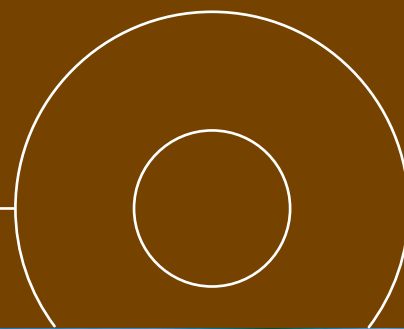


**ALFA** INTERNATIONAL

THE GLOBAL LEGAL NETWORK



# **Vanishing Borders, Emerging Issues: Navigating Global Legal Challenges**

**2008 INTERNATIONAL LAW PRACTICE GROUP CONFERENCE**

November 13, 2008

Trident Hotel Nariman Point  
Mumbai, India

[www.alfainternational.com](http://www.alfainternational.com)

# Vanishing Borders, Emerging Issues: Navigating Global Legal Challenges

The emergence of Indian corporate houses in the global arena has been spectacular. Along with China, India is a new economic super power which is re-defining the frontiers of business. From the time when India was known as the Mecca of outsourcing, Indian entrepreneurs have come a long way and made their mark across the globe in their quest for new business opportunities. Cross-border acquisitions, joint ventures, and private equity and venture capital deals have become far more common place than they were a decade ago. That the 2008 ALFA International Law Practice Group Conference is being held in Mumbai is a testimony to India's growing economic prowess.

Mumbai is the commercial and entertainment capital of India, generating 5% of India's GDP. The city is home to corporate headquarters of many Indian companies and numerous multinational corporations. The Reserve Bank of India (the Federal bank of the country) and the Securities and Exchange Board of India (the capital market regulator) have their principal offices in Mumbai.

The core objective of the Conference is to provide an opportunity for Indian companies to interact with attorneys from all over the world on the key legal issues pertaining to international business. The event will feature a main session on cross border Mergers & Acquisitions followed by two parallel sessions on significant issues such as Intellectual Property Rights and Litigation / Alternate Dispute Resolution. The pool of panelists has been carefully selected with a blend of highly experienced international lawyers, in-house attorneys and business heads.

## What is ALFA International?

ALFA International is the premier global network of law firms with over 8,000 attorneys based in over 150 major metropolitan areas in the United States and worldwide. ALFA International attorneys serve our clients' needs in big cities and small towns alike. ALFA International's goal is to educate its members and their clients on the issues and problems facing specific businesses or industries. ALFA International's clients provided critical input on the areas to be addressed in this program. The topics and the faculty selected are designed to respond to those concerns.

## General Information

### MEETING LOCATION

Trident Hotel, Nariman Point  
Mumbai 400 021 India  
Phone: +91 22 6632 4343  
Fax: +91 22 6632 5000  
Website: [www.tridenthotels.com/mumbai\\_nariman\\_point](http://www.tridenthotels.com/mumbai_nariman_point)

### REGISTRATION

*If you have questions regarding registration contact Joely Nicholson at ALFA International, phone number and email address listed below. The last day to register for the seminar is Friday, November 7, 2008.*

### HOTEL

A special ALFA International room rate is available until Wednesday, October 8, 2008, **or until block is full.**

**ATTENDANCE IS OPEN ONLY TO MEMBERS OF ALFA INTERNATIONAL AND THEIR INVITED GUESTS.**

### TO CONTACT ALFA INTERNATIONAL:

**ALFA International**  
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[jnicholson@alfainternational.com](mailto:jnicholson@alfainternational.com)

[www.alfainternational.com](http://www.alfainternational.com)

## Thursday, November 13, 2008

### 8:30 a.m. - 10:30 a.m. INTERNATIONAL LAW PRACTICE GROUP MEETING

*ALFA International Attorneys only, please.  
Malabar*

### 10:45 a.m. - 4:30 p.m. CONFERENCE

*Attendance is open to ALFA International  
Attorneys & In-House Counsel.*

### 10:45 a.m. - 11:45 a.m. REGISTRATION & ONE-ON-ONE MEETINGS

### 12:00 p.m. - 12:15 p.m. INTRODUCTORY REMARKS

**Michael W. Hawkins**

*Chair,  
ALFA International Board of Directors  
DINSMORE & SHOHL LLP  
Cincinnati, Ohio, USA*

