

The International Society of Primerus Law Firms

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## Business

### **AFRICA**

#### **Analysis of the Bribery Act, 2016**

**[Njoroge Regeru & Company](#)**

Nairobi, Kenya

The Bribery Act ("the Act") was assented into law on 23rd December, 2016 and effectively came into force on 13th January, 2017.

The Act, generally deals with bribery and not other forms of white collar crimes like fraud and money laundering. The term "bribery" is defined under PART II of the Act in an open ended manner to mean the act of giving or receiving a financial or other advantage in connection with the "improper performance" of a relevant function or activity that is expected to be performed impartially.

**[Full Article](#)**

### **AUSTRALIA**

#### **Digitally Bound: Can Email Negotiations Be Legally Binding?**

**[Anne Hurley, Esq. and Oscar Dell'Anna, Esq.](#)**

**[HHG Legal Group](#)**

West Perth, Australia

With email communication becoming the most commonly used means by parties to negotiate commercial and other agreements, it is important that everyone who communicates electronically is aware of potential legal implications of doing so.

**[Full Article](#)**

## UNITED STATES

### Business Tips - Naming Your Business

[Lisa Okasinski, Esq.](#)

[Demorest Law](#)

Detroit, Michigan

Demorest Law's commitment to the business community has encouraged us to offer a three-part series on naming and branding your new or existing business. This article will be the first installment of that series and will focus on the importance of choosing an appropriate name. The other two installments will cover Trademarks and Restricted Names. Moving forward, some of the biggest mistakes that a business owner or professional can make is choosing a name that is:

- Already in use, or
- Not distinguishable from an already existing business.

[Full Article](#)

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## Civil & Criminal Procedure

### AFRICA

#### Analysis of the Contempt of Court Act, 2016

[Njoroge Regeru & Company](#)

Nairobi, Kenya

The Contempt of Court Act was assented into law on 23<sup>rd</sup> December, 2016 and came into force on 13<sup>th</sup> January, 2017. The Act defines Contempt of Court and limits the powers of Courts in punishing for it. Section 4 of the Act provides that *contempt of court* includes both civil contempt and criminal contempt. Section 5 of the Act further categorizes contempt as direct or contempt in the face of the court, and indirect or contempt outside the court.

Kenya has never had a Contempt of Court Act prior to 23<sup>rd</sup> December, 2016. The furthest that the Country had gone with regard to coming up with legislation for Contempt of Court was the Contempt of Court Bill 2013 which faced a lot of criticism for suppressing the freedom of expression.

[Full Article](#)

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## Intellectual Property

### AUSTRALIA

#### IP Basics: Registering and Owning a Business Name as Part of Your IP Strategy

[Patricia Monemvasitis, Esq.](#)

[Carroll & O'Dea Lawyers](#)

Sydney, Australia

While there are no limits to the range of stimulating IP topics out there, there are also some more common topics that are often the most practically relevant to many readers. One such topic is business names, and how to register and protect them. This seemingly straightforward process can often harbour complexities that, when understood and utilised, can hold many benefits. In this post, we go through a selection of important considerations for registering and protecting a business name as part of your overall IP strategy.

[Full Article](#)

# Labor & Employment

## **IRELAND**

**Do You Use HR Consultants? You Could Have to Share Their Legal Advice With Your Employees!**

[Linda Hynes, Esq.](#)

[Leman Solicitors](#)

Dublin, Ireland

Do you use HR consultancy services? Did you know that a large part of their advice will be disclosable in data access requests and discovery?

This has long been an issue and the recent case of Carron v Fastcom determined by the EAT in December is a stark reminder of the boundaries you need to put in place when using HR consultants.

[Full Article](#)

## **UNITED STATES**

**Physician Non-Compete Agreements Restricted by New Statute**

[Daniel B. Fitzgerald, Esq.](#)

[Brody Wilkinson, PC](#)

Southport, Connecticut

Connecticut has enacted a new statute that limits the scope of non-compete agreements (or covenants not to compete) entered into, amended or renewed on or after July 1, 2016 that restrict the employment of physicians.

[Full Article](#)

## **UNITED STATES**

**Shifting Sands Continue to Undermine Traditional Definitions of Employment**

[Connie Elder Carrigan, Esq.](#)

[Smith Debnam Narron Drake Saintsing & Myers, LLP](#)

Raleigh, North Carolina

On June 7, 2017, the Wage and Hour Division of the United States Department of Labor withdrew two Administrator's Interpretations issued during the Obama administration that took a broad view of the employment relationship under the Fair Labor Standards Act (FLSA) regarding joint employment and the misclassification of employees as independent contractors. Employers should not become complacent, however, as a result of this action.

