracting and dispute resolution, arts law and space tourism. Discussion is usually around the interface of law, business and technology, with a global focus.

Some novelties will make this year's session even more attractive: participants may volunteer to act as table topic 'rapporteur'. Rapporteurs will be invited to draw up a brief note on the issues discussed at their table and their combined notes will be published in our leading legal periodical *Convergence*. In addition, a 'degustation' breakfast buffet will be hosted in the room so that no time is wasted for those who want to boost their energy levels prior to or during the session.

The session will provide you with a great opportunity to meet many other lawyers and to discuss topics of mutual interest with them: don't forget your business cards. We welcome new participants in these discussions. Through our 'tasters' for the section's sessions, we assist you in planning possible participation in these sessions and the social activities of the section's committees throughout the week in Dubai and beyond. We will also be soliciting your views about your areas of interest and other suggestions, to enable the section to programme future activities accordingly.

Topics will include:

Patent auctions, trolls and aggressive licensing – the monetisation of patents

Brian Gray *Norton Rose OR, Toronto, Ontario, Canada*
Massimo Sterpi *Studio Legale Jacobacci Sterpi Francetti Regoli de Haas & Associati, Rome, Italy; Chair, Art, Cultural Institutions and Heritage Law Committee*

Football fixtures, photo libraries and databases – are their rights in compilations?

Peter Brownlow *Bird & Bird, London, England*
Claire Keeley *Corbis, Seattle, Washington, USA; Corporate Counsel Forum Liaison Officer, Intellectual Property and Entertainment Law Committee*

Simultaneous release of new films in cinemas and homes: a new business model

Thomas Garvin *Thomas F R Garvin PC, Beverly Hills, California, USA*

Mobile marketplaces and mobile commerce – challenges ahead

Diane Mullenex *Ichay & Mullenex Associés, Paris, France; Vice-Chair, Communications Law Committee*
Martin Schirmbacher *Härting Rechtsanwälte, Berlin, Germany; Chair, Intrusive Technologies Subcommittee*

Location-based services, web tracking and digital advertising – the privacy paradigm

André de Almeida *Almeida Advogados, São Paulo, Brazil; Chair, Emerging Technologies Subcommittee*
Clara-Ann Gordon *Pestalozzi, Zurich, Switzerland; Associations and Committees Liaison Officer, Technology Law Committee*

WikiLeaks, Twitter and social media – freedom of speech and freedom of the internet – are the courts getting it?

Simone Lahogue Nunes *Levy & Salomão Advogados, Rio de Janeiro, Brazil; Chair, Disputes and Rights Subcommittee*
Mark Stephens *Finers Stephens Innocent, London, England; Vice-Chair, Art, Cultural Institutions and Heritage Law Committee; Council Member, Human Rights Institute, and former counsel to Julian Assange*

Recent developments in search engine law – are we all on the same page?

Sidika Baysal Hatipoglu *B&B Law Office, Istanbul, Turkey; Chair, Internet Business Subcommittee*
Daniela De Pasquale *La Scala & Associati – Studio Legale e Tributario, Milan, Italy; Scholarship and Young Members Officer, Technology Law Committee*

Best practices in technology contracting – value for money

Christopher Rees *Herbert Smith, London, England; Council Member, Legal Practice Division*

Litigating technology cases – are the courts getting it?

Karin Grauers *Advokatfirman Vinge KB, Stockholm, Sweden*
Clive Thorne *Reynolds Porter Chamberlain, London, England; Secretary-Treasurer, Technology Law Committee*

Tourism in space and insurance: a snapshot of legal issues

Karl Eisermann *European Space Agency, Paris, France; Chair, Space Law Committee*
Rachel Yates *Holland & Hart, Englewood, Colorado, USA; Vice-Chair, Space Law Committee*

SHEIKH RASHID HALL B, GROUND FLOOR

Show me the money, honey

Presented by the Family Law Committee.

Session Chair

Jaqueline Julyan SC *The Durban Bar and London Bar, Durban, South Africa; Chair, Family Law Committee*

Many lawyers will have had experience of trying to establish the existence of assets, or obtain production of documents in a foreign country. This is a frequently encountered problem with the increasing mobility of the world's population and has consequences for to-be-married parties, married persons, divorcing spouses, domestic partners and family members. Many lawyers will have experienced frustration in trying to discover assets and/or obtain documents in foreign jurisdictions.

The session will focus on the various processes available for asset discovery and legal discovery, in the context of litigation and enforcement, with a particular focus on the obstacles and time delays that may be encountered. The consequences of self-help will also be considered. With a multijurisdictional focus, the session will provide insight and answers to commonly and uncommonly encountered problems.

Speakers

Adenike Akinpelu *Solicitor General, Ilorin, Nigeria*

Mark Harper *Withers, London, England*

Ranjit Malhotra *Malhotra & Malhotra Associates, Chandigarh, India; Newsletter Editor, Family Law Committee*

Tina Wuestemann *Bär and Karrer AG, Zurich, Switzerland*

RAS AL KHAIMAH, SECOND FLOOR

Successful models for cross-border legal practice: the economics of law firms after the recession

Joint session with the European Regional Forum and the Law Firm Management Committee.

Session Co-Chairs

Stephen Denyer *Allen & Overy, Frankfurt, Germany; Chair, Law Firm Management Committee*

Rolandas Valiunas *LAWIN, Vilnius, Lithuania*

Many people think we are witnessing a recovery in the market for legal services. However, it is clear that competition increased during the recession and is continuing in a very drastic form. Law firms need to reconsider their strategies in this shrinking world. What model to pursue further? How could multinational and regional/national firms benefit from each other and work together constructively? How do large firms select specialist or regional firms for local work and vice versa? How can a regional/national firm achieve the best business relationship with a multinational one? How to overcome the cultural differences between the firms working for the same client or opposing clients in different jurisdictions and remain 'friends'? How to deal with pricing issues when one firm subcontracts to another and get the best deal for the client? How can smaller firms succeed in a panel pitch process organised by larger firms on behalf of a multinational client?

Speakers

Dimitry Afanasiev *Law Office Egorov Puginy Afanasiev & Partners, Moscow, Russian Federation*

Pervez Akhtar *Freshfields Bruckhaus Deringer, Dubai, UAE*

Jan Dernestam *Mannheimer Swartling, Stockholm, Sweden*

Graham Lovett *Clifford Chance, Dubai, UAE*

Hugh Verrier *White & Case, New York, USA*

Tomasz Wardyński *Wardyński & Partners, Warsaw, Poland*

Pam Webster *Webster Dyrud Mitchell, Anguilla, British West Indies*

Tony Williams *Jomati Consultants, London, England*

SHEIKH RASHID HALL A, GROUND FLOOR

Tax lawyers in the game and on stage: tax planning for athletes, sports leagues, entertainers and related persons

Presented by the Taxation Section.

