

# International Corporate Counsel College



13 - 14 October 2016  
Warwick Brussels                      Brussels, Belgium

**The Facts:  
How Do I Process Them?  
How Do I Store Them?  
How Do I Discover Them?  
And Can I Lie About Them?**

## Program Highlights

- Present Data Issues in the EU and US
- Processing Facts in the EU: Revisiting and Analyzing the *Google Spain*, *Weltimmo*, and *Facebook* Cases
- Storage of Facts: Most Delicate Since the *Schrems* Case
- Insurance Coverage for Data Storage in the Pharmaceutical Industry
- Impact of Data Evolution on Discovery Before the State Courts in the US/ EU and Before the Arbitral Tribunals in Light of the IBA Guidelines on Party Representation
- Can I Lie About the Facts Before the State Courts or Arbitral Tribunals?

## 2016 International Corporate Counsel College

The International Corporate Counsel College brings together in-house counsel and their law firm counterparts for two days of education and discussion on the latest legal issues affecting global companies. The event is modelled on the highly successful IADC Corporate Counsel College that is held each year in the United States. This distinctive meeting format creates an intimate environment, providing the opportunity for in-house counsel and their advisors to gain knowledge together and spend time with others who face similar issues. The IADC is pleased to invite you to the annual International Corporate Counsel College in Brussels on 13 - 14 October 2016.

### Who may attend?

The event is designed primarily for in-house counsel of corporations. Outside counsel also are welcome, provided they come with one or more in-house counsel.



The International Association of Defense Counsel (IADC) has been serving a distinguished membership of corporate and insurance defense lawyers since 1920.

Its activities benefit the approximately 2,500 invitation-only, peer-reviewed members from around the world and their clients, as well as the civil justice system and the legal profession. In addition, the IADC takes a leadership role in many areas of legal reform and professional development.

## Programming

### THURSDAY, 13 OCTOBER

12.00 - 13.15

#### WELCOME LUNCHEON

13.15 - 13.30

#### BREAK

13.30 - 13.45

#### OPENING REMARKS

Paul Lefebvre, 2016 International Corporate Counsel College Director, Hanotiau & Van Den Berg, Brussels, Belgium

#### INTRODUCTION TO THE IADC

John T. Lay, IADC President, Gallivan, White & Boyd, P.A., Columbia, SC USA

13.45 - 14.15

#### GENERAL INTRODUCTION ON THE PRESENT DATA ISSUES IN THE EU AND IN THE US

Panelists: Jennifer Haltom Doan, *Haltom & Doan, Texarkana, TX USA*; Henriette (Jetty) Tielemans, *Covington & Burling, Brussels, Belgium*

14.15 - 15.15

#### PROCESSING FACTS IN THE EU: REVISITING AND ANALYZING THE *GOOGLE SPAIN*, *WELTIMMO*, AND *FACEBOOK* CASES

The *Google Spain* case caused a lot of turmoil among the privacy law specialists. Was it an abandonment of the one stop principle and back to the hegemony of the national authorities? Was the *Weltimmo* case a confirmation of *Google Spain*? What is there in common between the *Google Spain* and *Weltimmo* cases which enables to nuance those decisions? Does the Facebook judgments rendered by the Administrative Court of Hamburg and the Court of Appeal of Brussels shed a new light upon *Google Spain* and *Weltimmo*?

