

	LITIGATION
8	<p>Philippines</p> <p>Can unlicensed foreign corporations sue to enforce arbitration?</p> <p>The Supreme Court has ruled that although the Corporation Code bars a foreign corporation doing business in the Philippines from maintaining any action, suit or proceeding in any court of the Philippines, this general law must yield to the more specific Alternative Dispute Resolution Act of 2004, which holds that the grounds to reject a foreign arbitration award are limited and that lack of capacity to sue is not one of them.</p> <p>Author: Eduardo De los Angeles</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H693SR)</p>
9	<p>Cyprus</p> <p>Importing secondhand cars from member states to Cyprus</p> <p>Cyprus has no domestic vehicle industry and is totally reliant on imports. Its entry to the European Union in 2004 necessitated changes to the taxation of imported vehicles, but interpretations of how the system should be applied have varied. Two recent Supreme Court decisions have made clear that the existing legislation on the issue is inconsistent with the EC Treaty.</p> <p>Authors: Constantinos Kourides, Paraskevas Pavlides</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H7GS6H)</p>
10	<p>Mexico</p> <p>Mexican litigation: what foreign companies need to know</p> <p>Numerous pitfalls await foreign parties assuming that proceedings in Mexican courts unfold in the same way as in the courts of their own jurisdictions. Many foreign companies in Mexico may be unaware of how drastically Mexican litigation procedure can affect a dispute. Whether a company is bringing an action or has been sued in Mexico, it risks losing its case if it does not avoid certain traps for the unwary.</p> <p>Authors: Luis Enrique Graham, Marcelo M Blackburn, Angélica Huacuja</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H7GS7K)</p>
11	United Kingdom

	<p>Are you ready for Jackson?</p> <p>In 2008 Lord Justice Jackson was appointed to lead a wide-ranging review into the costs of civil litigation. Nearly four years on, some of the recommendations from the Jackson Review have already been implemented. However, the majority of the changes will come into force in April 2013. This will be the most significant shake-up of the civil justice system since the implementation of the Woolf reforms.</p> <p>Author: Benjamin Roe</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H7GS9B)</p>
<p>12</p>	<p>Australia</p> <p>No-show a no-go for Flo Rida</p> <p>American hip-hop and rap artist Flo Rida (also known as Tramar Dillard) failed to attend a music festival, having slept in. The New South Wales District Court found Flo Rida and his Australian agent, Darren Ayre, liable to pay festival organizers more than A \$400,000 in damages and legal costs for the no-show. The judgment illustrates the availability of damages for future loss, in appropriate cases.</p> <p>Author: Mitchell Coidan</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H8P2NE)</p>
<p>13</p>	<p>New Zealand</p> <p>Comparative advertising disputes: how robust should the courts be?</p> <p>In crowded competitive markets, a sharply focused comparative advertisement can make a real impact with viewers, particularly where it highlights lower pricing. However, comparative advertising carries risks if not done well and provides a fertile source of disputes. A recent case shows how the courts have grappled with the right approach to take to advertising, and is a reminder of the level of care that advertisers must take.</p> <p>Authors: Gary Hughes, Sarah Lawrence</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H8P2P1)</p>
<p>14</p>	<p>Australia</p> <p>Federal Court finds Winnebago brand was "hijacked" 30 years ago</p> <p>A single judge of the Federal Court of Australia recently found that an Australian company that had adopted the US brand Winnebago in 1982 had engaged in passing off and misleading and deceptive</p>