Session Co-Chairs

Stuart Hutchinson *Simpson Grierson, Auckland, New Zealand*

Rashad Wareh *Kozusko Harris Vetter Wareh, New York, USA; Website Officer, Individual Tax and Private Client Committee*

This topic will deal with the special problems arising from the taxation of athletes, sports leagues, entertainers and related persons. Article 17 of the Model OECD Treaty and anti-abuse rules will be addressed. The panel will consider criteria for classification of professionals as athletes and entertainers. (Is the caddy a golf pro?) The panel will address the utility of using corporations to employ athletes and entertainers; the practical, procedural and substantive aspects of dealing with taxes collected through withholding; and the various exceptions and exemptions designed to stimulate the international exchange of athletes and artists.

In addition, the panel will discuss wealth transfer and other estate planning issues for athletes, including the use of trusts and other structures for privacy, asset protection, wealth transfer, pre-immigration planning and as a 'family bank'. The panel will address issues of residency and pre-immigration planning raised by the frequent moves of athletes. The panel will also explore ways to protect athletes and their families against threats (such as fraud, divorce claims, death and injury), and means to transfer licensing and other intellectual property rights to athletes' families.

Speakers

Bernadette Accili *Paul Hastings, Milan, Italy*

Fred Feingold *Feingold & Alpert, New York, USA*

Patrick Grafton Green *Michael Simkins, London, England*

Dick Molenaar *All Arts Tax Advisers, Rotterdam, the Netherlands*

Diego Rodriguez *Garrigues, Barcelona, Spain*

SHARJAH D, FIRST FLOOR

The art and science of persuasion – Part II

Presented by the Dispute Resolution Section.

Session Co-Chairs

José Astigarraga *Astigarraga Davis, Miami, Florida, USA; Vice-Chair, North American Regional Forum*

Florian Kremslehner *Dorda Brugger Jordis, Vienna, Austria; Senior Vice-Chair, Litigation Committee*

Whether it is in a negotiation, a mediation, an arbitration or a courtroom, the ability to persuade is a required skill for any lawyer involved in dispute resolution. But what does it take to 'persuade'? How does an international lawyer cause an arbitrator, judge, businessperson or other lawyer willingly to reach the desired conclusion?

In one of the most well-received programmes at last year's annual conference in Vancouver, we explored a multitude of factors that influence the decision-making process including cognitive biases such as anchoring, attribution error and hindsight. The panellists showed how differences in legal and social culture affect the ability to persuade.

All these factors can hinder or help a lawyer to achieve the desired outcome. It is not enough, though, simply to recognise that such factors exist. How does an international lawyer use those factors ethically in the course of attempting to persuade? How does a lawyer defend against the use of such factors? While the Vancouver programme explored the science of decision-making, this second half will look at the art of persuasion, focusing on practices and techniques that lawyers can apply in practice to steer the decision-making process to the desired results.

Speakers

Cecil Abraham *Zul Rafique & Partners, Kuala Lumpur, Malaysia*

Manuel Conthe *Bird & Bird, Madrid, Spain*

Gabrielle Kaufmann-Kohler *Lévy Kaufmann-Kohler, Geneva, Switzerland*

Sophie Nappert *3 Verulam Buildings, London, England*

Philippe Pinsolle *Shearman & Sterling, Paris, France*

David W Rivkin *Debevoise & Plimpton, New York, USA; Secretary-General, International Bar Association*

SHEIKH MAKTOUM HALL B, GROUND FLOOR

The promise and perils of global outsourcing: old wine in new bottles?

Joint session with the BIC International Trade in Legal Services Committee (formerly WTO Working Group), the Law Firm Management Committee and the Professional Ethics Committee.

Session Co-Chairs

Stephen Revell *Freshfields Bruckhaus Deringer, London, England; Chair, Anti-Money Laundering Legislation Implementation Working Group*

Steven Richman *Duane Morris, Hamilton, New Jersey, USA; Senior Vice-Chair, International Sales Committee; Vice-Chair, Professional Ethics Committee*

This is the first of a two-part look at outsourcing from different angles. This session will examine the ethical and regulatory aspects; the second session ('Rethinking the law firm II: outsourcing of legal services' – Tuesday 0930 – 1230) will look at the benefits and challenges from the law firm and client perspective.

For decades, law firms and private companies have engaged independent sources for the performance of law-related work. In most cases, it went under other names. However, in the past several years outsourcing has expanded into the legal services sector to the extent of becoming a worldwide phenomenon, prompting the issuance of ethics opinions and growing into a multi-billion dollar business. While often seen as limited to English-speaking countries for the principal players – for instance, the US and India – legal outsourcing, in reality, transcends national boundaries and affects civil law as well as common law countries, in both developed and developing worlds. This programme explores the practical, legal and ethical aspects of outsourcing.

Specific topics to be addressed include:

- Defining outsourcing, an overview of the outsourcing phenomenon, including some economics and statistics, and a review of the types of work being outsourced.
- Ethical and regulatory responsibilities of the outsourcing and outsourced lawyers.
- Additional ethical and regulatory issues: supervision privilege, practising law without a licence; survey of ethics opinions.

Speakers

Hans-Jürgen Hellwig *Hengeler Mueller, Frankfurt, Germany; Chair, BIC International Trade in Legal Services Committee*

Vikramaditya Khanna *University of Michigan Law School, Ann Arbor, Michigan, USA*

Zia Mody *AZB & Partners, Mumbai, India*

Antony Townsend *Solicitors Regulation Authority, Redditch, England*

EMERALD/PEARL/ONYX,
NOVOTEL WORLD TRADE CENTRE – DUBAI

The rise of multiculturalism and resulting challenges of managing diversity in the workplace

Joint session with the Discrimination Law Committee and the Employment and Industrial Relations Law Committee.

Session Chair

Regina Glaser *Heuking Kühn Lüer Wojtek, Düsseldorf, Germany; Corporate Counsel Forum Liaison Officer, Discrimination Law Committee*

Immigration and globalisation has led, on the one hand, to increasingly diverse religious and cultural practices in secular countries, and, on the other hand, to the importation of equality principles to jurisdictions that follow religious law. This session will examine the challenges that employers face in seeking to accommodate multiculturalism in the workplace, including:

- How far must employers go in accommodating religious and cultural practices and differences?
- How can employers resolve conflicts between equality principles (eg gender, race or sexual orientation) and accommodation of religious beliefs?
- How do these issues impact multinational employers and mobile employees?

Moderators

Antony Hyams-Parish *Rawlison Butler, London, England; Membership Officer, Discrimination Law Committee*

Johan Lubbe *Little Mendelson PC, New York, USA; Secretary, Employment and Industrial Relations Law Committee*

Dr Gerlind Wiskirchen *CMS Hasche Sigle, Cologne, Germany; Senior Vice-Chair, Employment and Industrial Relations Law Committee*

Speakers

María Alexia Aurelio *Aresco, Buenos Aires, Argentina*

Dr Nimer Basbous *HSBC Bank Middle East Limited, Dubai, UAE*

Cherie Booth QC *The Blair Partnership, London, England; Senior Vice-Chair, Discrimination Law Committee*

Marianne Granhøj *Kromann Reumert, Copenhagen, Denmark*

Pascale Lagesse *Bredin Prat, Paris, France; Chair, Employment and Industrial Relations Law Committee*

Ueli Sommer *Walder Wyss Ltd, Zurich, Switzerland*

SHEIKH RASHID HALL C, GROUND FLOOR

The use of investigator services in prosecuting and defending criminal offences

Presented by the Criminal Law Section.