**Rohit Kochhar**

*Managing Partner  
KOCHHAR & CO.  
Mumbai, India*

### 12:15 p.m. - 12:45 p.m. KEYNOTE ADDRESS

*Rooftop*

### 12:45 p.m. - 1:30 p.m. LUNCH BUFFET

*Rooftop*

### 1:45 p.m. - 3:15 p.m. GENERAL SESSION

*Rooftop*

### CROSS BORDER MERGERS & ACQUISITIONS/ INTERNATIONAL CAPITAL MARKETS

With increasing levels of globalisation, the Mergers & Acquisitions market is becoming even more international than before. Many Indian corporations have

embarked on successful international acquisition strategies, and cross border deals throughout the world are increasingly becoming common place. Many international corporations are also looking at listings on equity markets to provide access to capital, liquidity and a higher international profile. The panel will initially discuss current trends in international Mergers & Acquisitions, as well as key deal terms, issues and critical due diligence for the acquisitive international company. The final part of the panel discussion will concern popular equity markets for international companies and key issues on international listings.

**Simon Gilbert**

*Panel Moderator  
CHARLES RUSSELL LLP  
London, England*

**Rajeev Batra**

*President - Group IT  
RELIANCE ADA GROUP  
Mumbai, India*

**Rajarshi Chakrabarti**

*Panelist  
KOCHHAR & CO.  
Mumbai, India*

**Harvey Jay Cohen**

*Panelist  
DINSMORE & SHOHL LLP  
Cincinnati, Ohio, USA*

**Ignacio López-Balcells**

*Panelist  
BUFETE B. BUIGAS  
ABOGADOS ASOCIADOS  
Barcelona, Spain*

**M.R. Prasanna**

*Group Executive President  
Corporate Legal  
ADITYA BIRLA MANAGEMENT  
CORPORATION LIMITED  
Mumbai, India*

### 3:15 p.m. - 3:30 p.m. BREAK

### 3:30 p.m. - 4:30 p.m. BREAKOUT SESSIONS

*Rooftop and Malabar*

#### A. INTELLECTUAL PROPERTY RIGHTS

In today's world, the opinion is divided over the legitimacy of parallel imports. It is regulated differently in different jurisdictions and there is no consistency in laws dealing with parallel imports. This challenge has been an important matter for Indian Companies doing/ intending to do business abroad. This panel will discuss the matter by highlighting various aspects of this sensitive topic. IP infringement and the remedies available in various jurisdictions is another critical issue for Indian companies doing business abroad, and they are keen to understand the underlying issues in infringement matters outside India. The panel will review the remedies available against IP infringement in different jurisdictions, including timelines and other logistics involved in such matters. The panel will also briefly discuss the issue of IP rights registration in various jurisdictions, including the authorities who examine and grant IP registrations.

**Tarvinder Singh**

*Panel Moderator  
KOCHHAR & CO.  
Delhi, India*

**Girish Gokhale**

*Chief Legal Advisor  
LARSEN & TOUBRO LIMITED  
Mumbai, India*

**Alfred Meijboom**

*Panelist  
KENNEDY VAN DER LAAN  
Amsterdam, The Netherlands*

**Mauricio Prado**

*Panelist*

L.O. BAPTISTA ADVOGADOS  
São Paulo, Brazil

**Lee Seow Ser**

*Panelist*

RAMDAS & WONG  
Singapore

**B. LITIGATION / ALTERNATIVE  
DISPUTE RESOLUTION**

With India's GDP now topping USD \$1 trillion and projected to become the third largest in the world by 2035, legal entanglements between Indian and international or foreign local entities are sure to escalate in equal measure. This panel will describe and discuss the litigation environments that Indian corporations and entrepreneurs will face in the United States, Canada, Israel and other jurisdictions. Additionally, the panel will explore the procedures and legal framework for Alternative Dispute Resolution (negotiation, arbitration, mediation and collaborative law) in their respective jurisdictions and how they may reflect or vary from the principles

of India's Arbitration and Conciliation Act, 1996 and the United Nations Commission on International Trade Law's Model Law on Arbitration.

