INTERNATIONAL STARTUP AND EMERGING COMPANIES FORUM: PUSHING THE BOUNDARIES

the conference

This Forum will cover what every legal practitioner needs to know about the legal issues faced by international startups and emerging growth companies. These companies face unique pressures and legal issues that can prevent their success or speed to market if not handled properly. Experts from around the world will provide cutting-edge strategies to navigate the minefields that threaten the existence of these companies, including strategies for regulatory compliance and disruptive innovation, CFIUS, setting up the corporate framework, IP strategies to get optimal results from federal funding agreements, and talent management, as well as insights into markets investing heavily in this space and the opportunities that affords.

why this conference is important

Startups and emerging growth companies face a host of legal issues that threaten their existence on a daily basis. Those threats are magnified when they go global. By their nature, these companies are pushing the boundaries and, in many instances, the law hasn’t caught up to them. Experts will dive deep into the legal issues startups and emerging growth companies face in their efforts to expand internationally. This Forum will provide practical guidance to practitioners and in-house counsel to help them tee their clients and companies for success in the global marketplace.

September 12-13, 2019
Nasdaq Entrepreneurial Center, San Francisco, California

FANTASTIC PROGRAM AND SPEAKER LINEUP NOW AVAILABLE!
When startups need infusions of funds to finance innovation and growth, they may seek it offshore in the form of foreign direct investment. The difficulties of obtaining such investment have become prodigious as the result of the authority granted to the federal government to review foreign direct investments in the August 2018 Foreign Investment Risk Review Modernization Act.

The Committee on Foreign Investment in the United States (CFIUS) conducts such reviews to determine if they pose a threat to U.S. national security and critical infrastructure. If CFIUS finds that the national security risks cannot be averted, CFIUS may recommend that the President of the United States block the closing of the transaction, or to order its unwinding.

Startups seeking foreign direct investments are best served if they address CFIUS requirements and challenges at the outset. Our panel of experts will review the enhanced authority of CFIUS and discuss the scrutiny directed towards investments in tech startups.

Program Co-Chair:
Roland Trope, Trope and Schramm LLP, New York, New York

Program Co-Chair and Moderator:
Brian Fleming, Miller & Chevalier, Washington, DC

Speakers:
Sanchi Jayaram, Department of Justice’s National Security Division, Washington, DC
David Sullivan, Department of the Treasury, Washington, DC
Roland Trope, Trope and Schramm LLP, New York, New York
Lawrence Ward, Dorsey, Seattle, Washington
Linda S. Lourie, U.S. Department of Defense, Office of the Under Secretary of Defense for Acquisition and Sustainment, Washington, DC
This panel will focus on areas of investment for emerging growth companies across the globe, including the role of in-house lawyers, law firms and investors in new environments requiring innovative funding structures while at the same time requiring compliance with legal and policy issues.

Panelists will discuss their own experiences in organizing and structuring emerging growth companies in order to make them more attractive for investment/financing rounds. Topics to be covered range from regulatory frameworks to the available types of corporate vehicles/structures, taxation, employment issues, and the enforcement of contracts.

Program Chair and Moderator:
Joao Otavio Oliverio, Oliverio Dal Fabbro Abid Advogados, São Paolo, Brazil

Speakers:
Dawn Belt, Fenwick & West LLP, Mountain View, California
Eric Deeds, Sauce Labs, San Francisco, California
Annick Fuchs, fuchsLAW, San Francisco, California
Yann Mrazek, M/HQ, Dubai, United Arab Emirates
Linda E.S. Pfatteicher, Squire Patton Boggs LLP, San Francisco, California

This panel of experts will address various issues faced, and common pitfalls to avoid, in structuring startups and emerging businesses to operate and expand internationally. The discussion will include choice of entity and jurisdiction, corporate governance matters, tax considerations, investing in international businesses and other legal issues faced by emerging companies.

Speaker lineup coming soon!
Effective talent management for any organization is a critical component of their business success. Particularly for international startups and emerging growth companies that are in high growth mode, and often in jurisdictions they are not yet familiar with, effective talent management can often be the key to their success or failure. This panel will address (1) the interplay between talent management and the moving of employees across borders; (2) innovative practices for talent management in recruiting, hiring, retaining, and creating a good work life balance for employees; and (3) how these best practices minimize the risk of litigation and adverse publicity.