Session Co-Chairs

Dan Conaway *Conaway & Strickler, New York, USA; Co-Chair, Criminal Law Committee*

Bruce Maloy *Maloy Jenkins Parker, Atlanta, Georgia, USA*

This session will examine the increasing use of private investigators both by prosecuting authorities in investigating criminal offences and by corporations and individuals in defending prosecutions. The session will also cover the use of investigators by companies who suspect that they may have committed criminal acts and wish to conduct an internal investigation before considering whether to report themselves to the authorities.

Speakers

Michael Berkow *Altegrity Risk International, New York, USA*

Midwin Charles *Midwin Charles & Associates, New York, USA*

Roberto Durrieu *Estudio Durrieu, Buenos Aires, Argentina; Regional Representative South America, Criminal Law Committee*

Kai Hart-Hoenig *Dr Kai Hart-Hoenig Rechtsanwälte, Wiesbaden, Germany*

Rana Feghali *Nardello & Co, London, England*

Greg Kehoe *Greenberg Traurig, Tampa, Florida, USA; Membership Officer, Criminal Law Committee*

DUBAI A+B, FIRST FLOOR

What's new in Vienna? The view of judges and practitioners on UNCITRAL insolvency law reforms affecting corporate groups

Presented by the Insolvency Legislation Subcommittee, Insolvency, Restructuring and Creditors' Rights Section (SIRC).

Session Chair

Gregor Baer *San Francisco, California, USA; Co-Chair, Insolvency Legislation Subcommittee*

Moderator

Patrick Rona *Special Council, Duane Morris, New York, USA*

Leading jurists and practitioners will engage in a lively critique of UNCITRAL's recent international insolvency law reform proposals and will debate future initiatives for Working Group V's next session in Vienna, including:

- Do UNCITRAL efforts to extend officers' and directors' liability for 'wrongful trading' in the zone of insolvency imperil corporate reorganisations – or should strict penalties be proposed?
- What are the chief concerns of civil and common law judges in coordinating cross-border corporate group insolvency cases? Would an UNCITRAL international procedural insolvency convention promote judicial cooperation in those cases more efficiently than a Model Law?
- What should be the 'centre of main interests' of a corporate group in cross-border insolvency proceedings, and factors that should be included in order to set a standard for such a determination?

Speakers

Spyridon Bazinas *United Nations Office of Legal Affairs, International Trade Law Division (UNCITRAL Secretariat); Vienna, Austria; Vice-Chair, Insolvency, Restructuring and Creditors' Rights Section.*

Javier Canosa *Canosa Abogados, Buenos Aires, Argentina; Treasurer and Young Lawyers Liaison Officer, International Sales Committee*

Hon Christopher Klein *Chief Judge, US Bankruptcy Court for the Eastern District of California, Sacramento, California, USA*

Hon Magued Sobhi Seweha *Judge of the Cairo Court of Appeals and Head of Joint Committee of the Egyptian Ministry of Justice and the Ministry of Commerce for the Reform of Economic Laws, Cairo, Egypt*

Leon Zwier *Arnold Bloch Leibler, Melbourne, Victoria, Australia*

ABU DHABI B, FIRST FLOOR

Women and the law – challenges and opportunities

Presented by the Women Lawyers' Interest Group.

Session Chair

Anne-Marie Hutchinson *Dawson Cornwell, London, England; Chair, Women Lawyers' Interest Group*

Session Moderator

The Honourable Mr Justice Singer *High Court of Justice, London, England*

This session will deal with the challenges facing women in the law. The significant growth of women now working in the legal profession across different legal systems has resulted in an array of unique encounters and tests for women. A panel of experts will deal with the matter in an interactive session that will explore challenges and opportunities surrounding the subject.

Speakers

Kawther Al-Joua'n *Women Institute for Development and Training, Kuwait City, Kuwait*

Sheikha Abdullah Al-Misned *Qatar University, Doha, Qatar*

Rita Al Semaani Jansen *Ince & Co, Dubai, UAE*

Nadereh Chamlou *World Bank, Middle East/North African Region, Washington DC, USA*

His Honour Judge Tassaduq Hussain Jillani *Supreme Court of Pakistan, Islamabad, Pakistan*

Alexandra Tribe *Expatriate Law Practice, Dubai, UAE*

Khalid A Wahab *Al Midfa & Associates, Dubai, UAE*

Emily Walker *Landis & Co, Wilmington, Delaware, USA*

AJMAN A, FIRST FLOOR

Workshop on Arab foreign direct investment in Latin America

Joint session with the Arab Regional Forum, Banking Law Committee, Energy, Environment and Natural Resources and Infrastructure Law Section (SEERIL), Latin American Regional Forum, Real Estate Committee and the Taxes Committee.

Session Co-Chairs

Pablo Alliani *Alliani & Bruzzon, Buenos Aires, Argentina; Vice-Chair, Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL)*

Eduardo Sanguinetti *Sanguinetti Foderé Abogados, Montevideo, Uruguay; Co-Chair, Latin American Regional Forum*

In the last decade, Gulf Arab countries, which also include Qatar and Kuwait, have shown their interest in some emerging markets and especially in Latin American and Caribbean countries. The main investments have been in real estate, agribusiness, port developments and energy (primarily oil and gas), among others. Latin America's growth in real estate projects has captured the attention of Arab real estate investors who have participated as developers in diverse and important projects throughout the continent. But Arab investors have faced cultural and regulatory differences in the business community. This panel will focus on what the most common problems are and on the challenges that companies face when entering Latin America and will share their major concerns regarding the legal problems to be faced in the region.

Speakers

Luis Enrique Palacios *Rodrigo Elias & Medrano Abogados, Lima, Peru*

Juan Guillermo Ruiz *Posse Herrera & Ruiz, Bogotá, Colombia*

Olivier Schwartz *Dubai Ports – DP World, Dubai, UAE*

David Weiler *Royal Group, Abu Dhabi, UAE*

SHEIKH RASHID HALL D, GROUND FLOOR

Young lawyers' introductory meeting

Presented by the Young Lawyers' Committee.

Session Chair

Rouven Bodenheimer *Lungerich Lenz Schuhmacher, Cologne, Germany; Chair, Young Lawyers' Committee*

A must-attend if this is your first IBA event!

IBA Annual Conferences can be rather overwhelming or even intimidating, particularly for those who are attending one for the first time. To help you find your way, the Young Lawyers' Committee traditionally hosts an introductory meeting for young lawyers, to which you are warmly invited.