**Joseph R. Marconi**

*Panel Moderator*

JOHNSON & BELL, LTD.  
Chicago, Illinois, USA

**Thomas K. Breslin**

*Chief Executive Officer*

AEC INC.  
Schaumburg, Illinois, USA

**Robert W. Cosman**

*Panelist*

FASKEN MARTINEAU DUMOULIN LLP  
Toronto, Ontario, Canada

**Dan Gross**

*Panelist*

DARDIK GROSS VILENKO & COMPANY  
Ramat-Gan, Israel

**TN Kumar**

*General Manager, Legal Department*

AIR INDIA  
Mumbai, India

**Atanu Sarkar**

*Chief Legal Officer*

TECH MAHINDRA LIMITED  
Pune, India

**4:30 p.m. - 6:00 p.m.**

**HIGH TEA**

*Malabar*

## Faculty Bios

**RAJEEV BATRA** is currently the President, Group Information Technology, at Reliance ADA Group. He provides the direction for strategic and tactical adaptability of Information Technology to the business drivers and vision of the group. He covers the present and future planning, governance, alliances and architectural aspects of IT and Technology building blocks across Reliance ADA Group's fast growing conglomerate of businesses. Prior to his current role, Rajeev was the Chief Architect & VP – IT & Technology, at Bharti Airtel. During his tenure in the USA, Rajeev was heading the global solutions consulting division of eVector Inc. (an Intel /Reuters portfolio company) at Fairfax, VA and worked

with leading global Telcos, on multi-million dollar consulting assignments worldwide. With a career span of more than 17 years in IT and Telecommunications domain, he handled responsibilities in areas of IT strategy, outsourcing, technical services, customer support and global business development. Rajeev is B.E. (Electronics), with University rank and holds a PGD in advance computer programming and system analysis.

**THOMAS K. BRESLIN** is the Chief Executive Officer for AEC Inc., headquartered in Schaumburg, Illinois. AEC provides a broad range of auxiliary equipment and technical services for processors in the plastics, food,

chemical, pharmaceutical, printing, and machine tool industries. This includes cooling towers, portable chillers, air coolers, material conveying, blending, drying and storage systems for the plastics industry as well as a complete range of size reduction recycling products. AEC products are fully supported world wide from strategically located facilities in Europe, China, India, and the United States. AEC serves and supports its customers worldwide with products and systems designed for 24/7 operation. Factory trained sales, service and parts support is available around the world at AEC and AEC affiliated locations.

**RAJARSHI CHAKRABARTI** is the Resident Partner of the Mumbai office of Kochhar & Co. He is a corporate commercial lawyer with emphasis on cross-border transactional and regulatory work. His practice areas include strategic investments, joint ventures, mergers and acquisitions, restructuring, regulatory compliance, corporate governance, etc. Rajarshi has negotiated, drafted and structured a wide range of business transaction documents on behalf of foreign investors. He has also handled contentious issues before the Supreme Court of India, High Courts of various states and other judicial/quasi-judicial bodies on behalf of large public sector and private sector corporations. Rajarshi frequently speaks at national and international conferences on wide range of Indian law issues. Email: [rajarshi@mumbai.kochhar.com](mailto:rajarshi@mumbai.kochhar.com)

**HARVEY JAY COHEN** is a Partner in the Corporate Department and Chair of the International Practice Group. Harvey engages in a business and corporate law practice that includes the representation of non U.S.-owned entities; software, Internet, computer, outsourcing and high-tech agreements of all types; acquisitions and mergers; international business transactions, including joint ventures, foreign subsidiaries and entities, European, Mexican, Indian, and Chinese transactions; alliance, licensing, distribution, and agency agreements; general corporate counseling; executive compensation agreements; and private equity and venture capital transactions. He frequently lectures in the U.S. and abroad on high technology, domestic, and international joint ventures, mergers and acquisitions, and other transactions for international organizations and business groups. Email: [harvey.cohen@dinslaw.com](mailto:harvey.cohen@dinslaw.com)

**ROBERT W. COSMAN** is a Senior Partner at Fasken Martineau DuMoulin LLP, one of Canada's leading law firms. He has a broad litigation and commercial arbitration practice. He has appeared as counsel in over 250 cases at public administrative hearings, and at trial and appellate levels of Canadian courts, including the Ontario Superior Court of Justice, the Ontario Court of Appeal, the Federal Court and the Supreme Court of Canada. He has acted as counsel in a wide variety of international arbitrations, and has represented the Government of Canada in negotiating changes to the UNCITRAL arbitration regime.