[Full Article](#)

# Leasing

## **AUSTRALIA**

**Changes to PPS Leases**

[Selwyn Black, Esq.](#)

[Carroll & O'Dea Lawyers](#)

Sydney, Australia

The definition of PPS Lease under the Personal Property Securities Act 2009 (Cth) (PPSA) was amended with effect on 20 May 2017. This change will have a particular impact on the need to register commercial leases of goods on the Personal Property Securities Register (PPSR).

[Full Article](#)

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## Litigation

### UNITED STATES

#### When is a Question of Fact NOT a Question of Fact?

[Bettie Kelley Sousa, Esq.](#)

[Smith Debnam Narron Drake Saintsing & Myers, LLP](#)

Raleigh, North Carolina

His light was red, swore the nuns. My light was green, slurred the drunk. Question of fact, ruled the judge. Summary judgment, denied.

If cases were that simple, our courts wouldn't have enough to do. Trial court motion calendars pack in summary judgment motions. And with each release of opinions, parties challenge many of those rulings before our Court of Appeals and Supreme Court. A quick, unscientific tally of the released COA opinions from January through early June of 2017 reveals 21

decisions in which summary judgment was at least part of the review.

[Full Article](#)

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## Oil & Gas

### UNITED STATES

#### Inspection of Records and Freedom from Retaliation

[Paul R. Yagelski, Esq.](#)

[Rothman Gordon](#)

Pittsburgh, Pennsylvania

You've received your royalty statements and you believe that your oil and gas company's figures are wrong. Can you check the figures on your royalty statements? Can you check the oil and gas company's records to verify the accuracy of their royalty statements? What happens if the figures are wrong, but you are afraid to tell the oil and gas company. You are afraid of retaliation. What can you do?

[Full Article](#)

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## Paradigm Magazine



The [2017 Spring Paradigm Magazine](#) delivers articles regarding developments and trends in legal issues relevant to corporate clients around the world, while showcasing Primerus members as leaders with the expertise to assist clients with any legal needs they may have. It is published twice a year and mailed to Primerus members as well as clients around the world.

If you would like to be added to our hard copy mailing list please include your mailing address in a brief email to Joan Bartosh at [jbartosh@primerus.com](mailto:jbartosh@primerus.com).

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## The Primerus Client Resource Institute

The Primerus Client Resource Institute (PCRI) is the client section of the Primerus membership intended for in-house counsel, risk managers, claims managers, and corporate executives who are responsible for the legal affairs of their companies. Given the challenges of doing business in today's fast-paced, global economy, it has never been more important for companies around the world to develop trusted relationships with law firms that offer high quality legal services at reasonable fees. Primerus seeks out, screens and audits our firms to make sure we have only the finest, so companies in need of legal services can call upon any Primerus lawyer with complete confidence that he or she is reasonably priced, highly competent, and worthy of your trust.



The PCRI was created with the help of some long-standing Primerus corporate clients, and offers in-house counsel and corporate executives an opportunity to connect with not only great law firms and lawyers, but also with other similarly situated in-house and corporate professionals.

### **Membership Benefits:**

- There is no cost to join
- Free 30-minute legal consultation phone call with any Primerus member, anywhere in the world
- Assistance in finding the right Primerus lawyer(s) to meet your needs
- Access to free Primerus educational webinars
- Access to the PCRI Listserv to communicate with other PCRI members
- On-site education programs can be arranged that are customized to your industry and business

### **It's Easy to Join the PCRI**

Click below to complete a brief online application. Once submitted, membership applications are reviewed and approved by the Primerus Client Resource Institute Executive Committee. Apply today, and you will hear from us soon.

[JOIN THE PCRI TODAY](#)

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# Resources

## Legal Articles

### Compendiums:

- [A Survey of the Law of Legal Malpractice - A Professional Liability Practice Group Compendium - September 2015](#)
- [A Survey of The Law of Non-Contractual Indemnity and Contribution - Products Liability Practice Group Compendium - April 2015](#)
- [Compendium of Principles of Law Regarding Bad Faith in the Fifty States and D.C. - 2013 Edition](#)
- [A State by State Update of Tort Reform - 2013 Edition](#)
- [Principles of Law Regarding Establishment and Operation of a Business in Various Countries Compendium - International Transactional Services Practice Group - March 2012](#)
- [Doing Business in the Asia Pacific Region](#)

## Primerus Xpress Archives

### Find a Primerus Member Law Firm

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## About Primerus

Primerus is a society of the world's finest independent, boutique law firms. With nearly 200 member firms in more than 40 countries, Primerus provides clients easy access to the right lawyer, with the right skills, in the right location, and at the right cost.

We seek out, accept and retain only the best firms for membership. Each firm is screened to ensure its commitment to excellence as embodied in the Six Pillars: Integrity, Excellent Work Product, Reasonable Fees, Continuing Legal Education, Civility and Community Service. After more than 20 years, in which Primerus has experienced tremendous growth in membership and expansion of services, we have never wavered from this commitment, and we never will.

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