Officers of the Young Lawyers' Committee will provide a general introduction to the IBA, guide you through the conference programme, share with you how to get the most out of the conference and inform you of social events particularly targeted at young lawyers. We are planning to address other topics of interest to newcomers as well.

Moreover, it has also become a much appreciated tradition for the Young Lawyers' Committee to invite Chairs from other IBA committees to present their group and plans for the conference week. This has led to the perfect win-win situation in which young lawyers learn who to address when identifying their focus of interest, and in which committees from both the LPD and PPID are able to attract and recruit 'fresh blood'. Hence, make this session your priority check-in for the Monday morning. And by the way, don't worry if you can't make head nor tail of those abbreviations used two sentences above – this will be only one of the thousand topics covered in this essential nutshell to the IBA!

DUBAI E+F, FIRST FLOOR

Monday 1430 - 1530

A primer on taxes and the Gulf Cooperation Council countries

Presented by the Taxes Committee.

This session will provide an overview of the administration of taxes in the region, the impact of Sharia law on tax planning, the region's treaty networks, and the special tax regimes for certain industries in the region. The speakers will address whether GCC countries are good locations for holding companies, what things are not done in tax planning that may be thought of as common outside the region, the basic tax strategies of the region, and tax opportunities and pitfalls for investors in the region. The speakers will outline the fundamental tax approaches pursued by the region's sovereign wealth funds.

Speakers

Stijn Janssen *Loyens & Loeff, Dubai, UAE*

Dr Robert Peake *The Cragus Group, Dubai, UAE*

SHEIKH MAKTOUM HALL D, GROUND FLOOR

Monday 1430 - 1730

Asian investment in the Middle East

Joint session with the Arab Regional Forum, the Asia Pacific Regional Forum and the Inter-Pacific Bar Association.

Session Co-Chairs

Jeffrey A Blount *Fulbright & Jaworski, Hong Kong Central; Chair, Asia Pacific Regional Forum*

Fady Kardous *Kardous Law Office, Damascus, Syrian Arab Republic; Chair, Arab Regional Forum*

Lawrence Teh *Rodyk & Davidson, Singapore; Vice-Chair, Asia Pacific Regional Forum*

This panel will explore current developments and issues relating to the investment and trading activities of Asian-based multinationals in the Middle East. The panel will address the current opportunities, regulatory, investment, finance, political and other issues and practical considerations for Asian companies (with a focus on China, Japan and Korea) doing business in the Middle East. Panel members will also address these matters from the perspectives of the recipient countries in the Middle East. The panel will discuss case studies involving successful projects in various Middle East markets and lessons learned from projects that have been less successful. This panel will also discuss how to prevent and manage disputes in investment and trading activities, and the benefits of arbitration in the Middle East as a means of dispute resolution. The panel will be conducted in an interactive format, and audience participation will be encouraged.

Speakers

Talal Elmakkawi *Apex Juris Advocates & Legal Consultants, Dubai, UAE*

Hyun Jong Kim *LG Electronics, Dubai, UAE*

Alan Linning *Sidley Austin, Hong Kong Central*

Paul Sandosham *WongPartnership, Abu Dhabi, UAE*

Jonathan Silver *Clyde & Co, Dubai, UAE*

Douglas Smith *Habib Al Mulla & Co, Dubai, UAE*

SHEIKH RASHID HALL A, GROUND FLOOR

Construction contracts in the Middle East: expect the unexpected

Presented by the International Construction Projects Committee.

Session Chair

Aisha Nadar *Queen Mary University of London/Nadar Consulting, London, England*

Many international parties advise to 'expect the unexpected' while executing construction projects in the Middle East. Is it possible to

reduce the scope of the unexpected? To what extent should Sharia law and local culture be taken into account? The purpose of this panel is to align expectations with the local realities and provide the participants with useful takeaways to mitigate risk and to allow for more success and less heartache during project execution in the Middle East. Leading experts will address this topic with focus on each stage of the lifecycle of a project, from project establishment to project execution and dispute resolution. The session is structured into three panels: project establishment; project execution; and dispute resolution.

Speakers

Mohamed Abdel Wahab *Zulficar & Partners, Cairo, Egypt*

Raid Abu-Manneh *Mayer Brown, London, England*

Aarta Alkarimi *Patton Boggs, Abu Dhabi, UAE*

Ellis Baker *White & Case, London, England*

Nael Bunni *Bunni & Associates, Dublin, Ireland*

Mark Hoyle *S J Berwin, Dubai, UAE*

UMM AL QWAIN, SECOND FLOOR

Dissecting the deal

Presented by the Corporate and M&A Law Committee.

Session Co-Chairs

Craig Cleaver *Slaughter & May, London, England; Secretary, Corporate and M&A Law Committee*

Steven A Cohen *Wachtell Lipton, New York, USA; Conference Coordinator, Corporate and M&A Law Committee*

This session will put the spotlight on a few of the world's most significant deals over the last year. War stories about the issues that arose and how they were resolved will be recounted.

Speakers

Samir Kantaria *Al Tamimi & Company, Dubai, UAE*

Francisco Antunes Maciel Müssnich *Barbosa Müssnich & Aragão, Rio de Janeiro, Brazil*

Zia Mody *AZB & Partners, Mumbai, India*

Wai King Ng *WongPartnership, Singapore*

SHEIKH RASHID HALL C, GROUND FLOOR

Dominance issues v IP rights

Joint session with the Antitrust Committee and the Intellectual Property and Entertainment Law Committee.

Session Co-Chairs

Alexander Birnstiel *Noer, Munich, Germany; Senior Vice-Chair, Intellectual Property and Entertainment Law Committee*

Marc Reysen *O'Melveny & Myers, Brussels, Belgium; Working Group Coordinator, Antitrust Committee*

Competition authorities continue to critically review the use of IP rights and its impact on competition, with particular areas of concern being the extension of IP rights, the use of IP rights in the context of standard-setting bodies and the settlement of patent litigation, in particular in the pharmaceutical sector. The panel will consider recent developments in competition policy and administrative practice in relation to these topics: do they produce results and do they, by their nature, foster innovation and competition?

Speakers

Leonor Cordovil Grinbeg *Cordovil & Barros Advogados, São Paulo, Brazil*

Youngjin Jung *Kim & Chang, Seoul, South Korea; Membership Officer, Trade and Customs Law Committee*

William E Kovacic *Professor of Law, The George Washington University, Washington DC, USA*

Kai-Uwe Kühn *Chief Competition Economist, European Commission, Brussels, Belgium*

David Stewart *Wilson Sonsini Goodrich & Rosati, Seattle, Washington, USA*

Pat Treacy *Bristows, London, England*

ABU DHABI B, FIRST FLOOR

Dubai and its sister Emirates as major hubs for trade and the shipping industry

Joint session with the Insurance Committee and the Maritime and Transport Law Committee.