Mr. Cosman regularly assists clients of his firm on cross-border litigation, and is recognized for his expertise in international commercial arbitration. Email: [rcosman@fasken.com](mailto:rcosman@fasken.com)

**SIMON GILBERT** is head of Corporate Finance at Charles Russell LLP. He qualified in 1983 and joined Charles Russell LLP in 1989. He advises on public and private company work for UK and international clients, specialising in international and domestic IPO's, secondary issues and private placings, the City Code; domestic and cross border mergers, acquisitions and disposals (public and private), private equity and UK aspects of listings, offerings and corporate transactions involving non-UK exchanges and regulatory bodies. Simon has been identified by legal directories as a leading corporate finance lawyer in the UK, a legal expert in M&A and highly recommended for Equity Capital Markets work. Email: [simon.gilbert@charlesrussell.co.uk](mailto:simon.gilbert@charlesrussell.co.uk)

**GIRISH GOKHALE** currently works as the Chief Legal Advisor for Larsen & Toubro Limited. His core responsibilities include managing and overseeing litigation strategy for the company. He is also responsible for managing high stake restructuring initiatives, complex commercial contracts and overseas acquisitions. In a career spanning 25 years, Girish has worked with reputed Indian law firms and conglomerates handling varied litigation and transactional work. He has substantial experience in dealing with a wide spectrum of industries, specially those related to infrastructure and telecom. Girish is a qualified Solicitor and also Attorney at Law from the Law Society, London.

**DAN GROSS** is the founder of DGV law office in Israel and is a Member of the Israeli Bar. His activities include corporate law, commercial law, franchising (local and international), relocation, technology, telecom, real estate and commercial litigation. As head of the firm's telecom team Dan represents world leading multinational telecom companies concerning their activities, including the design of international transactions, contracts, legal opinions, asset management, real estate, employee relocation and litigation. He is a Member of the foreign workers committee of the Israel Bar and specializes in acquiring work permits for non-Israeli employees. Dan Holds

several director positions in local and multinational corporations. As part of the firm's pro bono work, he serves as the legal advisor of the Children's Surgery wing of the Soroka Hospital nonprofit organization. Email: [gross@dgvlaw.com](mailto:gross@dgvlaw.com)

**MICHAEL W. HAWKINS** is a partner in the Cincinnati, Ohio ALFA International law firm of Dinsmore & Shohl, LLP. His practice consists exclusively of representing private and public employers in all phases of employment law litigation and labor relations matters. He also serves as an Arbitrator and Mediator on The American Arbitration Association Labor and Employment Panel. Mr. Hawkins has been listed since 1992 in The Best Lawyers in America in labor and employment law. He is a graduate of the University of Kentucky and the University of Kentucky School of Law, where he was Lead Articles Editor of the Law Review and graduated Order of the Coif. He successfully argued NLRB v Kentucky River and will be arguing CBOCS v Humphries before the US Supreme Court. Email: [michael.hawkins@dinslaw.com](mailto:michael.hawkins@dinslaw.com)

**TN KUMAR** is the General Manager in the legal department of Air India, the Indian flag carrier. He manages the entire legal function of the organisation and appears as counsel for Air India before the National Consumer Disputes Redressal Commission and various High Courts. He is currently the legal committee member of the International Air Transport Association (IATA) and a visiting faculty to the NALSAR Law University in Hyderabad.

**IGNACIO LÓPEZ-BALCELLS** is founder and managing partner of the Spanish law firm Bufete B. Buigas. He specializes in directing complex transactions, in particular mergers and acquisitions, alliances and associations, designing and carrying out flotations on the stock exchange, financial restructurings, and reorganizing corporate groups. He is a legal advisor to several national and foreign companies, both privates and quoted, which he counsels on an ongoing basis on making strategic decisions, drawing on his knowledge on legal and tax consultancy and his extensive business experience. He is a member of the boards of directors of several companies of the most different sectors of the economy, and serves as secretary of the board in a very

large number of companies. Education: Central University of Barcelona (Law Faculty): Degree in Law; City of London Polytechnic (London): Degree in Business and Tax English Law and International Contract Law; Barcelona Centre of Tax studies: Degree in Tax and Financial Law. Email: [ilb@buigas.com](mailto:ilb@buigas.com)

**JOSEPH R. MARCONI** is a senior shareholder of the Chicago, Illinois ALFA International firm of Johnson & Bell. A member of the executive committee and corporate secretary of the firm, he is the chair of the firm's Business Litigation and Practice Group and co-chair of the Employment Law Practice Group, handling complex civil litigation, professional liability and employment law cases, as well as trade secrets, unfair competition, trademark and patent litigation cases. Over the years, he has litigated numerous cases regarding the duties and obligations of corporate directors and officers, shareholders, and creditors. He has successfully defended various actions by consumers against his business clients, including class actions. He is general counsel for Illinois State Bar Association Mutual Insurance Company which is owned and run by Illinois attorneys. Joe is also member of the Board of Directors of ALFA International. Email: [marconij@jbltd.com](mailto:marconij@jbltd.com)

