



World Link for Law launches new trademark search service

World Link for Law has launched a co-ordinated EU-wide trademark search service, called Brand Vue:

Brand Vue

The service, offered through participating member firms of World Link for Law, covers national, international and community trade marks and will be provided by IP specialist lawyers in member firms across European Union states, together with specialist alliance partner law firms. The service is operated in two stages - initial fixed fee identical mark searches; followed by an analysis and assessment stage, if requested; and then registration services with complementary advice.

The web site is: www.brandvue.net

Jim Dawe, President of World Link for Law comments:

"Finding suitable and available trademarks can be time-consuming and frustrating. Our service is offered by specialist intellectual property lawyers who have broad experience. What gives us a distinct advantage is that we provide legal analysis with our reports, to enable clients to evaluate risk and to avoid conflict. We share knowledge and information about case law and best practices. In the first stage of our service, standardisation across the European Union can be assured by the creation of a short, easy to follow report, called First Vue, which we believe will be welcomed by clients and fellow practitioners. It is also our goal, eventually, to make this service global through our expanding network outside Europe."



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Legal developments in Germany

Federalism reform - Politicians of the federal and state governments agreed on February 16 2006 on the last contentious points of a federalism reform. The compromise – which constitutes the largest constitutional reform since 1949 - adjusts the balance of power between the federal government and the individual states and can now be discussed in the upper and lower houses of Parliament (*Bundestag* and *Bundesrat*). The main affect of this reform – in which the states will transfer certain legislative rights to the federal government in return for increased individual competencies in certain specified areas – is to accelerate the passage of important federal legislation. In the future, the states will be allowed to deviate from federal regulations within such areas as university education and environmental law. Furthermore, the states may enact independent regulations regarding the administration of federal laws.



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Basel II put into law – On February 15, 2006, the Federal Cabinet approved regulations regarding the conversion of international credit guidelines for banks (so-called Basel II regulations), which are to take effect in Germany on January 1, 2007. Basel II generally requires lending institutions to assess an individual borrower's credit standing before the granting of any credit, particularly if the credit is to be given to an enterprise. The assessment is to be made on the basis of either an internal rating system of the credit-granting bank or an external rating system and is to take into account both market and credit risks as well as the operational risks of the borrowing enterprise. The Federal Government has given particular attention to making the EU directive friendly for middle class borrowers. One specific affect of this policy is that credits of less than one million Euros may be assigned by the lending bank to a so-called "retail portfolio" which is subject to lower capital requirements due to a better risk dispersion.



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Good business practice and the collision between trademarks and business names- Finland

In international trade the interests of a trademark owner and the right of another company to use its name may easily collide. The Finnish Supreme Court released a judgement in a dispute over the use of the names "BUDWEISER", "BUD" and "BUDVAR" in Finland last December.

An American brewing company Anheuser-Busch, as the trademark owner, had contested the right of a Czech brewing company Budějovický Budvar to use these names on product labels, advertisements and business letters in Finland. In the Czech Republic the registered business name is in English "Budějovický Budvar" and in French "Budweiser Budvar". Budějovický is the geographical place of business of this firm; in German the place is known as Budweis.

The reasons for the judgement consist of 79 sections and answers to the questions, whether there was: (1) an infringement of a trademark right; (2) a case of using the business name as a sign of a product in accordance with good business practice, which does not constitute an infringement of the exclusive rights of the trademark owner. The national statute on trademarks did not provide the rules to settle the dispute and the Supreme Court requested for the preliminary ruling of the European Court of Justice (ECJ) on the interpretation of the EU trademark directive and the TRIPS agreement (IPR protection part of the WTO treaty).

The ECJ stated in its ruling that national courts within the EU should follow the wordings and purposes of the TRIPS rules as far as possible. The essential purpose of a trademark is to convince the consumer of the origins of the product. A third party can, on the other hand, use a sign which is the same as the trademark or similar to it, to announce its business name. According to the ruling of the ECJ, it is a limitation of the rights of the trademark owner that another party may use its own business name as a sign for its products provided that good business practice is observed.



The Finnish Supreme Court evaluated the facts and interpreted the national law in the light of the principles established in the ruling of the ECJ.

The Supreme Court was convinced that "BUDWEISER" is a widely known trademark. According to the Finnish legislation, an unregistered business name of a foreign company may gain protection. Actually, this is required in the TRIPS agreement. The Czech brewery could not provide the Supreme Court with evidence that its name (in English and French) "Budweiser Budvar" would have been, at least to some extent, known among the consumers in Finland at the time when Anheuser-Busch registered this trademark in Finland. It was not considered to be sufficient that the name of the Czech brewery was known to business people who were dealing with beer products.