Session Co-Chairs

Andrew Grant *Clyde & Co, London, England; Secretary, Insurance Committee*

Jeremy Harwood *Blank Rome, New York, USA; Website Officer, Maritime and Transport Law Committee*

This session will look at the issues that surround shipping and trade, including financing, and all aspects of insurance, including cargo, hull, trade credit, political risk, piracy and war and terrorism to name but a few. This will be an interactive session with a worked example and contributions from the audience.

Speakers

Simon Cartwright *Holman Fenwick Willan Middle East, Dubai, UAE*

Erik Muthow *Hadef & Partners, Dubai, UAE*

Helen Noble *Matheson Ormsby Prentice, Dublin, Ireland;*

Membership Officer, Insurance Committee

Omar Omar *Al Tamimi & Company, Dubai, UAE*

EXHIBITION HALL 5, GROUND FLOOR

Global update on anti-corruption enforcement

Presented by the Anti-Corruption Committee.

Session Chair

Nicola Bonucci *Organisation for Economic Co-operation and Development (OECD), Paris, France; Chair, Anti-Corruption Committee*

Members of the Anti-Corruption Committee from different regions of the world will give updates on developments in anti-corruption enforcement that have occurred in the last year in their respective regions. Reports may include major enforcement actions, ongoing investigations, new legislation, treaty implementation, national initiatives, recovery of looted assets, and exposés of high-level corruption by the media and NGOs. Objectives of the session are information-gathering and information-sharing, so the format will be an open forum, with opportunity for contributions and discussion from the floor.

Speakers

Nick Benwell *Simmons & Simmons, London, England; Vice-Chair, Anti-Corruption Committee*

Gonzalo Guzman *International Bar Association, London, England*

Jai Wook Lee *Kim & Chang, Seoul, Korea; Vice-Chair, Anti-Corruption Committee*

Babajide O Ogundipe *Sofunde Osakwe Ogundipe & Belgore, Lagos, Nigeria; Vice-Chair, Anti-Corruption Committee*

James G Tillen *Miller & Chevalier Chartered, Washington DC, USA; Secretary, Anti-Corruption Committee*

DUBAI A+B, FIRST FLOOR

Gone in a second

Presented by the Consumer Litigation Committee.

Session Chair

Tara A Archer *Higgs & Johnson, Nassau, Bahamas; Chair, Consumer Litigation Committee*

This session considers the best practices and the biggest risks in consumer transactions, such as banking, real estate, commercial and internet transactions; and the litigation that ensues globally. As more business is concluded in mere seconds – for everything today from sophisticated commercial transactions, the purchase of goods and services to even purchased relationships – lawyers need to understand in the representation of particular groups that such consumer transactions present unique issues, including a greater duty of care with certain transactions imposed by regulators. While there exists a germane body of both contract and consumer law, the

international aspects involved in consumer transactions raise issues that impact upon all lawyers, including questions dealing with infringement, choice of law, class action waivers in consumer contracts, lawful profit, consumer protection from exploitation, jurisdiction and venue. How can manufacturers, sellers/dealers and global consumers address such issues with the assistance of counsel for the maximum benefit and returns? What are the best practices and who has the greater risk?

An international experienced panel, representing a cross-section of consumers, manufacturers, businesses and regulators, will explore these issues in a lively debate focused upon contentious scenarios.

Speakers

Ali Al Aidarous *Ali Al Aidarous, Dubai, UAE*

Ruth Cowley *Norton Rose, Hong Kong Central*

Cherise Cox-Nottage *UBS (Bahamas) Ltd, Nassau, Bahamas*

Steven Lyverse *Hillerich & Bradsby Company, Louisville, Kentucky, USA*

Anne Northup *US Consumer Product Safety Commission, Bethesda, Maryland, USA*

Omar Obeidat *Al Tamimi & Company, Dubai, UAE*

Steven Richman *Duane Morris, Hamilton, New Jersey, USA; Senior Vice-Chair, International Sales Committee; Vice-Chair, Professional Ethics Committee*

Philip Shepherd *QC XXIV Old Buildings, London, England*

EMERALD/PEARL/ONYX,
NOVOTEL WORLD TRADE CENTRE – DUBAI

Growth in fund domiciles in the Gulf region and creating Islamic-compliant investment funds and products

Presented by the Investment Funds Committee.

Session Chair

Edgar Wallach *Hengeler Mueller, Frankfurt, Germany*

This half-day session will have two parts: part one will explore the growth and significance in the use of fund domiciles in states in the Gulf region.

Speakers

Dharmika Amukotuwa *Dubai Financial Services Authority, Dubai, UAE*

Gilles Dusemon *Arendt & Medernach, Luxembourg*

Philip Jolowicz *Hadef & Partners, Dubai, UAE*

George Pickering *Qatar Financial Centre Regulatory Authority, Doha, Qatar*

Part two will explore, to some extent interlinking, but also distinct, issues relating to creating Sharia-compliant investment funds and products.

Speakers

Lynette Brown *Al Tamimi & Company, Dubai, UAE*

Mohd Daud Bakar *Amanie Islamic Finance Consultancy and Education LLC, Dubai, UAE*

Fawaz Elmalki *Conyers Dill & Pearman Limited, Dubai, UAE*

Udo Schäberle *Head of Private Client Gulf Region, Managing Director, BHF – Bank Representative Office, Abu Dhabi, UAE*

ABU DHABI A, FIRST FLOOR

Hot topics in international arbitration

Presented by the Arbitration Committee.

Session Co-Chairs

Nayla Comair Obeid *Obeid Law Firm, Beirut, Lebanon; Vice-Chair, Arbitration Committee*

Paul Friedland *White & Case, New York, USA; Vice-Chair, Arbitration Committee*

This year's 'hot topics' will cover the controversial proposal to curtail party appointment of arbitrators; ongoing efforts to propound ethics standards for counsel in international arbitration; issues that have arisen in third-party financing of arbitration; and the challenge to reach a consensus on arbitrator conflicts and disclosure.

Speakers

Mohamed Abdel Raouf *Cairo Regional Centre for International Commercial Arbitration, Cairo, Egypt*
James H Carter *Dewey & LeBoeuf, New York, USA*
Juan Fernandez-Armesto *Armesto & Asociados, Madrid, Spain*
Pierre Mayer *Dechert, Paris, France*
Reza Mohtashami *Freshfields Bruckhaus Deringer, Dubai, UAE*
Michael Schneider *Lalive & Partners, Geneva, Switzerland*

SHEIKH MAKTOUM HALL B, GROUND FLOOR

IBA SHOWCASE: The legal aspects on the use of social media and control over the flow of information

Presented by the Human Rights Institute, the Legal Practice Division, the Media Law Committee and supported by the Rule of Law Action Group. See page 55 for details.

EXHIBITION HALL 6, GROUND FLOOR

Immigration policies and security concerns in dangerous countries: what do expats and their employers need to know?

Joint session with the Business Crime Committee and the Immigration and Nationality Law Committee.

