

## International Commerce, Trade, Franchising and Product Law Section

### Session Title:

### Hot Topics in International Commerce, Trade, Franchising and Product Law

### Date & Time of Session:

30.10.2023 from 1430 to 1730


### Session Chairs:

Pieter W. Tubbergen, Khong Aik Gan, Camila Corvalan, Quentin Vander Schueren, Martine De Koning, Melissa Murray, Christoph Wagner, Joanna Fulton

### Topics for discussion

Table No	Topics	Points of Discussion
1	<b>An old/new exercise: Drafting clauses compliant with antitrust rules in distribution agreements</b>  <b>Moderators:</b> <b>Cristina Martinetti,</b> <b>Marcio Sperling</b>	<p>It's essential to ensure that distribution agreements comply with the relevant antitrust laws in the applicable jurisdictions.</p> <p>Through the perusal of examples and cases participants will assess and discuss the validity of clauses, and the alternatives and solutions for companies which aim to distribute their products around the world.</p> <p>How to draft around antitrust issues such as exclusive dealing, territorial restrictions, resale price maintenance, tying and bundling, online sales restrictions, discounting practices, among many others?</p> <p>What are the key concerns and solutions in your jurisdiction?</p>
2	<b>Supply Chain in the Metaverse: Thinking New Business Models for interconnected Procurement,</b>	What are the implications of the growing metaverse environment for business in general and for specific

	<p><b>Services and Product Development</b></p> <p><b>Moderators:</b> Peter Wagner, Laura Opilio</p>	<p>“use cases” in particular, such as procurement, services and product development? What do current trends in the “virtual reality” already show us, such as green development and green production, experimental marketing and creator economy? What alignments of the “real world” may affect present business models, such as “digital twin factories”, i.e. cyber-physical systems, or “connected supply chains”?</p> <p>Let’s fasten the seat belt.</p>
3	<p><b>Competition Restrictions and ESG in the supply chain: Is there a hierarchy and how can cooperation remain within bounds</b></p> <p><b>Moderators:</b> Raquel Stein, Alessandro Maria Barzaghi</p>	<p>How could the limitations imposed on collaboration between competitors (multi-firm efforts) limit information across the selection, diligence, and relevant information affecting suppliers who may be in breach of ESG principles?</p> <p>Unconditional refusal to deal (impacts in case it is unilateral or involves multiple players) based on certain ESG factors such as pollution standards.</p> <p>How much information can be shared between competitors to attain certain ESG goals?</p> <p>Would the usual safe harbor provisions apply to ESG-based collaboration?</p>
4	<p><b>Agency and Distribution: Are they birds of the same feather or different altogether?</b></p> <p><b>Moderators:</b> Simon Hotte, Silvia Bortolotti</p>	<p>In number of sectors, companies are increasingly deciding to change their distribution model, moving from distribution to agency and vice versa.</p> <p>What are the reasons for such change of strategy?</p> <p>What could the risks be?</p> <p>Possible competition problems; consequences linked to contractual qualification; legal indemnities; other?</p> <p>What are the advantages and disadvantages of setting up and managing an agency as opposed to a distribution network?</p>

		We look forward to sharing our views and experiences on this strategic topic.
<b>5</b>	<b>ESG and Supply Chain</b>  <b>Moderators:</b> <b>Olivia GAST and John Sotos</b>	<p>The growing consequences of Global Planetary Destruction by humans commands that all enterprises including Franchise and Distribution networks as a result of their scaling effect, implement in their worldwide operations strong Environmental, Social and Governance policies within their core structures, including their Supply Chain.</p> <p>Come and share your experiences about current and emerging actions taken by chains and whether that is adequate.</p>  <p>HOT TOPICS ESG Supply Chain table.dc</p>
<b>6</b>	<b>AI and Data Privacy</b>  <b>Moderators:</b> <b>Martine de Koning and Cristobal Porzio</b>	<p>In this roundtable we will discuss AI and data privacy.</p> <p>What is the impact you have seen of AI, let's start for example with ChatGTP, on franchise chains in your country?</p> <p>How is it being used, is there any relevant regulatory framework (cf for example EU developments with GDPR, AI, DGA, DA, DSA, DMA, etc.).</p> <p>Is AI being used by franchise lawyers/law firms?</p> <p>How are the data governance and privacy aspects dealt with in your country and is this specific for franchise (or in general)?</p> <p>And do you see additional risks of AI for privacy, and other fundamental human rights such as non discrimination. etc?</p>
<b>7</b>	<b>Dispute Resolution - litigation vs arbitration</b>	This roundtable will discuss what are the factors that you consider while deciding which of the two to include in

	<p><b>Moderators:</b>  <b>Gustavo Alcocer, Talha Salaria</b></p>	<p>the contracts: for eg. time, costs, venue, the legal framework in your jurisdiction, expertise and specialization of local courts, privacy, choice of law and jurisdiction, enforcement of judgement/award.</p> <p>We will also propose to discuss trends in drafting clauses, and whether there are any international treaties that require special consideration.</p>
8	<p><b>Restriction on advertising and promotion of alcohol – cross border themes</b></p> <p><b>Moderators:</b>  <b>Martha Harrison, Edona Vila/Ewa Rutkowska</b></p>	
9	<p><b>Right to repair – is it fair and workable?</b></p> <p><b>Moderators:</b>  <b>Joanna Fulton, Edona Vila/Ewa Rutkowska</b></p>	<p>What is a ‘right to repair’ and why has this come about?</p> <p>What repairing obligations are imposed on manufacturers - what are the key elements of regulation? What are the criticisms of current regulations in this area?</p> <p>Are there proposed changes on the horizon?</p>
10	<p><b>Forced Labour Enforcement</b></p> <p><b>Moderators:</b>  <b>Charles Zhan, Sabrina A. Bandali</b></p>	<p>Many jurisdictions are taking action to combat the use of forced labour and child labour in global supply chains, including by introducing import prohibitions and public reporting requirements.</p> <p>Join this roundtable to learn about the cutting edge of regulatory developments and the state of enforcement in major trading nations.</p> <p>Discuss best practices for identifying and mitigating these supply chain risks and explore legal and reputational considerations related to compliance with emerging reporting requirements.</p>

<p><b>11</b></p>	<p><b>International Trade in the Age of AI</b></p> <p><b>Moderators:</b>  <b>Carol Monteiro de Carvalho,</b>  <b>Camila Corvalán</b></p>	<p>What are current and emerging trends of AI, and their impact on international trade. What are some of the key trade policy issues that arise from the development and deployment of AI technologies?</p> <p>What are the opportunities of potential risks that AI poses for international trade.</p>
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