Analysis: Penny Madden QC, *Gibson Dunn, London, England*

Moderator: Yves Van Gerven, *référéndaire, the General Court of the European Union, Luxembourg*

Panelists: Dr. David Erdos, *University of Cambridge, Cambridge, England*; Benedicte Ghanassia, *Associate General Counsel, Facebook, Paris, France*

15.15 - 15.30

#### BREAK

15.30 - 16.30

#### STORAGE OF FACTS: MOST DELICATE SINCE THE *SCHREMS* CASE

Analysis: Patrick Doris, *Gibson Dunn, London, England*

Moderator: Paul Salazar, *Senior Counsel, Siemens AG, Munich, Germany*

Panelist: Paul Nemitz, *Directorate-General Justice of the European Commission, Director of Fundamental Rights and Citizenship, Brussels, Belgium*

16.30 - 16.45

#### BREAK

16.45 - 17.45

## WHAT ABOUT INSURANCE COVERAGE FOR DATA STORAGE IN THE PHARMACEUTICAL INDUSTRY?

The safe retention of data for reference or analysis belonging either to the patient or to the pharma company is an issue that continues to give rise to concern. Information relating to clinical trials, product formulas, manufacturing processes, drug pricing structure, and marketing plans are at risk from external cyber attack and internal employee theft. How are these concerns being addressed? What insurance coverage is available? Is it affordable and is it restrictive? Representatives from both sides of the debate will share their thoughts with you.

Moderator: David Wilkinson, *Kennedys, London, England*

Panelists: Richard Eveleigh, *European Legal Counsel and Product Development Manager - Financial Lines and Management Liability Insurance, London, England*; Tim Sperling, *Boehringer Ingelheim, Ingelheim Am Rhein, Germany*

18.00 - 19.00

## COCKTAIL RECEPTION

19.00 - 21.00

## DINNER - GUEST SPEAKER: ANNETTE MAGNUSSON, SECRETARY GENERAL OF THE ARBITRATION INSTITUTE OF THE STOCKHOLM CHAMBER OF COMMERCE (SCC)



Annette is Secretary General of the Arbitration Institute of the Stockholm Chamber of Commerce (SCC) and General Counsel of the Stockholm Chamber of Commerce. Annette joined SCC from Mannheimer Swartling Advokatbyrå (Stockholm) in 2010. At Mannheimer Swartling she was involved in international arbitration and strategic issues involving the dispute resolution practice. Previously, she headed strategic planning of knowledge management at Baker & McKenzie in Sweden. She was SCC legal counsel and later SCC Deputy Secretary General from 1998 to 2005. Her role as counsel included frequent contacts with the Swedish legislator in matters of commercial law. She earned her LLM at the Stockholm University in 1998 and her BA/BSc at the University of Gothenburg in 1991. She is a frequent speaker on international arbitration and the development of legal services on a global level.

## FRIDAY, 14 OCTOBER

8.00 - 9.00

## NO MORE SAFE HARBOUR: CROSS-BORDER DISCOVERY AND COMPLIANCE WITH DATA PROTECTION LAWS

What do you do when discovery of European data is sought in US proceedings? Given the vast differences amongst national privacy regimes, how will different state courts treat data acquired in contravention of local or foreign data laws? What should counsel do when they suspect such data exists or is being requested? In light of the fact the “Safe Harbour” arrangement has been overturned and the EU-US Privacy Shield is still in draft form, what rules now govern the transfer of information across borders? Moreover, what is the practical way to deal with these issues? This interactive session with our experienced panelists from the EU and US will address the available options for data storage and protection and their risks. We will also discuss what to do when requesting or being asked for foreign data and what internal data policies and protocols are appropriate to prevent your company from running afoul of EU and US privacy laws now and in the future.

Moderator: Christopher S. D’Angelo, *Montgomery, McCracken, Walker & Rhoads, LLP, Philadelphia, PA USA*

Panelists: Michael Olmsted, *Senior Counsel for the European Union, U.S. Mission to the European Union, Brussels, Belgium*; Alfred R. Paliani, *General Counsel, Quality King Distributors, Inc. / QK Healthcare, Inc., Bellport, NY USA*; Thomas Rouhette, *Hogan Lovells (Paris) LLP, Paris, France*

9.00 - 9.15

## BREAK

9.15 - 10.15

## IMPACT OF DATA EVOLUTION ON DISCOVERY BEFORE THE ARBITRAL TRIBUNALS IN THE LIGHT OF THE IBA GUIDELINES ON PARTY REPRESENTATION

International arbitration prides itself on its relative flexibility when it comes to rules of evidence. Arguably, it has developed its own approach to fact-finding distinct from any single national law. This panel will examine how party representatives and arbitral tribunals can and should approach the task of presenting and dealing with evidence in light of new technologies, which bring ever-changing sources and types of evidence. Is a harmonised approach possible in light of the various potential obligations upon parties, their representatives, and the tribunal, in particular in relation to illegally obtained data?