For this reason the time priority was in favour of the Americans and therefore they had a better right to use the name "Budweiser" in Finland.

For the reasons mentioned in the ruling of the ECJ, the Supreme Court could not limit the justification for its judgement to the question of the time priority. The Supreme Court ruled that the national law must be interpreted in accordance with principles stated in the ECJ ruling. Thus, despite of the prior trademark right of Anheuser-Busch, Budějovický Budvar had the right to use its business name as a sign for its products in compliance with good business practice. The decision of the ECJ covers the principles whether the conduct was against good business practise or not. According to the ECJ, the obligation of the business name holder is to operate loyally towards the justified interests of the trademark holder.

The Supreme Court considered that the use of the name "BUDWEISER BUDVAR" in the product labels of the Czech brewery was dubious, since the trademark "BUDWEISER" is widely known as the sign of an American beer. This text was even printed with bigger and fatter font on the label. Despite this, all facts considered the label was in accordance with good business practice. The text of the label as a whole clearly referred to the Czech origin of the beer. The Supreme Court was not convinced that the consumers would create a perception of some connection between the two producers or products. Neither was the court convinced that the product label of the Czech brewery would cause inconvenience to the reputation or distinctiveness of the trademark to such extent that it constitutes an infringement of the trademark right.



In a second part of the case, the Czech brewery were also under review for their advertisement on the side of buses with a picture of a beer bottle in a size bigger than the natural size. Thus, the label text was readable but the court thought that as a whole the "BUDWEISER BUDVAR" label text in the advertisement was not distinctive enough to create a breach of good business practice, even when the business name was used in this way.

The American brewery also claimed that the text "BUDWEIS" in the label of the Czech beer infringed their rights. The Supreme Court ruled that the text was clearly an announcement of the place of production and, therefore, has not been used as a sign of the product.

The conclusion was that Budějovický Budvar had not infringed the rights of Anheuser-Busch by its product labels or advertisement on the sides of buses. On the other hand, the Czech brewery had used names "BUDWEISER" and "BUD" in its printed business letters (invoices) more freely and this was considered to be against good business practice.

Anheuser-Busch also claimed that the name "BUDVAR" could be confused to its trademarks. Although the registered trademark "BUD" is totally included in the product sign "BUDVAR" of the Czech brewery, the court dismissed the claim.

The right of Anheuser-Busch for any compensation, due to the business letters which were deemed to be against good business practice was denied, because (1) consumers were not aware of these and professionals do know the difference; and (2) no serious misunderstandings of the origins were possible or inconvenience to the distinctiveness exist.

Therefore, the Finnish Supreme Court ruled that Budějovický Budvar is allowed to use the sign "BUDWEISER BUDVAR" in order to announce its business name and to use it according to good business practice on product labels as a part of its name in the context of announcing the producer. Secondly, however, the company was prohibited from using the sign "BUD". Altogether, the proceedings took about 8 years, of which the proceedings of the ECJ took about 2 years. In the Finnish Supreme Court Anheuser-Busch was mainly defeated and the court ordered it to pay part of the legal costs of Budějovický Budvar in the amount of 60.000 €.

You can see additional trademark articles on the World Link for Law BrandVue website: www.brandvue.net



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Accelerating French civil Court proceedings

A new decree in late 2005 introduced many changes in proceedings rules, aimed at shrinking the number of cases flooding Courts of Appeals and therefore the time required to obtain a final Court decision.

The decree, which partly takes into account propositions made by Mr Jean-Claude Magendie, President of the "Tribunal de grande instance" of Paris, has been passed despite the fierce opposition of most French lawyers who claim the real issue is not to speed up the pace of Justice, but instead to improve its quality, by appointing more Judges and thereby increasing budgets for the Court system. For example, it is now quite common that instead of having 3 Judges hearing a case, cases are presented before only one Judge who makes a draft decision and reports later to the two other Judges (who do not see all the details of the case). If parties refuse the hearing before a sole Judge, the hearing is then postponed to a later date.