Program Co-Chairs and Speakers:
Sandra McCandless, Dentons, San Francisco, California
Tyler Paetkau, Procopio, Cory, Hargreaves & Savitch LLP, San Francisco, California
Lisa Ryan, Fragomen, San Francisco, California

Speakers:
Meggie Ghidella, Ripple, Oakland, California

Enjoy quintessential San Francisco food trucks and the beautiful September weather in the Nasdaq Courtyard
Compliance with regulation can be a significant challenge for start-ups as they scale quickly, especially for companies pushing the boundaries of technology and established legal frameworks. In addition to the breadth of regulation that needs to be considered, there can be local differences in law and enforcement practices to take into account.

This session will cover:
• Key regulatory compliance issues affecting start-ups setting up in new markets, including product regulation, consumer laws, data protection and privacy issues, financial services regulation, cyber security, anti-bribery and anti-corruption laws
• Practical guidance on how to navigate the business regulation landscape and manage regulatory risks as a start-up expanding internationally
• Raising awareness and setting up a regulatory compliance structure that can scale with the business.

Program Chair:
Emily Jones, Osborne Clarke LLP, Palo Alto, California

Speakers:
Katie Vickery, Osborne Clarke LLP, London, United Kingdom
Adam Shevell, Wilson Sonsini Goodrich & Rosati, P.C., San Francisco, California
Flavia Naves, Velo Payments, San Francisco, California
Sai Sriskandarajah, Bitly, San Francisco, California
This panel is intended for lawyers who represent startups that are seeking to expand internationally. It identifies opportunities available in different parts of the world and includes speakers from countries that are making intended investment into the startup ecosystem. Join this panel to learn of the diverse opportunities available in investment-friendly countries. The panelists will explore the (1) goals of the investments of each country, (2) the targeted areas for investment, (3) how they facilitate that investment, and (4) how they identify the needs of clients and markets.

Program Co-Chairs and Moderators:
M. Susan Burns, Susan Burns LLC, Minneapolis, Minnesota
D. Porpoise Evans, Perlman, Bajandas, Yevoli & Albright, P.L., Miami, Florida

Speakers:
Canada: Nathalie Rivard, Invest Quebec, Los Angeles, California
Chile: Patricia Hansen, InvestChile, San Francisco, California
Hong Kong: Charles Ng, InvestHK, Hong Kong
Israel: Dror Hahumi, Norwest Venture Partners, Palo Alto, California
Ireland: Alan Mc Glinchey, IDA Ireland, San Francisco, California

Network with new friends and old on the rooftop terrace of Galvanize, while overlooking the Salesforce tower and heart of the San Francisco emerging growth skyline
More than at any time in recent decades, the federal government needs access to the best innovators and their technologies and services. The federal government depends on their contributions to protect U.S. national security, the competitive edge of U.S. technology sectors, and the capabilities of the U.S. defense industrial base.

Frequently, innovators of critical and emerging technologies are reluctant to pursue, or even to investigate, contracting opportunities with the federal government because they fear they may lose their IP to the government.

Our panel of experts will discuss practical approaches and strategies for startups to achieve optimal outcomes, namely to obtain federal funding for their development of cutting-edge technologies without having to give up equity (to investors) and without having to sacrifice the IP rights that enable a company to commercialize, license, or exploit its technologies.

Program Chair: Roland Trope, Trope and Schramm LLP, New York, New York

Moderator: Paul McQuade, Greenberg Traurig, Washington, DC

Speakers: Scott Felder, Wiley Rein LLP, Washington, DC
Fern Lavallee, Jones Day, Washington, DC
Claudia Ray, Kirkland & Ellis LLP, New York, New York
George Winborne, U.S. Army Materiel Command HQ, Huntsville, Alabama
Representation of startups and emerging companies requires the same attention to professional ethics as representation of larger companies, but in some cases raise unique issues. These companies often anticipate global operations, and “going international” raises further ethical concerns. Issues of client confidentiality and attorney-client privilege differ from jurisdiction to jurisdiction, as do other ethical rules relating to honesty in negotiations. Conflict of law issues arise for the attorney seeking guidance as to which jurisdiction’s ethical rules apply, and how the attorney’s home jurisdiction will apply foreign ethical rules.