Moderator: Niuscha Bassiri, *Hanotiau & Van den Berg, Brussels, Belgium*

Panelists: Ginta Ahrel, *Lindahl, Stockholm, Sweden*; Paula Hodges QC, *Herbert Smith Freehills, London, England*; Wendy Miles QC, *Boies, Shiller and Flexner, London, England*; Patricia Shaughnessy, *Stockholm University, member of the Board of Directors of the Arbitration Institute of the Stockholm Chamber of Commerce, Stockholm, Sweden*

10.15 - 10.30

## BREAK

10.30 - 11.30

## **CAN I LIE ABOUT THE FACTS BEFORE THE STATE COURTS?**

Moderator: Anton Maurer, *CMS Hasche Sigle, Stuttgart, Germany*

Panelists: Cecilia Carrara, *Legance, Rome, Italy*; Andrew S. Chamberlin, *Ellis & Winters LLP, Greensboro, NC USA*; Alfred R. Paliani, *General Counsel, Quality King Distributors, Inc. / QK Healthcare, Inc., Bellport, NY USA*; Sitpah Selvaratnam, *Tommy Thomas Advocates & Solicitors, Kuala Lumpur, Malaysia*; Ivan Verougstraete, *former president Belgian Supreme Court, Brussels, Belgium*

11.30 - 11.45

## **BREAK**

11.45 - 12.45

## **CAN I LIE ABOUT THE FACTS BEFORE THE ARBITRAL TRIBUNALS IN THE LIGHT OF THE IBA GUIDELINES ON PARTY REPRESENTATION?**

International arbitral proceedings differ from state court proceedings in many aspects. Among the differences are the various origins and legal and cultural backgrounds of the counsels appearing in the same proceedings. The diversity of professional rules applicable to the respective counsels as to what they may and may not do can create an imbalance which is counter to the goal of levelling the playing field that arbitrators and parties seek to reach in the procedural aspects of arbitration. In 2013, the IBA released a very important tool for achieving this goal, namely the IBA Guidelines on Party Representation in International Arbitration on which the panel will focus, in particular in relation to the duty not to make false submissions of fact to the arbitral tribunal.

Moderator: Pascal Hollander, *Hanotiau & Van den Berg, Brussels, Belgium*

Panelists: Dr. Angela Kölbl, *Siemens AG, Munich, Germany*; Françoise Lefèvre, *Linklaters, Brussels, Belgium*; William J. Perry, *Carter Perry Bailey LLP, London, England*

12.45 - 13.00

## **CLOSING REMARKS**

Paul Lefebvre, *International Corporate Counsel College Director, Hanotiau & Van Den Berg, Brussels, Belgium*

William J. Perry, *International Corporate Counsel College Director-Elect, Carter Perry Baily LLP, London, England*

## **General Information**

### **Location**

#### **Warwick Brussels**

5 Rue Duquesnoy

1000 Brussels

Belgium

Phone: + 32 2 505 55 55

<http://warwickhotels.com/brussels/>

Grand in its comfort, style, and location, the Warwick Brussels has become the premier hotel amongst refined Belgian visitors. By blending classic charm with luxury amenities that are expected from a Warwick Hotel, guests are treated to the feel of Old World elegance with the added convenience of modern accommodations. Historic sites and attractions are all but a stone's throw from the hotel's doorstep, putting guests in the center of Belgium's awe-inspiring architecture and welcoming culture.