The most significant changes introduced by the decree are:

1. Review of the procedure before the higher civil Court ("Tribunal de grande instance" where 3 Judges are required for a hearing) reducing the time of the hearings, for example by providing a time scale for the exchange of pleadings which shall be respected by lawyers; the possibility for the Judge instructing the case to require the lawyers to present their file to the Court before the hearing; and a report of the case made by the Judge instructing the case before the hearing which should strictly limit the discussion by the lawyers solely on the legal issues raised by the case (not on the facts).
2. The possibility for the defendant to the appeal to require the striking off the roll of an appeal when enforcement of a 1st degree Court decision has been ordered or is lawful and has not been made by the appellant when enforcement does not have excessive consequences or is not impossible.

JURITEAM will hold its annual training meeting in September to study the impact of and the problems raised by this decree after 9 months of application.



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Mediation is now available for dispute resolution in Poland

Following amendments to the Polish Code of Civil Procedure, mediation is now a new institution available in private litigation.

Next to arbitration, mediation constitutes another dispute-solving procedure which would apply without direct participation of the common court (or only with its limited involvement). It is hoped that it will play an important role in solving disputes.

Mediation is deemed to save the parties' time and expenses and perhaps prevent the tension of court litigation. Parties may at their sole discretion decide to enter into mediation based on a relevant mediation agreement. Furthermore, the parties may be referred to mediation by a court in which the claim was first filed.

In the latter case, a mediator is appointed by a judge from the list of professional mediators. This mediator must be accepted by both parties and be an 'expert'

In principle, proceedings before a mediator must not exceed one month. The time limit may be extended only upon a specific request of the





parties. An understanding reached before the mediator is consequently to be approved by the court.

Since then, the understanding becomes a title for execution by a bailiff. Furthermore, conclusion of such an agreement interrupts the statute of limitation for pecuniary claims.

Due to this amendment to the Code of Civil Procedure, parties in a dispute gain access to an additional instrument, more prompt and less expensive than a standard court procedure, for solving their conflicts.



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New anti-age discrimination employment laws - UK

In the UK, from October 2006, it will become unlawful to discriminate against a worker on the grounds of their age. The Employment Equality (Age Discrimination) Regulations 2006 are in draft form at the moment but will become law in October 2006. The new law will affect and protect not just older workers, but younger workers as well.



Recruitment

As an employer, you will need to review your recruitment procedures. You cannot now recruit and select an employee based on age, unless it can be objectively justified. However, employers are able to lawfully discriminate against a 65 year old job applicant by refusing to interview and employ them, without having to justify that decision.

As an employer, you must look at the recruitment advertisements that you place. If these refer to age as a requirement for the job then this will be directly discriminatory (unless it falls within one of the exceptions in the Regulations, or unless the decision to refer to age is justifiable). Depending upon how the advertisement is drafted it could also be indirectly discriminatory.

During employment

As an employer, you will need to review carefully your terms and conditions of employment to ensure that there is no discrimination during the employment itself. There is an important distinction however between age discrimination and other forms of direct discrimination (such as sex and race discrimination) and that is that employers may discriminate on the grounds of age provided that they can show that it is objectively justified. Employers will also need to look at service related pay and benefits. Length of service is often used as criterion for pay and other benefits, such as additional holiday entitlement. This could be indirectly discriminatory as employees in older age groups are more likely to receive these type of benefits. At the moment there are two specific exemptions in the regulations permitting employers to continue to grant such benefits.

You must now be careful of redundancy selection schemes where the criterion is based wholly or partly on length of service. These may now be discriminatory.

Retirement

The upper age limit of 65 for unfair dismissal will be removed so employees over the age of 65 who are dismissed for reasons other than retirement will have the same right to claim unfair dismissal as other employees. The DTI has introduced a default retirement age in the regulations meaning that an employee can be lawfully "retired" at 65.

However, an employer cannot require an employee to retire below the age of 65 if a dismissal can be objectively justified. If not, the dismissal will be both discriminatory and unfair.





Where an employer intends to dismiss an employee by reason of retirement he has a new duty to inform the employee that he has a right to make a request not to retire on the intended retirement date in writing between 6 months and 1 year before the intended retirement date. If the employee makes such a request, there is an obligation on the employer to consider it "in good faith" and hold a meeting with the employee to discuss it. The employee has a right to appeal against the refusal. If the employer fails to notify the employee of his right to request not to retire, or to comply with his duties to consider the request in good faith, then the employee has a claim for unfair dismissal.

Conclusion

It is important for employers to be aware of the new legislation and of the need to manage terms and conditions, benefits, recruitment, retirement and the training of employees to ensure that there is no discrimination or harassment of workers on the grounds of age.



