

	LITIGATION
9	<p>Ireland</p> <p>Derivative actions and exceptions to <i>Foss v Harbottle</i></p> <p>As a general rule, Irish law does not permit a shareholder to bring an action on behalf of the company in which it holds shares and treats the company itself as the proper plaintiff. However, through four recognized exceptions to that rule, a shareholder can bring proceedings on behalf of the company in a derivative action. The High Court recently examined this rule and whether a fifth exception existed – and, if so, on what terms.</p> <p>Author: Gearóid Carey</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H1UFGW)</p>
10	<p>Luxembourg</p> <p>Courts clarify 'foreseeable relevance' of tax information requests</p> <p>Three recent cases have clarified the conditions under which tax authorities may reasonably request information. The courts have held that requests must be understandable and motivated, and that exchange of information provisions of applicable double tax treaties must be verified in relation to the requests.</p> <p>Authors: Eric Fort, Bruno Gasparotto, Alain Goebel, Thierry Lesage</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H1UFHP)</p>
11	<p>United Kingdom</p> <p>Statutory corporations' capacity to enter into oil derivative contracts</p> <p>In <i>Standard Chartered Bank v Ceylon Petroleum Corporation</i> the Court of Appeal considered the capacity of a statutory corporation to enter into derivative contracts linked to the market price of oil, and whether the distinction between 'speculative' and 'hedging' or 'risk management' transactions was relevant in this context.</p> <p>Author: Daniel Hemming</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H1UFKZ)</p>
12	<p>Australia</p> <p>The leagues strike back: court overturns earlier decision</p> <p>The Full Federal Court has unanimously overturned an earlier trial judge's decision in favor of Optus. The court held that Optus's TV Now service infringed the copyright of the Australian Football League and the National Rugby League in relation to broadcasts of their football games. This decision may have implications for other future recording technologies.</p> <p>Authors: Tim Clark, Ivor Kovacic</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H2WDJQ)</p>
13	<p>Switzerland</p> <p>Design rights for watch cases - the risk of nullity counterclaims</p>

	<p>Design infringement proceedings always carry the risk of losing the rights in a design because of a successful nullity counterclaim by the counterparty. A recent decision shows that also prior design applications by third parties, which had not been made available to the public when the party's own design was filed for application, must be considered in this regard.</p> <p>Author: Saskia Eschmann</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H2WDKL)</p>
14	<p>Ukraine</p> <p>Commercial law lessons from the higher courts</p> <p>The Ukrainian legal system does not generally recognize judicial practice as a source of law; however, certain statements of legal position from the Supreme Court are binding on lower courts in similar cases. Some of these statements, as well as higher court advisory letters, raise practical issues for companies doing business in Ukraine.</p> <p>Authors: Anna Kozhemiachenko, Andriy Pozhidayev, Anna Tkachova</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H2WDKS)</p>
15	<p>Australia</p> <p>Appellate court finds no protectionism in gambling's free trade</p> <p>The betting industry has boomed in recent years. Furthermore, due to the advent of mobile and internet technology, betting in Australia is now vastly more accessible than ever before, allowing betting agencies located in other states or territories to operate across the country. A licensed corporate sports bookmaker recently attempted to challenge regulations on the grounds of alleged protectionism in state laws.</p> <p>Author: Daniel Coloe</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H3XU1C)</p>
16	<p>Ireland</p> <p>Costs principles reaffirmed</p> <p>The High Court has recently considered again the question of costs orders to be made in complex litigation. It identified that the overriding principle is that costs follow the event, but that difficulties can arise in determining what the 'event' is for the purpose of an award of costs. The decision represents a useful restatement of the principles applicable to costs in complex litigation.</p> <p>Author: Gearóid Carey</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H3XU1Z)</p>
17	<p>United Kingdom</p> <p>Supreme Court considers 'commercial purposes' exception to state immunity</p> <p>A Supreme Court decision concerning the scope of a government's immunity from execution of a judgment under the State Immunity Act 1978 has confirmed that, when determining whether to apply the 'commercial purposes' exception to state immunity, the origin of the property against which execution is sought is irrelevant, even if it is commercial.</p> <p>Author: Rebecca Birkby</p>

	(Read article http://www.internationallawoffice.com/?i=55592&l=7H3XU2Y)
18	<p>Cyprus</p> <p>Supreme Court offers guidance on contributory negligence</p> <p>In a recent judgment, the Supreme Court clarified the principles underlying the apportionment of negligence. The court concluded that there is no general legal principle apportioning a higher percentage of negligence to the driver in the case of road accidents. It agreed with the court of first instance that the respondent had taken all the necessary actions, except those that were found to be negligent.</p> <p>Authors: Pieris Ashiotis, Constantinos Kourides</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H51GKX)</p>
19	<p>Ireland</p> <p>Third-party notices, timing and prejudice</p> <p>A recent High Court decision dealing with third-party proceedings has addressed the extent to which prejudice is a relevant factor to be taken into account in dealing with applications to set aside third-party notices. The court recited the twin rationales of not duplicating court time and avoiding inconsistent judgments as part of the rationale as to why a court might not set aside a third-party notice.</p> <p>Author: Gearóid Carey</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H51GM8)</p>
20	<p>Turkey</p> <p>Appellate court reverses decision on good faith and acquisition of property</p> <p>The principle of good faith is not directly defined under Turkish law. The Court of Appeals recently reversed a first instance decision that the real right (ie, the right <i>in rem</i>) of a third party was not protected (and thus cancelled) as a result of the previous illegal registration of such right at the land title registry. The decision came despite the legal acquisition of such right by a third party in good faith.</p> <p>Authors: Dilek Sule Menten, Efe Kımıkoğlu</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H51GN4)</p>
21	<p>United Kingdom</p> <p>Investment losses from market meltdown deemed foreseeable, adviser held liable</p> <p>The Court of Appeal recently overturned a High Court decision and held that an investor was entitled to recover substantial damages for loss of capital arising from market movements from HSBC as he had specifically sought to protect himself from the risk of market movement at the time he entered into the investment</p> <p>Author: Laura Martin</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H51GPC)</p>