### **Reservations and Room Rates**

The room rates, which are inclusive of VAT and service charges, per room, per night are:

- €209/Single and €229/Double Occupancy for a Classic Room

Complimentary wireless internet access in sleeping rooms and a buffet breakfast are included in the room rates.

In order to make your hotel reservation, you must first register for the International Corporate Counsel College through the IADC. Once registered, the IADC will send you information that will allow you to secure a hotel room at our group rate. **Reservations must be made prior to Monday, 19 September 2016.** Unused rooms held for this meeting will be released on this date. Any reservation requests received after 19 September 2016 will be accepted on a space available basis at the group rate. Please note that the room block may fill before that date or the hotel may sell out, so we encourage you to register with the IADC so you can make your hotel reservation early. For cancellations of any guaranteed room reservation received on or after Monday, 3 October 2016, the entire stay will be charged. Also, any early departures once onsite will incur full accommodation cancellation charges and any no-shows will be charged for the entire stay. Check-in time is 15.00 and check-out time is 12.00.

## Transportation

The Brussels International Airport (BRU), located approximately 20 minutes from the Warwick Brussels, has daily flights to Europe's leading cities and extensive international connections. Direct flights are available on a variety of airlines from North America and include: Brussels Airlines (New York (JFK), Washington, DC, and Toronto); Air Canada (Montreal); Delta (New York (JFK)); and United (Chicago, New York (EWR), and Washington, DC).

Car service can be arranged in advance by emailing the hotel at [info.warwickbrussels@warwickhotels.com](mailto:info.warwickbrussels@warwickhotels.com). Rates will vary depending on the time of day, number of people, and luggage. Taxi cabs are readily available at the airport and one-way fare to the Warwick Brussels is approximately €50.

For more information and public transportation options, visit the Brussels International Airport website at [www.brusselsairport.be](http://www.brusselsairport.be).

## Climate and Dress

When packing for your trip, please note that average temperatures in Brussels this time of year range from a high of 16° C/60° F to a low of 8° C/46° F. Business attire is appropriate for this meeting.

## Registration Fees and Procedures

### In-House Counsel: \$1,250 USD

The registration fee includes all meeting materials and Thursday's luncheon, reception, and dinner. Credit cards will be charged in U.S. dollars based on the exchange rate the day it is processed. Registration fees are set forth on the registration form.

### Outside Counsel and In-House Counsel Package: \$2,500 USD

The registration fee includes all meeting materials and Thursday's luncheon, reception, and dinner for both the outside and in-house counsel. Credit cards will be charged in U.S. dollars based on the exchange rate the day it is processed. Registration fees are set forth on the registration form.

### Spouse/Guest: \$250 USD

The spouse/guest registration fee includes Thursday's reception and dinner. Credit cards will be charged in U.S. dollars based on the exchange rate the day it is processed. Registration fees are set forth on the registration form.

## CDP Credit (Canada)

The IADC is a Pre-Approved Provider of CDP Credit with the Law Society of British Columbia. The Quebec CDP Committee recognizes courses approved by other Canadian bars as approved in Quebec. 7.5 CDP credits are available for attendance at the International Corporate Counsel College.

## CLE Credit (United States)

Approximately 7.5 hours of general CLE credit in 60-minute states and 9 hours of general CLE credit in 50-minute states will be requested for accreditation from all mandatory continuing legal education jurisdictions.

## Cancellation Policies

**Registration Fee:** A CASH REFUND, less a \$150 processing fee, will be made if a written notice of cancellation is received by the IADC office more than thirty (30) days prior to the first day of the meeting. No reason for the cancellation need be provided for a timely notice of cancellation.