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Buying land and property in Romania

In recent years, the Romanian real estate market has grown significantly, due to the increased interest of both Romanian and foreign investors in land and construction projects, mainly stimulated by the projected accession of Romania to the European Union in 2007 (or 2008). Romanian legislation supports the acquisition of real estate properties by foreigners, subject to the fulfillment of various conditions. However, from time to time investors can be confronted with problems, which can affect deals or may delay transactions. Therefore, what factors should you consider?



How to acquire a real estate property?

Individual foreigners are not allowed to directly acquire land in Romania, but they can acquire the construction on the land. Land can be acquired only via a Romanian legal entity, which can be created and owned by foreign individuals or entities. In practice, the same foreign individual or entity, acquires the construction directly; and the land through an entity created in the Romanian jurisdiction (usually, a commercial company).

Alternatively a commercial company can be used to acquire the whole property (land and construction). Generally it is a tax advantage to later sell the shares in the company, as a share transfer, compared to a property transfer.

Tax implications

Some investors prefer to create a company in Romania with a foreign company as shareholder that belongs to a jurisdiction related to Romania by a Double Tax Treaty, introducing a favorable tax regime for the share transfer. For example, a Romanian company, A, that owns Romanian property, has a Cyprus based company B as a shareholder. Company C, registered in the Netherlands, wants to buy the property shares that company B holds in company A. The share transfer takes place outside the Romanian jurisdiction, but this transfer is still subject





to Romanian taxation, in conformity with the Double Tax Treaty between Romania and Cyprus concerning capital gains taxes.

Impact of the restitution of properties

Watch out for restitution issues that can affect a large number of properties, in particular those belonging to the Romanian State. Properties originally belonging to individuals were restituted based upon restitution laws. During its period of ownership the State may have sold a property, which was in fact, later restituted to its original owner under new regulations. In this situation there can be an obvious risk of dispute over ownership of the title to the property!

Formalities for the acquisition of a real estate property

Land acquisition is subject to an authenticated contract of sale and purchase, to be created exclusively by a Romanian notary, but such authentication is not necessary for construction acquisitions. Also powers of attorney are accepted if issued in authenticated form (when the deed has to be executed in authenticated form), but Hague Convention apostil special conditions have to be observed when issuing such powers. Once executed, the contract for transfer of a real estate property (either by notary or otherwise), must be registered in the Land Book, to later prove ownership of title. Upon request, the Land Book also provides information about the status of the property at any time during its existence e.g. liens, charges, encumbrances, mortgage, or rights of access etc.

It is strongly advised to take professional legal advice when planning to acquire property in Romania.



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Recent law developments in Slovakia

Various important changes occurred to the Slovak legal system, January 2006. To understand the changes it is important to have a brief introduction of some of the basic principles.



The legal system is based on the classic continental law system, very similar to Austrian and German law. The Court system consists of 2 ordinary courts for any type of court proceedings (civil, commercial, and penal cases, and reviews of administrative decisions), with District courts (*Okresný súd*) being the normal first instance courts; and Regional courts (*Krajský súd*) as the appeal courts. The Supreme Court is both an ordinary appeal court in those few cases where a Regional court is the 1st instance court; and it is also, of course, competent for extraordinary appeals. There is also an independent Constitutional Court.

Substantive law is codified in most legal areas: civil law, commercial law, penal law, labour law, bankruptcy law; and intellectual property law. The main procedural codes are the Civil Proceedings Act, Penal Proceedings Act, Administrative Proceedings Act, and Tax Administration Act.

In January 2006, three new Codes entered into force: the Bankruptcy and Restructuring Act; the Penal Act; and the Penal Proceedings Act

The Bankruptcy and Restructuring Act

Former legal regulation of bankruptcy cases was quite similar to Austrian legislation with its aim to establish a balance between the rights of the bankrupt and his creditors. As this legislation proved ineffective both in





terms of the proceeding length (often 3-7 years); and the creditor's chance to obtain satisfaction (often obtaining only 5-10 % of the claim), Parliament passed a new "pro-creditor" oriented act with following main characteristics:

- Formal hindrances of restructuring were abolished. Restructuring is now preferred, to allow the company to continue to operate, thus increasing the creditor's chance to obtain satisfaction.
- The deadlines for most partial and final court decisions and all creditors' actions have been shortened.
- There are new regulations to protect the debtor's property worth from the beginning of proceedings.
- The creditors now have to present a final court judgment concerning their claim against the debtor with the motion to start bankruptcy proceedings. This regulation is designed to reduce possible speculative motions.
- There is an increased requirement of estate trustee professionalism and independent selection of estate trustees.
- It is now possible to declare bankruptcy on individuals.