Session Co-Chairs

Enrique Arellano *Enrique Arellano Rincón Abogados, Mexico City, Mexico; Chair, Immigration and Nationality Law Committee and Council Member, IBA Global Employment Institute*
Meg Strickler *Conaway & Strickler, Atlanta, Georgia, USA; Vice-Chair, Criminal Law Committee*

This session will look at the various challenges and protection issues that expats and employers are facing in high-risk countries due to factors such as civil wars, drug trafficking, human trafficking, kidnappings and the consequential high incidence of crime. How are countries' immigration procedures and policies changing in this scenario? What are the local protocols for foreigners? What are the security risks that assignees and their families may encounter in these countries? What do employers need to know and do to keep employees safe while continuing with their business as usual? What are the employers' liabilities? What are the issues and position for high net worth individuals when targeted by governments?

Panelists from various jurisdictions will provide their legal and practical recommendations for working, living and doing business in this ever-changing and dangerous environment.

Speakers

Shalini Agarwal *Clasis Law, New Delhi, India; Vice-Chair, Immigration and Nationality Law Committee*
Dennis E Boyle *Boyle Autry & Murphy, Camp Hill, Pennsylvania, USA*
Alan Cammidge *BGP Global Services, Surrey, England*
James Hopkinson *Blue Hackle Group Ltd, London, England*
Sara Khoja *Clyde & Co, Dubai, UAE*
Tom Lightfoot *Business Development Manager, Blue Hackle Middle East, Dubai, UAE*
Abid Mahmood *Number 5 Chambers, London, England*
Ariel Orrego-Villacorta *Barrios & Fuentes Abogados, Lima, Peru*

DUBAI D, FIRST FLOOR

International assignment of employees: issues and challenges

Joint session with the Closely Held and Growing Business Enterprises Committee, the Corporate Counsel Forum and the Employment and Industrial Relations Law Committee.

Panel 1

Session Co-Chairs

Akhil Prasad *Fidelity Business Services India Private Limited, Gurgaon, India; Vice-Chair, Corporate Counsel Forum*
Oscar de la Vega *Basham Ringe y Correa, Mexico City, Mexico; Vice-Chair, Employment and Industrial Relations Law Committee*

This panel will discuss:

- optimal structures for international assignment models – the new 'global' employee;
- legal pressures on compensation structures – emerging best practices;
- application of local law to international employment contracts; and
- cultural issues in an international workforce.

Speakers

Caroline André-Hesse *Altana, Paris, France*
Luis Antonio Ferraz *Pinheiro Neto Advogados, São Paulo, Brazil*
Sanjeev Gemawat *DLF Limited, Gurgaon, India*
Roman Gil *Alburquerque Sagardoy Abogados, Madrid, Spain*
Sakate Khaitan *Clasis Law, London, England*
Mark E Zelek *Morgan Lewis & Bockius, Miami, Florida, USA*

Panel 2

Session Co-Chairs

Andrew Frei *Dale & Lessmann, Toronto, Ontario, Canada*
Peter Talibart *Seyfarth Shaw, London, England; Membership Officer, Employment and Industrial Relations Law Committee*

This panel will discuss:

- international assignment and the race for talent – balancing compensation components;
- performance management across borders – enforcement of employment contracts when performance issues arise;
- compensation structures, recruitment trends and ethical risk – the flight to integrity; and
- forum-shopping – application of varying rights in multiple jurisdictions to international employees.

Speakers

Dominic Hui *Ribeiro Hui, Hong Kong SAR*
Dr Hermann J Knott *Luther Rechtsanwalts-gesellschaft, Cologne, Germany*
Alex McGeoch *Hadef & Partners, Dubai, UAE*

SHEIKH RASHID HALL E, GROUND FLOOR

International contracting for communications services

Presented by the Communications Law Committee.

Session Co-Chairs

Fabrizio Cugia di Sant'Orsola *Cugia Cuomo & Associati, Rome, Italy; Senior Vice-Chair, Communications Law Committee*
Daniel Preiskel *Preiskel & Co, London, England; Vice-Chair, Communications Law Committee*

With the lessening of regulation of communications services, suppliers and their customers have resorted to contracts to set out their rights and obligations. Services contracts for corporate customers with numerous sites in several jurisdictions are usually long and complex, dealing with such issues as performance and incentives/penalties, residual regulatory aspects, multijurisdictional subcontractors, green adoption and privacy and lawful interception, among others.

These arrangements become particularly important when service providers become acquisition targets.

The session will analyse the pitfalls of contracting communications services in a multinational environment, how to avoid pitfalls, how to deal with different and sometimes conflicting regulatory requirements in the various countries where the services are provided and how to take into account the needs of potential investors upfront when concluding such contracts.

The first part of the session will address key contracting issues that commonly arise with agreements for communications services. The second part will address specific contracting situations and the lessons to be learned by practitioners.

Speakers

- Amr A Eid** *PCCW Global Ltd, Dubai, UAE*
- Robert Hanson** *MTN Satellite Communications, Boulder, Colorado, USA*
- Mark Johnston** *Levine Blaszak Block & Boothby, Washington DC, USA*
- Eric Milne** *Jones Day, Dubai, UAE*
- Philippe Vogeleer** *Nawras, Sultanate of Oman*
- Stewart White** *KPMG, Abu Dhabi, UAE*

DIAMOND, NOVOTEL WORLD TRADE CENTRE – DUBAI

Legal issues related to the creation and continuation of museums and major private collections

Joint session with the Art, Cultural Institutions and Heritage Law Committee, the Real Estate Committee and the Taxes Committee.

Session Co-Chairs

- Juan Javier Negri** *Negri & Teijeiro Abogados, Buenos Aires, Argentina; Secretary-Treasurer, Art, Cultural Institutions and Heritage Law Committee*
- Jean-Marie Vulliemien** *Froriep Renggli, Madrid, Spain*

The Gulf region is currently experiencing an extraordinary surge of many new art museums and major private collections. Some of them are joint ventures with famous Western museums (eg the Louvre or the Guggenheim), but many are entirely new and unrelated to any other previous institutions. New models for the management of those collections or museums, to take into account local regulations and uses, are being created or tested, and many new problems are being encountered in the acquisition, loan, import and export, restoration, reproduction, insurance and storage of artworks and other collectibles. The Art, Cultural Institutions and Heritage Law Committee has therefore put together a panel of international experts coming from important museums and private practice to examine these new problems and provide the most up-to-date solutions to them, so taking the opportunity to shape the ideal future of museums and collections management in a brand new art museum environment such as the Gulf region.

Speakers

- Julien Anfruns** *Director General of International Council of Museums (ICOM), Paris, France*
- Jean François Canat** *UGGC & Associés, Paris, France*
- Joel Gilman** *Heritage Council of Western Australia, Perth, Western Australia, Australia*
- Paul Hewitt** *Managing Director Growth Markets, Christie's, London, England*
- Daniel McClean** *Finers Stephens Innocent, London, England*
- Philip Rylands** *Director of Peggy Guggenheim Collection, Venice, Italy*
- Pierluigi Sacco** *IUAV University, Venice, Italy*
- Thaddeus Stauber** *Nixon Peabody, New York, USA; Regional Representative North America, Art, Cultural Institutions and Heritage Law Committee*
- Massimo Sterpi** *Studio Legale Jacobacci Sterpi Francetti Regoli de Haas & Associati, Rome, Italy; Chair, Art, Cultural Institutions and Heritage Law Committee*

DUBAI C, FIRST FLOOR

Office leases for law firms: ten mistakes you can't afford to make!