In the startup and emerging company context, there are tensions between representing the individual founders and the new company. In some circumstances, the company offers the lawyer interests in the company in lieu of fees. Challenges to a lawyer’s ethical compliance can result in loss of fees or worse. The panel will benefit from in-house experience and explore the fundamentals and what the practitioner needs to know in this context.

Program Co-Chair:
Steven Richman, Clark Hill, Princeton, New Jersey

Program Co-Chair and Moderator:
Hermann Knott, Anderson Tax & Legal, Cologne, Germany

Speakers:
Fernando Jamarne, Alessandri Abogados, Santiago, Chile
Adam Sand, Shopkick, San Francisco, California
Ekaterina Schoenefeld, Schoenefeld Law Firm LLC, Princeton, New Jersey

The food trucks are back! Grab some lunch, network with your new contacts, and enjoy the beautiful California sunshine in the Courtyard!
2:00PM-3:30PM
GENERAL COUNSEL
"FIRESIDE" CHAT

Moderator:
Doug Mandell, Mandell Law Group, San Francisco, California

Speakers:
Sabrina Ross, Global Head of Policy (Marketplace) at Uber, San Francisco, California
Phil Rothenburg, General Counsel at Sonder, Palo Alto, California

NETWORKING BREAK

4:00PM-5:30PM
Venture Capital Investment and Legal Perspectives for Emerging Growth Companies

Venture capital investments in emerging companies is changing. Our panel will feature a diverse perspective from venture capital investors and their legal advisors discussing their investments in emerging growth companies, market trends and the changing legal market surrounding investments in emerging growth companies. The panel will also reflect on how far venture investing has grown well beyond the Silicon Valley, the roles of venture capitalists in supporting emerging growth companies, what emerging companies should know when seeking funding partners, the role of legal partners in funding and what may lie ahead.

Program Co-Chair:
Donald C. Reinke, Reed Smith LLP, Silicon Valley, California

Program Co-Chair and Moderator:
LiLing Poh, Reed Smith LLP, San Francisco, California

Speakers:
Omar S. Alam, Salesforce, San Francisco, California
Sameer Desai, Johnson & Johnson, San Francisco, California

Register Now!  www.ambar.org/startupforum
On both sides of the Atlantic, a copyright revolution is rewriting the rules of software and its impact on startup development.

In the US, the Supreme Court’s decision regarding the Court of Appeals for the Federal Circuit decision that Google’s use of portions of Oracle’s Java development platform to create the Android operating system was not protected by the fair-use provision of copyright law is pending.

In Europe, the new Copyright Directive, especially the rules under article 17 of the directive, is likely to also affect startups and might discourage a new generation of European entrepreneurs to innovate and start businesses.

This panel will consider legal and business opportunities and pitfalls created by the new rules and will provide to both IP and business lawyer with an international overview on how copyright law can design and redesign the future of international startups.

Program Chair and Speaker:
Alessandra Tarissi de Jacobis, De Berti Jacchia Franchini Forlanin, Los Angeles, California

Moderator:
Malcom McNeill, Arent Fox, Los Angeles, California

Speakers:
JD Harriman, Foundation Law, Los Angeles, California
Carla Pareja Paris, Zuber Lawler, Los Angeles, California

4:00PM-5:30PM
New US Trends on Fair Use and EU copyright Directive: rules for growth or startups killers?

5:30PM-6:30PM
HAPPY HOUR!

6:45PM
Buses depart for Leadership Retreat in Sonoma County
why attend the Forum?

- Hear In-House Counsel from emerging companies discuss the current legal challenges faced when expanding internationally, and how leading experts are counseling these clients to succeed in the face of these challenges.
- Join lawyers from around the world who focus on emerging companies to learn, build relationships, build your network, look for partners, build your client base, look for suppliers, get inspired, and have fun.
- Enjoy the spectacular September weather in San Francisco with outdoor networking events, including a rooftop reception at Galvanize.
- Earn CLE credits.
- Stay on over the weekend and join ABA International’s Leadership Retreat in beautiful California Wine Country.

who we are

The ABA Section of International Law brings together lawyers from across the country and around the globe to promote the rule of law, and to provide education, policy, publishing and practical assistance related to international law.

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100+
Countries represented

55
Substantive Committees

WHEN

September 12-13, 2019

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