



# Doing Business in India

Friday, March 28, 2014 / 9:00 a.m. to 5:00 p.m.

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### Program Chair

**Jaipat S. Jain**

Lazare Potter & Giacovas LLP



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## DESCRIPTION

The buzz for India as an investment destination has died down. The less complimentary realities of doing business there are sinking in: dense or piecemeal legislations, ad hoc policies, bureaucratic red-tape and excessive discretion, and judicial logjam. At the same time, India remains one of world's largest untapped markets. More than ever, clients need advice on doing business in India, including on how to safely exit from unprofitable investments.

The one-day CLE brings together a panel of distinguished lawyers from India and the U.S. They will share their knowledge, experience and insights and provide valuable study materials on a range of important areas: entry, governance and exit of business entities, buying and selling a business in domestic and cross-border transactions, India's complex tax laws and controversies, India's IP laws, practices and controversies, key issues in outsourcing to India, dispute resolution in India, FCPA and other compliance issues for U.S. companies, among others.

The CLE will rely on case studies and have multiple panel discussions and Q & A sessions. Lawyers attending it can expect to leave with a good understanding of the subjects covered, answers to their questions, forms of contracts they can use, and relationships they can leverage.

Participants in the CLE held in 2013 rated it among the best they attended on the subject. Substantial improvements have been made this year to the CLE in course content and faculty line-up with a view to give to the participants the best CLE on India anywhere in the country.

## FACULTY

### **Sonia Baldia**

Kilpatrick Townsend & Stockton LLP

### **Sujata Chaudhri**

IP Gurus  
New Delhi, India

### **Aseem Chawla**

MPC Legal  
New Delhi, India

### **Louis Epstein**

Senior Vice President & Deputy General Counsel  
Transammonia, Inc.

### **Amy Hariani**

Director & Legal Policy Counsel  
US-India Business Council

### **H. Jayesh**

Founder Partner  
Juris Corp  
Mumbai, India

### **Thomas F. Kokalas**

Bracewell & Giuliani LLP

### **Gagan Kumar**

Krishnomics Legal  
New Delhi, India

### **Steven S. Michaels**

Debevoise & Plimpton LLP

### **Stephen D. Nordahl**

Gibson, Dunn & Crutcher LLP

### **Rina Pal**

Director, International IP  
U.S. Chamber of Commerce

### **Dharmendra Rautray**

Kachwaha & Partners  
New Delhi, India

### **Priti Suri**

PSA  
Legal Counsellors  
New Delhi, India

### **For Sponsorship Opportunities, please contact:**

Michelle Schwartz-Clement, Director, City Bar Center for CLE  
212-382-6606 | MSchwartz-Clement@nycbar.org

## AGENDA

9:00 - 9:30 a.m.	<b>India's Legal Framework and Practice Pointers</b> <i>Jaipat S. Jain</i>	1:40 - 2:00 p.m.	<b>Technology Transfer and Licensing Do's and Don'ts in Cross-Border Transactions</b> <i>Sonia Baldia</i>
9:30 - 10:00 a.m.	<b>Entry, Governance and Exit of Business Entities</b> <ul style="list-style-type: none"> <li>• Types of business entities</li> <li>• Entry requirements and key regulatory agencies</li> <li>• Governance and securities laws</li> <li>• Remittance of funds from India</li> </ul> <i>H. Jayesh</i>	2:00 - 2:20 p.m.	<b>Key Issues Outsourcing to India</b> <ul style="list-style-type: none"> <li>• Structuring the transaction</li> <li>• Physical and data security issues</li> <li>• Parent guarantee issues</li> <li>• Tax issues</li> </ul> <i>Stephen D. Nordahl</i>
10:00 - 10:30 a.m.	<b>Buying and Selling a Business in India: Domestic &amp; Cross-Border Corporate Transactions</b> <i>Priti Suri</i>	2:20 - 2:45 p.m.	<b>Case Study and Panel Discussion on IP Issues</b> <ul style="list-style-type: none"> <li>• Case study of motion pictures and pharmaceuticals</li> <li>• Concerns of U.S. clients</li> </ul> <i>Rina Pal (moderator), Sonia Baldia, Sujata Chaudhri &amp; Stephen D. Nordahl</i>
10:30 - 10:40 a.m.	<b>Break</b>	2:45 - 2:55 p.m.	<b>Break</b>
10:40 - 11:10 a.m.	<b>Basics of Indian Tax Laws and Practice</b> <ul style="list-style-type: none"> <li>• U.S.-India tax treaty</li> <li>• Choice of jurisdictions for investing into India</li> </ul> <i>Aseem Chawla</i>	2:55 - 3:25 p.m.	<b>Dispute Resolution in India</b> <ul style="list-style-type: none"> <li>• Commonwealth Games contract as case study of litigating in India</li> <li>• BALCO as case study of arbitrating in India</li> <li>• Taking evidence; enforcing judgments and awards</li> </ul> <i>Dharmendra Rautray</i>
11:10 - 11:40 p.m.	<b>Analysis of Recent Tax Controversies</b> <ul style="list-style-type: none"> <li>• Related party transactions re: pricing of securities and marketing intangibles</li> <li>• Incidence of tax on overseas securities transactions</li> </ul> <i>Gagan Kumar</i>	3:25 - 3:45 p.m.	<b>General Counsel Perspective of Litigating &amp; Arbitrating in India</b> <i>Louis Epstein</i>
11:40 - 12:10 p.m.	<b>Discussion of Corporate and Tax Issues of US Clients Going Into India</b> <i>Jaipat S. Jain (moderator), Aseem Chawla, Amy Hariani, H. Jayesh, Gagan Kumar &amp; Priti Suri</i>	3:45 - 4:05 p.m.	<b>FCPA and Other Compliance Issues and War Stories</b> <ul style="list-style-type: none"> <li>• Siemens as case study of compliance concerns in India</li> </ul> <i>Steven S. Michaels</i>
12:10 - 1:10 p.m.	<b>Lunch</b>	4:05 - 4:30 p.m.	<b>Panel Discussion on Dispute Resolution and Compliance Issues</b> <i>Thomas F. Kokalas (moderator), Louis Epstein, Steven S. Michaels &amp; Dharmendra Rautray</i>
1:10 - 1:40 p.m.	<b>India's IP Laws and Practices</b> <ul style="list-style-type: none"> <li>• Enforcing IP in India</li> <li>• Comparing U.S. and India IP laws and practices</li> </ul> <i>Sujata Chaudhri</i>	4:30 - 5:00 p.m.	<b>Q &amp; A</b> <i>Faculty</i>

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