Penal Act & Penal Proceedings Act

Both former penal codes (Penal Act & Penal Proceedings Act) were passed as long ago as 1961; even though they were subject to a large number of amendments after 1989, but the principle of "socialist lawfulness" and material definition of criminal acts could not be removed without re-written legislation. As examples the new penal codes have characteristics such as: formal, material treatment of criminal acts; bipartition of criminal acts into crimes and misdemeanors; new types of sanctions such as obligatory work, home detention, probation for less severe misdemeanors; wider application of property forfeiture; better specification of how severe penalties can be imposed; better specification of illegal substances; and acceleration of proceedings, imposing and executing penalties.



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Cross-border mergers in EU law

EU member states may not in general prohibit registration of cross-border mergers where one of the companies involved has its seat in another EU member state. (Registration is generally permissible where the merging companies are both established in one state). Based on a recent judgement of the European Court of Justice (ECJ), national law which generally prohibits registration of cross-border mergers violates the 'freedom of establishment'.

The judgement of the ECJ in the case SEVIC Systems AG (C-411/03) of 13 December 2005 presents new options for restructuring operations involving companies established in different EU member states.



The facts of the case were that SEVIC Systems AG (SEVIC), with its seat in Germany, and Security Vision Concept SA (Security Vision), with its seat in Luxembourg, concluded a contract of merger in 2002. The contract of merger provided for dissolution of Security Vision without liquidation and transfer of all its assets to SEVIC.

The German Commercial Register court refused registration of the merger on the grounds that, under applicable German laws, a merger may only be registered if the companies involved were established in Germany. SEVIC appealed against the court's decision. The case was referred to the ECJ for a preliminary ruling by an appellate German court.





The ECJ pointed out that freedom of establishment (Articles 43 and 48 of the EC Treaty) includes, in particular, the formation and management of companies and covers all measures which permit or facilitate access to another member state and the pursuit of economic activities, under the same conditions as entities established in that member state.

The ECJ concluded that cross-border mergers constitute a method of exercise of the freedom of establishment. A refusal by a member state to register cross-border mergers in general therefore amounts to an infringement of the freedom of establishment.

What are some of the practical consequences?

Currently, joint stock companies established in different EU member states (including 'a.s.' in the Czech Republic) may be merged into a European Company (societas europaea, SE). The judgement of the ECJ confirms that SE is not the only structure available for cross-border mergers involving entities from different EU member states, but that also other forms of corporate transformations, as governed by member states' national laws, may be used for merging companies established in different EU member states.

Importantly, feasibility of cross-border mergers does not depend on implementation of EU law harmonisation rules (Directive 2005/56/EC on cross-border mergers of limited liability companies, to be implemented by the end of 2007). The ECJ's judgement makes it clear that member states must allow cross-border mergers to be registered regardless of the implementation of the Merger Directive.

Finally, the ECJ allows the freedom of establishment to be limited by national laws to the extent to which such restrictions are justified by imperative reasons in the public interest, such as protection of creditors, minority shareholders and employees, effectiveness of fiscal supervision and fairness of commercial transactions. However, absence of specific rules on cross-border mergers in members state's national law, does not justify a refusal of their registration by a member state's commercial register.

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Recent Changes in the transfer pricing legislation in Brazil

Since 2003, the Brazilian Federal Tax Bureau can enact Administrative Rules to simplify the ascertainment of transfer pricing methods specifically in relation to revenue obtained from exports, except for those exports to "Tax Havens" and to those countries which present secrecy regarding the companies' shareholders disclosure. The Federal Tax Bureau can determine the dissent margins on import and export procedures to apply (or not) the Transfer Pricing rules.

With new regulations, the Treasury can now enact Administrative Rules to establish an adjustment mechanism to reduce the tax impact resulting from the currency appreciation on exports procedures and/or exclude some companies from the Transfer Pricing exportation rules. However, this adjustment is temporary, i.e. it can only be effective for a certain period of time.

An adjustment mechanism, valid only for the 2005 fiscal year, consists of a rate application of 1.35 on: (i) the export sales revenue to be compared with the internal market sales revenue, in order to determine any addition to the taxable income; and (ii) the price used for the company on exports to any foreign linked company when the exporter company chooses to determine Transfer Pricing using the Cost of Acquisition or Cost of Production plus Taxes and Profit Method (CAP).



