



Union Internationale des Avocats  
International Association of Lawyers  
Unión Internacional de Abogados



# Avoiding Pitfalls when Trading in Europe: Important Differences between European and Japanese Laws

MONDAY, MAY 30, 2016



# TOKYO

# JAPAN



Seminar organised by the UIA and the Tokyo Bar Association

## Bringing together the world's lawyers

*For over 85 years, the Union Internationale des Avocats (UIA - International Association of Lawyers) has been defending the legal profession and facilitating international contacts, cooperation and the exchange of knowledge among lawyers, while respecting their cultural and professional diversity.*

Today, the UIA brings together several thousand members – lawyers or law professionals – and hundreds of bars, federations and associations.

## Join the UIA and become a member of the world's strongest network of lawyers

- You will participate in the work of the UIA Commissions in Business Law, Human Rights and General Practice and share your experience with that of professionals from over 110 countries.

- You will also be able to join forces with the UIA, which, each year, provides its support to lawyers who cannot freely practise their profession. Everywhere in the world where rights of defence are threatened or the proper administration of justice is hindered, the UIA will make your voice heard.

[www.uianet.org](http://www.uianet.org)

*Join the UIA during the seminar and benefit from a 50% discount on your membership fee.*

## Introduction

The importance of the EU market to Japan cannot be understated. The value of Japanese exports to the EU exceeds ¥10,000 billion.

It is therefore important for lawyers who are advising Japanese businesses to ensure that they are aware of:

- how EU law can affect the achievement of commercial objectives; and
- the differences between Japanese law and EU law in a number of commercial areas.

With this knowledge they can help meet the commercial needs of Japanese businesses.

Avoiding Pitfalls when Trading in Europe examines the important commercial law considerations which are critical for Japanese businesses by contrasting them with the relevant Japanese law issues.

This seminar therefore considers not only how to organise a distributorship network in Europe but what European distributors think about. It also considers the concept of such of distribution and why Japanese brands need to know about this concept.

Businesses entering a new market for the first time will often use an agent. This way of operating can prove beneficial to the new entrant. But, it is also the case that relationships are more easily made than ended. A number of important issues concerning the termination of agency agreements in the EU are explained during the course of the seminar.

Finally, the online channel is growing in importance for consumers in the EU and, therefore, businesses. It follows that it is vital to have an appreciation of consumer rights in the EU and also to understand the legal issues of using social media for marketing purposes.

This seminar is addressed both to local lawyers, who wish to understand the legal particularities of European law, as well as to overseas lawyers from Europe and elsewhere, who deal with Japanese clients, so they become aware of the differences between European and their local law. To that end, each of the topics will be presented by a European lawyer and followed by a local commentator.

This seminar also aims to become an extraordinary opportunity for Japanese and overseas lawyers to meet and create bonds for future business opportunities.

**Attend this ground-breaking UIA seminar and help Japanese businesses, with which you are involved, achieve more in the EU.**



Sunday | May | 29 | 2016

**19:00 GALA DINNER**

**Tokyo Shiba Tofuya-Ukai**

4-4-13 Shiba-Koen, Minato-ku, Tokyo, Japan

T +81 (3) 3436 1028

[www.ukai.co.jp/english/shiba/access.html](http://www.ukai.co.jp/english/shiba/access.html)



Monday | May | 30 | 2016

**09:30 – 10:00 REGISTRATION OF PARTICIPANTS**

CREO Auditorium, Bar Association Building (Bengoshi Kaikan)  
1-1-3 Kasumigaseki, Chiyoda-ku, Tokyo, Japan

**10:00 – 10:10 WELCOME AND OPENING OF THE SEMINAR**

- Shigeaki ITOH, *President of the Tokyo Bar Association, Japan*
- Stephen L. DREYFUSS, *UIA Past President, Hellring-Lindeman-Goldstein & Siegal LLP, Newark, NJ, USA*
- Ignacio CORBERA DALE, *UIA Deputy Director of Seminars, Garrigues UK LLP, London, UK*

**10:10 – 11:30 FIRST PART: CRITICAL ISSUES**

Organising a distribution network in Europe – the main options: agents, distributors, franchisees, subsidiaries and joint ventures

- Nicole VAN CROMBRUGGHE, *LVP Law, Brussels, Belgium*

What do European distributors think about – exclusivity or not, reserving rights, house accounts, minimum purchase requirements, governing law, and jurisdiction. What is important for distributors?