	<p>conduct. Despite what the court described as the "extraordinary delay" on the part of Winnebago in bringing the action to court, the court found that its brand, logo and reputation had been deliberately exploited.</p> <p>Authors: Tim Clark, Jennifer McGarvie</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H9UNT7)</p>
15	<p>Cyprus</p> <p>Supreme Court reconfirms hands-off approach to banking obligations</p> <p>The Supreme Court recently reconfirmed the general principle that courts will rarely interfere in banking mechanisms created by virtue of irrevocable bank obligations. In this case, even though the respondents had issued an irrevocable bank guarantee, they did not receive the goods. Among other things, the proceedings raised issues of international financing and compensation on the basis of unjust enrichment.</p> <p>Author: Costas Stamatou</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H9UNU9)</p>
16	<p>Denmark</p> <p>Reservation on EU justice and home affairs legislation: a step backwards?</p> <p>Lawyers are often required to consider private international law rules of a country other than their own, in order to determine whether it is possible and favorable for the client to instigate proceedings in a different country. Such questions are covered by both EU conventions and regulations. However, Denmark has expressed its reservations over such legislation and has opted out of cooperation with the rest of the European Union.</p> <p>Author: Peter Schradieck</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H9UNUW)</p>
17	<p>Italy</p> <p>Supreme Court confirms stance on punitive damages</p> <p>A recent Supreme Court decision confirms that awards of punitive damages are non-enforceable in Italy because they are contrary to public policy. However, it is possible to seek the enforcement of a judgment awarding punitive damages when purely compensatory damages can be separated from the punitive element and the punitive damages can therefore be set aside.</p> <p>Author: Claudio Perrella</p>

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18	<p>Austria</p> <p>Suspension of enforcement: the necessary content of a request</p> <p>The Supreme Court recently dealt with the requirements for the suspension of enforcement proceedings under Austrian and European law. Under the Enforcement Act, enforcement can be postponed only if its beginning or continuation is related to the risk of an irreplaceable property loss, or one that would be difficult for the applicant to replace.</p> <p>Author: Klaus Oblin</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7HB1GVJ)</p>
19	<p>Canada</p> <p>Reducing the expense of multi-party litigation through partial settlement agreements</p> <p>Litigation is an expensive process; litigation involving multiple defendants even more so. One obvious way of reducing litigation costs is by entering into settlement agreements with one or more defendants. These agreements often take the form of 'Mary Carter' or 'Pierringer' agreements. While both of these agreements are partial settlement agreements, they have different characteristics.</p> <p>Authors: Douglas BB Stewart, Rahim Punjani, Christina Porretta</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7HB1GWE)</p>
20	<p>Ireland</p> <p>Clarification of extension of summary judgment jurisdiction</p> <p>Summary judgment in Irish procedure is available only for claims involving liquidated sums, where there is no dispute regarding liability. In a recent High Court decision in a matter proceeding in the Commercial List, Judge Kelly outlined that the jurisdiction of the Irish courts to award summary judgment against a defendant is broader than expressly provided for in the Court Rules.</p> <p>Author: Gearóid Carey</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7HB1GY9)</p>
21	<p>Netherlands</p> <p>Shareholder dispute settlement rules amended</p> <p>The Act on Simplification and Flexibility of the Law on Limited Liability Companies sets out</p>

	<p>significant amendments with regard to the statutory dispute settlement rules applicable to shareholders. The amendments will considerably shorten the duration of such proceedings, improve the position of the claiming shareholder and give parties the option to agree alternative solutions.</p> <p>Authors: Joost Heurkens, Leonore Bruining</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7HB1GZB)</p>
22	<p>United Kingdom</p> <p>Abuse of process claim dismissed as attack on prior arbitral decision</p> <p>A recent case is an interesting commentary on the interplay between related arbitral and court proceedings. The abuse of process doctrine can apply where proceedings amount to a collateral attack on a previous arbitral award, but in the absence of special circumstances of the type present in this case, bringing court proceedings against an entity not party to a previous arbitration will not amount to abuse of process.</p> <p>Author: Chris Ross</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7HB1H0R)</p> <p>Court of Appeal upholds non-exclusivity of contractual notice provisions</p> <p>The Court of Appeal recently upheld a High Court decision that a breach of warranty claim was out of time, because the claimant had not complied with the contractual notice provisions. The Court of Appeal confirmed the first instance finding that the notice clause was non-exclusive, despite providing for two specific methods of service. Accordingly, other methods of service could be used.</p> <p>Author: Katie Wright</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7HB1H16)</p>