Joint session with the Law Firm Management Committee and the Real Estate Committee.

Session Co-Chairs

- Philip Skinner** *Arnall Golden Gregory, Atlanta, Georgia, USA; North American Regional Forum Liaison, Real Estate Committee*
- Carolina Zang** *Zang Bergel & Viñes Abogados, Buenos Aires, Argentina*

Law firms are under increasing pressure to produce more for less. Clients are questioning legal fees based on billable hours, while at the same time it is harder every day to find and retain good talent, thus salaries/compensation packages have to be attractive. Moreover, according to many clients, luxurious offices, expensive stationery and marketing materials, top class entertaining of clients and prospects are not anymore a sign of stability and strength, and do not influence them in their decision-making process when choosing outside legal counsel. Where to cut costs? How much of the traditional law firm structure is sustainable? Real estate is on many firms' list for review: in a highly networked, work-anywhere world, for every attorney to have a private office in a high-rent location does not make sense anymore.

Speakers

- Brent Baldwin** *Hadef & Partners, Dubai, UAE*
- Borislav Boyanov** *Boyanov & Co, Sofia, Bulgaria*
- Lawrence Gresser** *Cohen & Gresser, New York, USA*
- Jaime Carey** *Carey & Cia, Santiago, Chile; Assistant Treasurer, Legal Practice Division*
- Bernat Mullerat** *Cuatrecasas Gonçalves Pereira, Barcelona, Spain*
- Shafram Safai** *Afridi & Angell, Dubai, UAE*

AJMAN D, FIRST FLOOR

Promoting sales by the use of ambush-marketing – do sponsorship rights hamper competition?

Joint session with the International Sales Committee and the Product Law and Advertising Committee.

Session Co-Chairs

- Lukas Bühlmann** *Bühlmann Rechtsanwälte, Zurich, Switzerland; Vice-Chair, Product Law and Advertising Committee*
- Martin Reufels** *Heuking Kühn Lüer Wojtek, Cologne, Germany; Website Officer, International Sales Committee*

This session will address the legal issues related to ambush or guerrilla marketing from the perspective of the major legal jurisdictions. How are sponsorship rights regulated and protected? The session will address issues such as the protection of trademark rights, unfair competition, advertising regulation, procedural enforcement and the General Legal Counsel for the International Cricket Council will speak about the need for event holders to protect their sponsors and the increasing challenges in faces in doing so effectively.

Speakers

- David Becker** *International Cricket Council, Dubai, UAE*
- Vivien Chan** *Vivien Chan & Co, Hong Kong SAR*
- Michael L Novicoff** *Liner Grode Stein, Los Angeles, California, USA; Co-Chair, Litigation Committee*
- Marina Palomba** *McCann World Group, London, England; Corporate Counsel Forum Liaison, Product Law and Advertising Committee*

SHARJAH D, FIRST FLOOR

Rethinking the law firm I: non-traditional services for law firm clients

Presented by the Law Firm Management Committee.

Session Co-Chairs

Chris van Olmen *Van Olmen & Wynant, Brussels, Belgium; Vice-Chair, Employment and Industrial Relations Law Committee*

Rolandas Valiunas *LAWIN, Vilnius, Lithuania*

Law firms sometimes can create distinct competitive advantages by offering something more than just traditional legal services. Ancillary services, in areas such as risk management, consultancy, company relocation and management of intellectual property are examples of how even small law firms can create new opportunities, add highly profitable service lines and expand existing client relations.

Speakers

Arturo Alessandri *Alessandri & Compania, Santiago, Chile*

Stephen Denyer *Allen & Overy, Frankfurt, Germany; Chair, Law Firm Management Committee*

Richard Fleck *Herbert Smith, London, England*

Antoine Henry de Frahan *FrahanBlondé, Brussels, Belgium*

Alison Hook *Hook International, London, England*

SHEIKH MAKTOUM HALL A, GROUND FLOOR

Sovereign debt: a new wave of restructuring?

Joint session with the Banking Law Committee, the Insolvency, Restructuring and Creditors' Rights Section (SIRC) and the Insolvency of Regulated Industries Subcommittee.

Session Co-Chairs

Jo Ann J Brighton *K & L Gates, New York and Charlotte, North Carolina, USA*

Roberto E Silva *Marval O'Farrell & Mairal, Buenos Aires, Argentina; Secretary, Banking Law Committee*

This session will explore the recent spate of sovereign debt defaults and the methods used for restructuring such defaults. The panel will explore the political and economic restructuring of sovereign debt in various European countries, US Chapter 9 restructurings and the restructuring of sovereign wealth funds such as Dubai World.

Speakers

Sir Anthony Evans *Dubai World Tribunal/Special Tribunal Related to Dubai World, Dubai, UAE*

James Katchadurian *Epiq Systems, New York, USA*

Antoine Maffei *De Pardieu Brocas Maffei, Paris, France*

Yiannis G Sakkas *Bazinas Law Firm, Athens, Greece*

SHEIKH MAKTOUM HALL C, GROUND FLOOR

So you are married, but what marital regime and what impact on your tax and estate planning situation?

Joint session with the Family Law Committee and the Individual Tax and Private Client Committee.

Session Co-Chairs

Leigh-Alexandra Basha *Holland & Knight, McLean, Virginia, USA; Chair, Individual Tax and Private Client Committee*

Joshua Rubenstein *Katten Muchin Rosenman, New York, USA; Officer, Family Law Committee*

This panel will examine the impact of one's marital regime on taxation, estate planning and matrimonial rights of moving assets that are subject to one property regime (such as community property) into a country that may not have that property regime. It will look at whose law will be applied by the new jurisdiction and for what purposes (current management and control, marital dissolution by death or divorce, income and transfer taxation, etc), and the ability to control the results through property titling or other arrangements.

Speakers

Walid Chiniara *The Family Business Advisory Group, Dubai, UAE*

Ceris Gardner *Maurice Turnor Gardner, London, England*

Rita Ku *Withers Worldwide, Hong Kong SAR*

Manuel Liatowitsch *Schellenberg Wittmer, Zurich, Switzerland*

RAS AL KHAIMAH, SECOND FLOOR

The art of mediation – what skills are needed to effectively mediate and how to obtain them

Presented by the Mediation Techniques Subcommittee.

Session Co-Chair

Babak Barin *BCF Business Law, Montreal, Québec, Canada; Chair, Mediation Committee*

Jurgen Kuiper *Loyens & Loeff, Amsterdam, the Netherlands; Co-Chair, Mediation Techniques Subcommittee*

This session will feature prominent experts from different backgrounds who will provide first-hand advice on essential success factors and techniques for mediation. Special focus will be placed on the importance of the proper 'foundations' for mediation:

- What role does (cultural) background play?
- Which technical skills are really needed?
- How can the parties' expectations be adequately addressed at the outset?