- Stephen SIDKIN, *UIA Co-Director of Communications, Fox Williams LLP, London, UK*

Local commentator

- Kazuma HIGUCHI, *Vice-Chair, International Committee, TBA, Higuchi & Partners, LPC, Tokyo, Japan*

Discussions and Q&As

**11:30 – 11:40 COFFEE BREAK**

**11:40 – 13:00 SECOND PART: SELECTIVE DISTRIBUTION**

Selective distribution – what do European retailers expect?

- Stephen SIDKIN, *UIA Co-Director of Communications, Fox Williams LLP, London, UK*

Selective distribution – why selective distribution and what are the contractual issues which must be addressed in a selective distribution agreement?

- Horst BECKER, *ARIATHES Rechtsanwälte, Munich, Germany*

Local commentator

- Akihito NAKAMACHI, *Member, International Committee, TBA, Anderson, Mori & Tomotsune, Tokyo, Japan*

Discussions and Q&As

**13:00 – 14:00 LUNCH**

**14:00 – 15:20 THIRD PART : TERMINATION**

Using an agent in the European Union – rules you have not even thought of

- Nathalie SINAVONG, *Shubert Collin Associés, Paris, France*

The cost of termination – statutory compensation and other consequences of terminating agents and distributors in the European Union

- David PINET, *Lebray & Associés, Paris, France*

Local commentator

- Motoyasu HIROSE, *Member, International Committee, TBA, Uryu & Itoga, Tokyo, Japan*

Discussions and Q&As

**15:20 – 15:30 COFFEE BREAK**

**15:30 – 16:50 FOURTH PART: THE ONLINE CHANNEL**

European consumer rights – the rights which consumers enjoy and expect

- Christoph OERTEL, *Brödermann Jahn Rechtsanwalts-gesellschaft mbH, Hamburg, Germany*

Social media – the growing importance and regulation of social marketing to European consumers

- Enrica SENINI, *Studio Legale Senini, Brescia, Italy*

Local commentator

- Yoshihisa HAYAKAWA, *Vice-Chairman, International Committee, TBA, Uryu & Itoga, Tokyo, Japan*

Discussions and Q&As

**16:50 – 17:00 CLOSING REMARKS**

- Yoshihisa HAYAKAWA, *Vice-Chairman, International Committee, TBA, Uryu & Itoga, Tokyo, Japan*
- Ignacio CORBERA DALE, *UIA Deputy Director of Seminars, Garrigues UK LLP, London, UK*

**17:30 – 19:30 RECEPTION hosted by the Tokyo Bar Association**

Restaurant Hibiya Matsumotora

1-2, Hibiya-Koen, Chiyoda-ku, Tokyo, Japan



# Organising Committee

## Miyuki ISHIGURO

*Chairman, International Committee, TBA  
Nagashima Ohno & Tsunematsu  
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## Yoshihisa HAYAKAWA

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## Stephen SIDKIN

*UIA Co-Director of Communications  
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## General Information

### SEMINAR VENUE

**CREO Auditorium, Bar Association Building (Bengoshi Kaikan)**  
1-1-3, Kasumigaseki, Chiyoda-ku  
Tokyo, Japan  
T +81 3 3581 2251

### REGISTRATION FEES

MEMBERS OF TOKYO BAR ASSOCIATION	Sponsored by Tokyo Bar Association
SPEAKERS NON - MEMBERS OF TBA	€ 150
OTHER DELEGATES	€ 300

These fees cover participation in the seminar and coffee on Monday, May 30, 2016. The reception on Monday, May 30, 2016 from 17:30 will be hosted by the Tokyo Bar Association and is free of charge for UIA participants. No lunch will be served. However, you will find many restaurants and shops within the building of the venue. The gala dinner on Sunday night, May 29, 2016, is optional and at additional charge. Please note that the number of places at the seminar is limited. The organisers reserve the right to refuse registrations in the event of excess applications.

### CONTINUING LEGAL EDUCATION

Every participant attending the seminar will receive a "Certificate of Participation" at the end of the event that may be used for obtaining "Credits" for "Continuing Legal Education" – "Continuing Professional Development" purposes, depending on national rules. For more information, please contact the UIA.

### LANGUAGE

The working language will be **English** and **Japanese** with a simultaneous translation.

## HOTEL ROOM RESERVATION

A limited number of rooms have been pre-booked at a preferential rate at The Peninsula Tokyo hotel. Reservations should be made directly through the hotel. Credit card details must be given in order to secure your reservation. Please note that the number of rooms is limited. We recommend that you proceed with your reservations as soon as possible. You will also find 3\* and 4\* hotels closed to the seminar venue.