**ALFRED MEIJBOOM** is a partner in both intellectual property and information technology law at Kennedy Van der Laan and one of the firm's founders and board member. His practice focuses on advising and litigating in the field of intellectual property and liability for multinational technology companies. Alfred is an editor of the Dutch-Belgian IT law review, is a qualified arbitrator for the Netherlands Foundation for the Resolution of Computer-related Disputes, and panelist for WIPO Arbitration and Mediation Centre for generic top level domains and .nl domain name disputes, as well as the Czech Arbitration Court for .eu domain name disputes. Alfred co-founded the Netherlands Association of specialized IT attorneys (VIRA) and is a member of a number of various professional associations. He also teaches and writes extensively on IP and IT law, and is recommended in different legal expert guides, including Chambers Global and The Legal 500. Email: [alfred.meijboom@kvdl.nl](mailto:alfred.meijboom@kvdl.nl)

**MAURICIO PRADO** is a partner at the Arbitration, Corporate Law and Commercial Law practice groups of L.O. Baptista Advogados Associados, having extensive expertise in both domestic and international complex arbitrations, negotiations of international contracts and M&A transactions. He received his law degree from the University of São Paulo Law School, where he also obtained his LL.M. in International Trade Law. He obtained his D.E.S.S and J.S.D. in International Trade Law at the University of Paris X (Nanterre), and was a visiting scholar at the International Institute for Private Law Unification (UNIDROIT). He is 1st Secretary of the Brazilian Arbitration Committee (Comitê Brasileiro de Arbitragem – CBar), teaches Negotiation Techniques and Business Law at the Fundação Getúlio Vargas, in São Paulo, and is the author, among several articles, of the books *Contrato Internacional de Transferência de Tecnologia – Patente e Know How* and *International Commerce Law – Pragmatic, Diversity and Innovation*, both published in Brazil. He is fluent in Portuguese, English and French. Email: [map@baptista.com.br](mailto:map@baptista.com.br)

**M.R. PRASANNA** holds a masters degree and is a gold medalist. Mr. Prasanna is the General Counsel of the Aditya Birla Group, spearheading mergers and acquisitions. He has held the said position since 1988. Mr. Prasanna is a Director in many of the Aditya Birla Group Companies. He was the Chairman of the Legal Affairs Committee of the Bombay Chamber of Commerce & Industry and is currently Advisor to the Managing Committee of Bombay Chamber. He is presently the Co-Chairperson of the Legal Affairs Committee of ASSOCHAM and a member of the Corporate Laws Committee of FICCI. He is a Member of the IBA and is on the Editorial Board of the India Business Law Journal, Hong Kong. Mr. Prasanna was awarded the "Best In House Counsel" award by Asia Law, Hong Kong in 2005 and 2007. In November 2006, Mr. Prasanna was conferred the "National Law Day" Awards by Hon'ble Prime Minister of India.

**ATANU SARKAR** is currently the Chief Legal Officer at Tech Mahindra Limited. He manages the centralized legal services for the company and all its subsidiaries and branches globally. He plays a lead role in negotiating and finalizing commercial contracts, handling all M&A activities and advising the management on

legal issues. Prior to his current role, Atanu was the lead lawyer for ICI India Limited (subsidiary of Imperial Chemical Industries Plc) handling acquisition and divestment related issues, tax and joint venture related litigation and variety of complex commercial contracts. He began his career as a litigator and had handled cases relating to civil, criminal and employment matters.

**LEE SEOW SER** is a partner with M/s Ramdas & Wong. She was called to the Singapore Bar in 1996 after graduating from University of Leeds (UK) in 1995 with LLB Honours. Her current areas of practice involve mainly corporate and commercial transactions, including employment and intellectual property matters. She has acted for and advised private and public companies in transactions relating to sale and purchase of shares, business assets and undertakings, sale and lease-back transactions, corporate re-organisation and restructuring exercises and joint ventures. She also undertakes trademark registration applications for her clients and advisory work for companies, charities and institutions of a public character in relation to corporate governance, regulatory compliance and corporate secretarial matters. Email: [lee\\_seow\\_ser@ramdwong.com.sg](mailto:lee_seow_ser@ramdwong.com.sg)

**TARVINDER SINGH** is a Senior Partner in the IP Department of Kochhar & Co. He is a registered Patent Attorney with the Indian Patent Office. His main practice areas are Trade Mark Litigation and Patent prosecution work including advising clients on formulating their India IP strategy. Email: [tarvinder.singh@kochhar.com](mailto:tarvinder.singh@kochhar.com)