Speakers will include a senior statesman from the Middle East and a general counsel, as well as internationally experienced practitioners from Europe, Asia and the Middle East.

Speakers

Jil Ahdab *Orrick Rambaud Martel, Paris, France*

Amr Moussa *Former Secretary General of the League of Arab States, The League of Arab States, Paris, France*

Michael Ridgeway *Dubai Financial Services Authority, Dubai, UAE*

Navin Salim Merchant *International Finance Corporation, World Bank Group, Karachi, Pakistan*

Jawad Sarwana *Abraham & Sarwana, Karachi, Pakistan; Chair, Mediation Committee; Young Lawyers Subcommittee*

Joseph Tirado *Norton Rose, London, England; Co-Chair, Mediation Techniques Subcommittee*

SHEIKH RASHID HALL D, GROUND FLOOR

The role of national oil companies and international oil companies: challenges and opportunities for oil and gas exploration and exploitation in the Middle East

Presented by the Oil and Gas Law Committee.

Session Co-Chairs

Brian Bradshaw *Morgan Lewis & Bockius, Houston, Texas, USA; Senior Vice-Chair, Oil and Gas Law Committee*

Jean-André L Diaz *Total SA, Paris, France; Chair, Oil and Gas Law Committee*

Petroleum projects in the Middle East give rise to sovereign and commercial challenges, which redefine the role of private energy companies in the region. Among these projects are new auction blocks for licensing in Iraq, joint partnerships in the Emirates, ambitious oil and gas exploration projects by Saudi Aramco both on and offshore, and requests for wide-ranging oil support services. There are also still unresolved tensions over shared resources and the constraints sharing produces. This session will address these subjects and latest developments.

Speakers

Philippe Auzas *Grand Auzas & Associés, Paris, France*

Richard Devine *Fulbright & Jaworski, Dubai, UAE*

Donald Dorn-Lopez *Dana Gas PJSC, Sharjah, UAE*

Nafissa S Kerkeb *GE Oil & Gas, Middle East & North Africa, Doha, Qatar*

Kim Talus *UCL School of Energy and Resources Australia, University College London, Adelaide, South Australia, Australia*
Michael N Webb *Hadef & Partners, Dubai, UAE*

DUBAI E+F, FIRST FLOOR

The status of capital punishment under international law?

Joint session with the Criminal Law Committee and the Human Rights Institute.

Session Chair

Sternford Moyo *Scanlen & Holderness, Harare, Zimbabwe;*
Co-Chair, Human Rights Institute; Council Member, Public and Professional Interest Division

The use of the capital punishment is one of the most controversial topics in international human rights law. Although there are arguments both for and against the use of capital punishment, there is not yet consensus on the abolition of its use; it remains legal under international law, although it can only be imposed within very strict limitations. However, by 2010, the use of capital punishment had become increasingly an anomaly for the majority of UN Member States. More than 50 states have abolished capital punishment for all crimes since 1990.

After opening remarks by the IBA President, Akira Kawamura, thematic issues such as international practice and norms on capital punishment will be discussed. Law enforcement views on the death penalty will be among other issues addressed.

Opening remarks

Akira Kawamura *Anderson Mōri & Tomotsune, Tokyo, Japan;*
President, International Bar Association

Speakers

James Abbott *West Orange Police Department, West Orange, New Jersey, USA*

Juan Méndez *UN Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, Washington DC, USA;*
Co-Chair, Human Rights Institute; Council Member, Public and Professional Interest Division

Judge Sanji Mmasenono Monageng *International Criminal Court, The Hague, the Netherlands*

Priyanka Motaparthi *Human Rights Watch, Middle East and North Africa, New York, USA*

Fumio Takemura *International Law Commission, Japan Federation of Bar Associations, Osaka, Japan*

Moderator

Rebecca Lowe *IBA Senior Reporter, International Bar Association, London, England*

AJMAN A, FIRST FLOOR

Win more work – turn contacts into clients and referrers: Pippa’s COPACABANA approach to international networking

See page 59 for details.

SHEIKH RASHID HALL B, GROUND FLOOR

World Health Organization: the why and the how of the WHO

Joint session with the Corporate Counsel Forum, the Medicine and the Law Committee and the Public Law Committee.

Session Chair

Neil Kirby *Werksmans Inc, Johannesburg, South Africa; Chair, Medicine and the Law Committee*

The current Health and Human Rights Advisor, Department of Ethics, Equity, Trade and Human Rights of the World Health Organization will address the programmes, agendas, projects, tasks and achievements of the World Health Organization (the ‘WHO’) and the context of

the objectives and priorities of the WHO. This session will provide lawyers in private practice with a good idea of the work of the WHO and how, if possible, lawyers in private practice may augment, supplement or even cooperate with the WHO in its endeavours, by bringing a unique perspective of private healthcare law into the arena of public healthcare law.

Speaker

Helena Nygren-Krug *Health and Human Rights Advisor, World Health Organisation, Geneva, Switzerland*

SHARJAH A, FIRST FLOOR

Monday 1530 - 1730

Practical management of the taxation of foreign currency gains and losses

Presented by the Taxes Committee.

Session Co-Chairs

Vincent Agulhon *Jones Day, Paris, France*

Ronald S Wilson *Davies Ward Phillips & Vineberg, Toronto, Ontario, Canada*

The panel will identify the tax implications of fluctuations in currency values, identifying common and disparate themes among jurisdictions in taxation of currency gains and losses. The panel will address the concepts of functional currency, types of transactions requiring accounting for currency gain or loss separately from the underlying items. Issues of translation, time of recognition, character (capital or ordinary) of items, and source of items will be addressed. The panel will also address possible advantages that may be gained from inconsistent jurisdictional treatment, traps that can cause the non-recognition of currency losses or recognition of currency gains, and how hedges, swaps and forward contracts are used for currency planning. The panel will also address accounting for branches, including translation of operating profit and issues of remittance of branch assets or equity.

Speakers

Roberto Duque Estrada *Xavier Bernardes Bragança, Rio de Janeiro, Brazil*

David R Hardy *Osler Hoskin & Harcourt, New York, USA*

Riccardo Michelutti *Maisto & Associati, Milan, Italy*

Sai Ree Yun *Yulchon, Seoul, South Korea*

SHEIKH MAKTOUM HALL D, GROUND FLOOR

Monday 1730 - 1830

Open committee business meeting

Presented by the Anti-Corruption Committee.

An open meeting of the Anti-Corruption Committee will be held to discuss matters of interest and future activities.

DUBAI A+B, FIRST FLOOR

Tuesday 0800 - 0930

Open committee business meeting and breakfast

Presented by the World Organisations Committee.

An open meeting of the World Organisations Committee will be held to discuss matters of interest and future activities.

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