Hotel	Rates
<b>THE PENINSULA TOKYO (5*)</b> 1-8-1 Yurakucho, Chiyoda-ku Tokyo, 100-0006, Japan T +81 (3) 6270 2888 T +81 (3) 6270 2608 / +81 (3) 6270 2618 F +reservationPTK@peninsula.com www.peninsula.com/tokyo	Single/Double room <u>without</u> breakfast <b>JPY 50 000*</b> Single room <u>with</u> breakfast <b>JPY 53 000*</b> Double room <u>with</u> breakfast <b>JPY 56 000*</b>  <b>*Subject to 15% service charge, 8% consumption tax, and JPY 200 Tokyo accommodation tax per person per night</b>

Please download the hotel reservation form from our Website: [www.uianet.org](http://www.uianet.org)

## CANCELLATION CONDITIONS

All cancellations will be subject to a 50% deduction and will have to be sent in writing, to be received by the Union Internationale des Avocats **no later than April 29, 2016**. No refund will be made for cancellations received after this date.

## VISAS

Anyone who requires a visa invitation letter in order to attend the seminar should register and pay their registration fees **no later than April 29, 2016** to ensure there is enough time to obtain a visa.

All cancellations will be refunded in full, minus €50 + VAT to cover administrative costs, provided that the UIA has received the registration documents and **total registration fees no later than April 29, 2016**.

If you register after this date, only 50% of the amount paid minus €50 + VAT to cover administrative costs will be refunded for cancellations due to visa refusals.

All cancellations due to a visa refusal must be sent in writing and reach the UIA **before the seminar**. Cancellations must be accompanied by a **proof of visa refusal**.

If your visa is issued after the seminar date or if you do not have proof of visa refusal, you will not be entitled to a refund.

## GENERAL CONDITIONS

All registrations received by the Union Internationale des Avocats (UIA) along with the full payment of fees corresponding to the events selected will be confirmed in writing.

The UIA reserves the right to cancel or postpone the seminar to a later date, change the seminar venue and/or programme, make any corrections or modifications in the information published in the seminar programme and cancel any invitation to participate in the seminar, at any time and at their entire discretion, without having to provide any reasons for the same.

Neither the UIA, nor any of its managers, employees, agents, members or representatives shall be held responsible for any loss or damage, of any nature, suffered (directly or indirectly) by a delegate, accompanying person or a third party following any cancellations, changes, postponements or modifications.

**The UIA strongly advises participants to subscribe to modifiable and/or refundable services, as well as to take out a cancellation insurance.**

Neither the UIA, nor any of its managers, employees, agents, members or representatives shall be held responsible for any loss or damage, of any nature whatever, suffered (directly or indirectly) by a delegate or accompanying person, except in case of death or personal injury due to gross negligence by the UIA.

The contractual relations between the UIA and each participant (delegate or accompanying person) in relation to the seminar are subject to French law and jurisdiction, to the exclusion of any other law. Paris is the city of jurisdiction.

## FORMALITIES

It is the responsibility of participants to ensure compliance with police, customs and health formalities for their journey. Participants unable to take part in the seminar because of their inability to take a flight or any other means of transportation due to being unable to provide the documents required (passport, visa, vaccination certificate, etc.) cannot claim any reimbursement.

## FORCE MAJEURE

“Force majeure” means any events external to the parties, of both an unforeseeable and insurmountable nature that prevents either the client or the participants, or the agency or service providers involved in organising the seminar, from executing all or part of the obligations provided for in the present agreement. By express agreement, such will be the case in the event of a strike affecting the means of transport, hotel staff, air traffic controllers, an insurrection, a riot or any prohibition whatever decreed by Governmental or public authorities.

It is expressly agreed that for the parties, a case of force majeure would suspend the execution of their reciprocal obligations. At the same time, each of the parties shall bear the burden of all the expenses incumbent upon them, resulting from the case of force majeure.

## HEALTH

The organisers decline any responsibility in case of any health problems existing prior to the seminar that may lead to complications or be aggravated during the entire period of the stay: pregnancy, cardio-vascular problems, any allergies, special diets, any disorders under treatment and not yet consolidated on the day the seminar starts, psychic or mental or depressive illness, etc. (Non exhaustive list).