The effect of this will either exclude some companies from the Transfer Pricing rules, by adjusting the margin of difference between the export and the internal market sales generated by currency appreciation, or reduce the tax





basis for some companies already obliged to apply the Transfer Pricing rules, as the rate adjustment will be levied on the revenue and not on the costs, otherwise the company shall see a taxable income increase.

So, for the 2005 fiscal year, this new mechanism shall either exclude some companies from the Transfer Pricing rules and reduce the tax basis (the Income Tax and the CSSL - Social Contribution levied on profits – shall be lower) for some others.

As we can see the rules above only really effect exporter companies that could be facing problems based on currency appreciations. Therefore, importer companies expect that Federal Government will enact the same rules when there is currency depreciation, otherwise some companies will have to pay more taxes based on Transfer Pricing rules.



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Companies' administration – Czech Republic

On 15 March 2006, a series of legislative changes took effect which will have a significant impact on the administration of companies.

Registrations in the Commercial Register

Amendment to the Code of Civil Procedure and the Commercial Code (Act No. 79/2006 Coll.) attempts to correct practical problems caused by new regulation of the Commercial Register adopted in 2005. Partial changes relating to the proceedings before the Commercial Register include:

- in case of deficiencies of an application for registration, the court may request corrections instead of rejecting the application;
- the consent of the person to be deleted from the Commercial Register is no longer required (e.g. in case of deletion of a member of a corporate body);
- in respect of documents in a foreign language, a translation into Czech continues to be required, however the court may waive such requirement.

Convening of a shareholders meeting in a joint-stock company (a.s.) with bearer shares

Further amendment to the Commercial Code (Act No. 81/2006 Coll.) will increase the costs of company administration. Joint-stock companies (a.s.) with bearer shares must publish an invitation to the shareholders meeting also in the Commercial Gazette (Obchodní v ěstník), in addition to one national newspaper, as required previously.

Publication of annual accounts of audited companies

Companies with audited accounts will further be required, based on an amendment to the Act on Accounting (also amended by Act No. 81/2006 Coll.), to publish their annual accounts in the Commercial Gazette (Obchodní v ěstník). Until now, depositing of accounts with the Collection of Documents of the Commercial Register sufficed.

Both changes mentioned above have been criticised as going beyond the requirements of European law and increasing administrative burden of doing business in the Czech Republic.

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Poland- New way of certification of external documents

Since 14 August 2005 the Hague Convention of October 1961 (the "Convention") has been in force in Poland. The Convention introduced some crucial changes to the rather complicated procedure of legalization of foreign official documents. The application of the Convention in Poland will considerably simplify and make less formal the procedure of legalizing foreign official documents in Poland, as well as Polish documents presented within the territory of other states party to the Convention.

There are 81 signatories to the Convention including, among others, the United States, Russia and EU Member States, except for Denmark.

Until now the procedure for legalization of foreign documents was left within the competence of diplomatic representations and consular offices. The Convention replaced this procedure with a simplified form of certification of documents which is called an "apostille". (Documents with an "apostille" clause may be used in international relations without any further registration requirements.)

Insertion of such a clause into a document is to be treated as the authentication of the signature; the authentication of a status of the acting person, who signed the document as well as the certification of identity of a seal or of a stamp placed on the document.

The appropriate authority to certify documents with the "apostille" clause is the Ministry of Justice. Certification of a document with an "apostille" clause is subject to a charge of 60 PLN per document.

Certification is performed upon request of a person who signed the document or of a holder of the document; but not all documents require legalization.

The Convention does not apply either to documents executed by diplomatic or consular agents or to administrative documents dealing directly with commercial or customs operations. Also, according to art. 1 of the Convention, it does not apply to documents originating from a public body or a court officer, including documents executed by a prosecutor, a court secretary or an usher; or to administrative documents, notarial deeds and to official certificates inserted into private documents, such as certificates demonstrating registration of a document or the fact of its existence at a specific date, as well as official and notarial authentication of signatures.

Entry in the force of the Convention will undoubtedly facilitate business operations by reducing formalities.



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World Link for Law—new members

In recent months World Link for Law has been pleased to welcome the following new members:

- Cuevas y Villarreal, Mexico
- Dawe & Christopherson LLP, San Francisco, USA



www.worldlink-law.com

World Link for Law, formerly Euro-Link for Lawyers, is one of the largest facilitators of international legal services, bringing together the combined strengths of nearly 60 commercial legal practices to create an international team of powerful advisors. World Link for Law member firms collectively have over 300 partners, approximately 900 lawyers and 66 offices worldwide in 40 countries.

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