*“Excellent exchange between outside counsel and in-house - rare to have the opportunity and have this be the focus of a conference.”*

NO CASH REFUND will be made if notice of cancellation is received by the IADC office thirty (30) days or less prior to the first day of the meeting. However, if special circumstances arise before the meeting which prevent attendance, a member may request a future meeting credit. The request needs to be in writing and submitted to the IADC office. It should be directed to the Finance Committee's attention and note the special circumstances which caused cancellation. The credit request can only apply to meeting registration fees (not air, hotel, activity, tour, or special event fees) and, if approved, will be valid for use toward any IADC meeting for one (1) year from the date of the meeting for which credit is requested. A \$150 processing fee will be deducted from the total future meeting credit. All future meeting credit requests will be considered by the Finance Committee and the decision of that Committee will be final.

**Spouse/Guest Fee:** Notice of cancellation must be received by the IADC in writing no later than 3 October 2016 in order to receive a full refund. No refunds or credits will be issued for cancellation requests received after 3 October.

### Special Needs

If you will have special needs during the meeting (i.e. diet or accessibility), please let the IADC office know in advance of the meeting by sending an email to Rebecca Zurcher, Director of Meetings, at [rzurcher@iadclaw.org](mailto:rzurcher@iadclaw.org).

### Questions

For up-to-date meeting information, visit [www.iadclaw.org](http://www.iadclaw.org). For questions concerning logistics and accommodations, please contact Rebecca Zurcher, Director of Meetings, at [rzurcher@iadclaw.org](mailto:rzurcher@iadclaw.org). For all other questions, please contact Amy O'Maley McGuire, Director of Professional Development, [aomaley@iadclaw.org](mailto:aomaley@iadclaw.org).

## Tour

### SATURDAY, 15 OCTOBER

#### INTIMATE CITY OF GHENT PRIVATE TOUR

*Time: 9.30 - 17.00*

*Location: Ghent; Meet in Warwick Brussels' lobby at 9.30 for group departure via bus*

*Fee: \$150 USD per person (Please note: Lunch is not included in the cost of the tour.)*

This tour gives you an intimate view of the nearby city of Ghent.

Meet your English speaking guide in Ghent's city centre as you begin your "tasty highlights and hidden corners" morning walking tour. During this relaxing and customized walking tour, enjoy the architecture and history highlights of the city centre. You'll learn and observe the city's most well-known spots, as well as discover the hidden and charming corners only a local knows about.

Throughout the morning walking tour enjoy stops at a local top chocolatier as well as a beer stop to taste local beer as well as some Ghent food specialties.

After the light and interactive morning walking tour, the group will stop for lunch. **Please note:** *Each individual will be responsible for their own lunch costs.*

The tour resumes in the afternoon with a private boat trip. The afternoon ends with a visit to the impressive St. Baafs Cathedral.

The program will end in the city centre with a return bus ride to the Warwick Brussels.



*Thank You to Our Sponsor*



[www.altep.com](http://www.altep.com)





**International Association of  
Defense Counsel**  
303 West Madison Street, Suite 925  
Chicago, IL 60606 USA

Presorted  
First Class Mail  
U. S. Postage  
PAID  
Bedford Park, IL  
PERMIT NO. 205

## International Corporate Counsel College

13 - 14 October 2016    Brussels, Belgium

### Advisory Board

**Paul Lefebvre**  
Director

*Hanotiau & Van Den Berg*

**Joseph E. O'Neil**  
IADC President  
*Lavin, O'Neil, Cedrone & DiSipio*

**William J. Perry**  
Director-Elect  
*Carter Perry Bailey LLP*

**John T. Lay, Jr.**  
IADC President-Elect  
*Gallivan, White & Boyd, P.A.*

**Emmanuèle Lutfalla**  
IADC Vice President of International  
*SCP Soulie & Coste-Floret*

**Tripp Haston**  
IADC Immediate Past President  
*Bradley Arant Boult Cummings LLP*

**Colin Loveday**  
IADC International Committee Chair  
*Clayton Utz*

*For more information and to register, visit [www.iadclaw.org](http://www.iadclaw.org).*