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# Avoiding Pitfalls when Trading in Europe: Important Differences between European and Japanese Laws

Monday, May 30, 2016

**TOKYO, JAPAN**

## REGISTRATION FORM

Register online at: [www.uianet.org](http://www.uianet.org)

or please complete and return this form, by email, fax or post, to:

**UNION INTERNATIONALE DES AVOCATS**

25 rue du Jour, 75001 Paris, France

Tel: +33 1 44 88 55 66 n Fax: +33 1 44 88 55 77 n Email: [uiacentre@uianet.org](mailto:uiacentre@uianet.org)



Register online

**UIA INDIVIDUAL MEMBERS: M I - - - - -**

Please specify your membership number (Please check your membership card or membership fees)

Family Name: .....

First Name: .....

Firm: .....

Address: .....

Post Code: ..... City: .....

Country: .....

Tel: ..... Fax: .....

Email: .....

Date of Birth: .....

EU VAT ID – Number: .....

Special requests (special diet, allergies, handicap...): .....

Arrival/departure times & flight numbers: .....

Hotel: .....

### A. SEMINAR REGISTRATION FEES

MEMBERS OF TOKYO BAR ASSOCIATION

SPONSORED BY TOKYO BAR ASSOCIATION

SPEAKERS NON - MEMBERS OF TBA

€ 150

OTHER DELEGATES

€ 300

## B. SEMINAR SOCIAL ACTIVITY

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Please indicate below whether you plan to attend the following events **included** in the cost of your registration.

- Welcome Reception hosted by the Tokyo Bar Association – Monday, May 30, 2016

*No lunch will be served. However, you will find many restaurants and shops within the building of the venue.*

## C. OPTIONAL ACTIVITY

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(not included in the registration fees)

- Gala Dinner – Sunday, May 29, 2016

• Please book ..... person(s) for the Gala Dinner

€ 175 x \_\_\_ / pers

Total (C) € .....

## D. TOTAL

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TOTAL (A) – Registration Fees

€ .....

TOTAL (C) – Optional Activity

€ .....

TOTAL (A+C) € .....

## E. CANCELLATION CONDITIONS

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I, the Undersigned, confirm that I have read and accepted the **cancellation conditions** as well as the **general conditions** given on page 5 of the registration programme. My registration will only be taken into account on receipt of the payment.

Participants are aware that their image and/or voice may be photographed, recorded or filmed throughout the duration of the seminar. They hereby assign to the UIA, with the signature of this form, the right to exploit, reproduce and disseminate the images and recordings by all means, both known and unknown, using all media, for an unlimited term and free of charge.

## F. METHOD OF PAYMENT

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- By cheque in € payable to the UIA, addressed to: UIA – 25 rue du Jour – 75001 Paris – France

- By bank transfer in €, without charges to the payee, in favour of the Union Internationale des Avocats, quoting “2016 Tokyo Seminar”, to the following bank and account:

**Société Générale – Paris Elysées Entreprise**  
**91 avenue des Champs Elysées – 75008 Paris – France**  
**BIC / SWIFT N°: SOGEFRPP**  
**IBAN: FR76 3000 3033 9200 0503 4165 164**

*Kindly attach a copy of your bank transfer order to your registration form*

- By credit card:       Visa                       Mastercard

Card N°: \_ \_ \_ \_ \_

Expiry date: \_ \_ / \_ \_                      3 digits: \_ \_ \_

Name of card holder: .....

I authorise the Union Internationale des Avocats to debit the above mentioned credit card in the amount of € (EUR) .....

Date: ..... / ..... / .....

Signature: .....

**09:00 – 09:30 REGISTRATION OF PARTICIPANTS**

**Hotel Marinela Sofia**  
James Bourchier Boulevard, 100  
Sofia, Bulgaria

**09:30 – 11:00 ROUND TABLE about the Previously Discussed Themes**

**Moderators:** • **François MOYSE**, *DSM Di Stefano Moyse Avocats à la Cour, Luxembourg, Luxembourg* & **Agata Barbara CAPIK**, *Doctor on Law, Germany*

**The CJEU Jurisprudence in the field of immigration law : Dano case and others**

• **Martin BABAROV**, *Lawyer, PhD candidate in EU Law, Sofia University St.Kliment Ohridski, Sofia, Bulgaria*

**Status of the national lawyers within the freedom to provide services**

- **Anna MASIOTA**, *Masiota Adwokaci I Radcowie Prawni, Poznan, Poland*
- **Katerina GRAMATIKOVA**, *Lawyer, Dobrev & Lyutskanov, Bulgaria*

**CJEU and Fundamental rights: quo vadis?**

- **François MOYSE**, *DSM Di Stefano Moyse Avocats à la Cour, Luxembourg, Luxembourg*

**11:00 – 11:30 COFFEE BREAK**

**11:30 – 13:00 ROUND TABLE about the Previously Discussed Themes (Continued)**

