

2013 Primerus Business Law Institute Symposium

June 19-20, 2013

Georgia Aquarium

Atlanta, Georgia

A large, faint, stylized graphic of the letters 'IP' is centered in the background. The letters are rendered in a bold, serif font with a slight 3D effect, appearing as if they are embossed or floating within a square frame that has a subtle drop shadow. The overall color scheme is light gray and white.

We Won The Battle: Now What?

Enforcing Foreign Judgments

Presenters

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All 50 States

Canada

Mexico

Bahamas

Jamaica

Virgin Islands

Brazil

England
Scotland

Belgium

Spain

Netherlands

Germany

Czech

Italy Republic

Saudi Arabia

China

Let's Refresh Our Recollection!

- Pre-game decisions.
- Arbitration or Court?
- State or Federal?
- Here or there?
- Subject matter jurisdiction.
- Personal (*in personam*) jurisdiction.
 - minimum contacts
 - consent
 - service
- Assets, assets, where are the assets?

A Brief History

- *Hilton v. Guyot* – Genesis of American law
- Uniform Foreign Money Judgments Recognition Act
- 2005 Revised Uniform Act
- Adoption by States
 - Uniform Act
 - Revised Act
- Reciprocity
- *Osterio v. Dole* – Lessons to learn

Uniform Act - Adoption

Legislative Enactment Status

Foreign Money Judgments Recognition Act (1962)



Revised Act - Adoption

Legislative Enactment Status

Foreign-Country Money Judgments Recognition Act (2005)



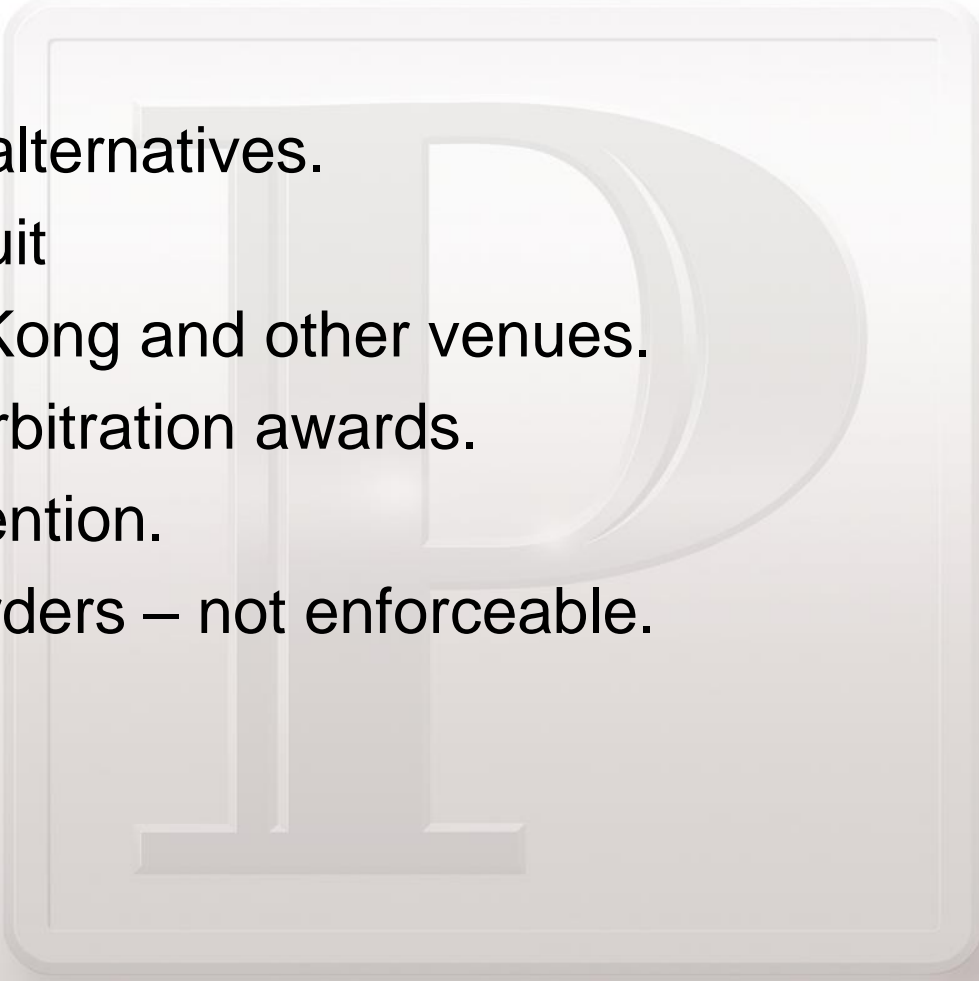
Arbitration, in what nation?

- Short-term considerations
 - Mandatory arbitration – Do we have to?
 - Getting a court to enforce an award
 - Limitations on remedies
 - Cheaper?
- Long-term considerations
 - Take it to 'em!
 - Bring it on! Here!
- Conventions
 - NYC – Convention on the Recognition and Enforcement of Foreign Arbitral Award.
 - Panama – The Inter-American Convention on International Commercial Arbitration.

The People's Republic of China

- Regulation from Supreme People's Court regarding Handling the Request of Judicial Assistance of Delivery of Judicial Document and of Investigation according to International Convention and Bilateral Judicial Assistance Treaties.
- Reciprocity
- Treaties with various countries.
 - Types: Civil, Commercial, Criminal
 - Limitations
 - “Judicial Assistance only.”
 - “Arbitration Awards only.”

The People's Republic of China, cont.

- Practical alternatives.
 - New suit
 - Hong Kong and other venues.
 - Foreign arbitration awards.
 - NY Convention.
 - Interim Orders – not enforceable.
 - Delays.
- 

Taiwan Perspective – What Really Happens!

- LiPu to the rescue!
- At your service – assistance with service.
- Judgment enforcement
 - Common law vs. civil law countries.
 - *Mutatis mutandis*.
 - Damages.
- Taiwanese arbitration laws.

Conclusions

- Preparing for the worst
 - consents to jurisdiction, forum, law
- Once it hits the fan
 - decisions about where to sue
 - where are the assets now?
- Think Primerus first!

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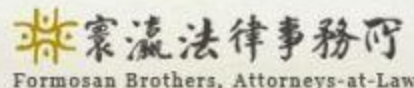
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