

**Global Business Protections 2018:
International Restrictive Covenants and Confidential Information Conference**

**Opening Evening Networking Drinks - Tuesday 25 September, 2018
One Day Conference - Wednesday 26 September, 2018**

Both events are to be held at: One Whitehall Place, 1 Whitehall Court, London SW1A 2EJ

We look forward to welcoming you to the **Global Business Protections 2018: International Restrictive Covenants and Confidential Information Conference**. Speakers include more than 40 leading restrictive covenant experts from 17 countries around the world. Those expert speakers, from the US, Canada, South America, Europe, Asia-Pacific, Africa, the Middle East and the UK, will discuss key issues in drafting, enforcing and defending restrictive covenants, confidential information and other key business protections provisions around the world. Please see below for further programme and speaker details.

Tuesday, 25 September 2018

18:30 – 21:00 – **Opening Networking Drinks**

Wednesday, 26 September 2018

08:00 – 08:45 – **Registration and Breakfast**

08:45 – 08:50 – **Welcome Address, Anna Birtwistle, CM Murray (UK)**

08:50 – 09:30 – **Welcome and Keynote Session:**

The Future of Restrictive Covenants, Proprietary Interests and Confidential Information Across Borders

Restrictive covenant law continues to evolve, not only as technology and culture in the workplace change, but also as political environments impose themselves on this area of the law. In both the US and the UK restrictive covenant law has attracted governmental attention, including being the subject of a widely discussed “Call to Action” from the White House towards the end of Barack Obama’s presidency, while in the UK, the Government issued a Call for Evidence in relation to restrictive covenants culminating in its response on 7 February 2018. The topic of confidential information has been the subject of a European Directive (implemented in the UK by the Trade Secrets Regulations 2018 on 9 June 2018) while in the US, after years of trade secrets being governed by local state laws, Congress took a step toward creating a national approach to trade secrets protection when it enacted the Defend Trade Secrets Act in 2016.

Selwyn Bloch QC and Christopher P. Stief will discuss the future of restrictive covenants and confidential information, bringing to bear their years of experience litigating restrictive covenant, trade secrets and related matters in England & Wales and the United States.

Selwyn Bloch QC, Littleton (UK)
Christopher Stief, Fisher Phillips (US)

09:30 – 10:30 – **Plenary Session:**

Protecting Business Interests in International Team Moves – Pursuing Litigation, and Enforcing Orders and Awards Across Borders

What challenges do employers face when tackling cross-border team moves in the courts? How are fiduciary duties and restrictive covenants treated in different jurisdictions, and what remedies are available? Will an award by the courts of one country be enforceable against an individual who lives and works in another country? These are just some of the key issues to be examined in this session by the panel of experts from France, Russia, the US and the UK.

Wendi Lazar, Outten & Golden (US)
Anna-Stefaniya Chepik, Tilling Peters (Russia)
Mathilde Houet-Weil, Weil & Associés (France)
David Reade QC, Littleton (UK)

Moderator:
David Fisher, CM Murray (UK)

10:30 – 10:45 – **Coffee Break**

10:45 – 11:45 – **Breakout Sessions:**

Americas: Protecting Proprietary Technology and Confidential Information, and Enforcing Restrictive Covenants in the Americas

Across the various legal jurisdictions comprising the Americas, businesses experience a great number of similar challenges with respect to the protection of confidential and proprietary business information and the enforcement of restrictive covenant agreements. However, the counselling and litigation strategies best designed to mitigate these common challenges often differ substantially from jurisdiction to jurisdiction. Accordingly, this breakout session will examine several client counselling hypotheticals from the viewpoint of practitioners in Argentina, Canada, and the United States, to highlight the key commonalities and differences in strategy across these jurisdictions.

Jeff Goodman, Hicks Morley (Canada)
Michael Delikat, Orrick (US)
Mercedes Balado Bevilacqua, MBB Abogados (Argentina)

Moderator:
Michael Avila, Fisher Phillips (US)

M&A Issues: Cross-Border Restrictive Covenants and their Application in International Mergers, Acquisitions & Restructurings

This session will discuss the effect of acquisitions and mergers on the enforceability of post-termination restrictions in a practical, multi-national scenario, and the employer's ability to make changes to such restrictions post-acquisition in the various jurisdictions.

Toni Lorenzo, Lewis Silkin (UK)
Karine Audouze, Ogletree Deakins (France)
Sharon Reilly, Uniolex (Italy)
Imraan Mahomed, Hogan Lovells (South Africa)

Moderator:
Mandy Perry, Orrick (UK)

11:45 – 12:45 – **Breakout Sessions:**

Asia-Pacific: Protecting Proprietary Technology and Confidential Information, and Enforcing Restrictive Covenants in the Asia Pacific Region

This session will provide a high-level overview of the protection of proprietary technology and confidential information in Asia-Pacific generally, with a particular focus on China, Hong Kong, India and Singapore. The panel will look at the methods used to protect information and examine the framework for enforcing restrictive covenants in each of the chosen jurisdictions and will examine the impact of culture on the protection of proprietary technology and confidential information, challenges for international companies seeking to protect their valuable information and know how, as well as discussing trends and top tips for companies operating in these jurisdictions.

Ian Lim, TSMP (Singapore)
Atul Gupta, Trilegal (India)

Moderator:
Pattie Walsh, Bird & Bird (HK & China)

Innovations: Pushing the Envelope in Restrictive Covenants – Innovation in Drafting and Enforcement of Non-Competes and Other Restrictions

Experts from the UK and Australia will share their expertise on the innovative measures lawyers and their clients are using to seek to protect their businesses from employees and partners leaving, competing and destabilising and poaching their workforces and client and customer bases. Our panellists advise businesses across the globe including in Latin America and the Asia Pacific Region and are therefore able to share their global experience in this session.

This panel will explore cascading restrictive covenants, used in parts of Australia; steps which are being taken in jurisdictions where it is hard to enforce traditional covenants, such as parts of South America, and ways of encouraging compliance with restrictions beyond simply seeking injunctive relief such as the use of silent partners and ways of implementing financial penalties for non-compliance.

Maya Cronly-Dillon, Arthur J. Gallagher (UK)
Joydeep Hor, PCS (Australia)

Jason Butwick, Dechert (UK)
Benjamin Aberant, McCarthy Tétrault (Canada)

Moderator:
Sarah Chilton, CM Murray (UK)

12:45 – 13:50 – **Lunch Break and Networking**

13:50 – 14:30 – **Breakout Sessions:**

Alternative Strategies: for Limiting the Risk of Losing Key Employees, Business Information and/or Customers

This panel will look at alternative strategies for protecting employees, customers and clients and information, including the use of deferred compensation, restrictions on stock options and shares, and the use of clawback and other strategies in relation to compensation used to incentivise compliance by employees.

Ian Fraser, PwC (UK)

Moderator:
William Wright, Fisher Phillips (US)

Technology, Data and AI: Restrictive Covenants and Confidential Information Protections in the Technology Sector and in a World of Data and Artificial Intelligence

Using practical examples, this session will look at the likely issues that can and will arise as the use of AI technology increases and will consider the current limitations in existing restrictions (both in design and enforcement) and ways to mitigate these difficulties in future. The panel will also explore how employers may need to consider the wider contractual issues arising out of contracting with AI suppliers who could also be supplying the same product to competitors.

Gerlind Wisskirchen, CMS (Germany)
Orit Gonen, Gilat, Bareket & Co., Reinhold Cohn Group (Israel)

Moderator:
Marian Bloodworth, Kemp Little (UK)

14:30 – 15:30 – **Breakout Sessions:**

Professional Services: Partner Restrictive Covenants in Professional Practices Agreements – Enforcement and the Interplay with Professional Conduct Rules Internationally

Leading partnership experts will discuss the latest trends in the enforcement of Partner restrictive covenants in professional practices across various jurisdictions. There will be particular focus on the ability to restrict lawyers from continuing to act for their clients, whether through lengthy notice and garden leave periods, or non-compete and non-solicitation provisions, and the potential regulatory and ethical issues that arise when seeking to enforce

relevant agreements. We will consider the impact of local conduct rules on the ability to protect a global business and its clients, as well as the potential consequences of seeking to enforce restrictions extraterritorially. By considering a hypothetical case study, the panel will also discuss strategic issues involved in these matters, suggest practical guidance and provide solutions to such disputes.

John Machell QC, Serle Court (UK)
Kevin McGreevy, McGreevy Avocats (France)
Anthony Davis, Hinshaw Culbertson (US)
Bernadette Quigley, Barrister (Ireland)

Moderator:
Esther Martin, CM Murray (UK)

Financial Services: Enforcing Restrictive Covenants and Confidential Information Protections in International Financial Services

This panel of leading inhouse and private practice lawyers will focus on the financial services sector and the approach of the courts in the USA, UAE, Italy, and UK to restraints of trade and the international aspects of enforceability. Where does the financial services institution go to get the relief required, what law does the court or tribunal apply and what conflict of law barriers might stand in the way of that relief? The panel will also look at the availability of anti-suit injunctions in those jurisdictions, and at the use and enforceability of arbitration clauses in financial services restrictive covenant disputes.

Kelly Bunting, Greenberg Traurig (US)
Andrew Taggart, Herbert Smith Freehills (UK)
Gordon Barr, Al Tamimi (UAE)
Antonella Lo Sinno, Daverio & Florio (Italy)
Michael Lampert, LampertADR (US)

Moderator:
Jonathan Cohen QC, Littleton (UK)

15:30 – 15:50 – **Coffee Break**

15:50 – 17:20 – **Plenary Session:**

Mock Injunction Hearings in a Trans-Atlantic Dispute with Proceedings in Multiple Venues

What happens when an employer and employee want to fight their dispute in different jurisdictions? In this entertaining final session, expert advocates will go head to head in mock US Temporary Restraining Order and English anti-suit injunction hearings to explore the legal, technical and practical issues thrown up by this scenario. On one side, an American corporation relying on an exclusive US jurisdiction clause in a service agreement; on the other, a UK based senior executive claiming the right to be sued for breach of restrictive covenants in their country of domicile.

Cue a race to seize jurisdiction, with both sides seeking a judgment that compels the opposition to stop their proceedings in the other country. But will the court which hears the application first feel able to curtail the jurisdictional authority of the other court? Would a

judgment restraining proceedings in the other jurisdiction bind that court in any event? This mock hearing session will be a must see for anyone involved in cross-border employment disputes.

UK Mock Anti-Suit Injunction Hearing

Jonathan Cohen QC, Littleton (UK)

Gavin Mansfield QC, Littleton (UK)

Judge: Sir Michael Burton (UK)

US Mock Temporary Restraining Order Hearing

Peter Altieri, Epstein Becker (US)

Christopher Stief, Fisher Phillips (US)

Judge: Michael Lampert (US)

Co-Moderators:

Christopher Stief, Fisher Phillips (US)

David Fisher, CM Murray (UK)

17:20 -17:30 – Closing Comments

17:30 – 21:00 – Closing Networking Drinks