



International Chamber of Commerce

*The world business organization*

**Institute of World Business Law**

**PIDA Seminar**

## **INTERNATIONAL CONTRACTS**

*Study of a mock case*

Negotiating, Drafting, Dispute Resolution,  
Different Cultural and Legal Approaches

**Dates**

**Monday 30 January – Thursday 2 February 2006**

**Venue**

**International Chamber of Commerce**

38, Cours Albert 1er  
75008 Paris, France

**Subject**

The successfulness of international business depends on the quality of contracts signed. Too often, if the relationship between parties happens to deteriorate, loopholes in the contract make the situation worse; had the contract been better drafted the relationship could have been preserved. Negotiating and drafting a contract are skills and techniques that need to be learned, as does managing the “post-contract” and dealing with different kinds of conflict resolution.

Planned to meet the practical needs of those involved in international trade, this seminar focuses on the study of a mock case reflecting the reality and the practices of international business. Working in small groups in an interactive and multicultural environment, participants from all over the world simulate the negotiation, drafting, and management of an international contract. Through the mock case, **this seminar will focus on the main problems that arise in international contracts and particular attention will be given to avoiding disputes.** This is a unique opportunity for anyone involved in today’s international business.

**Speakers**

The panel of speakers that has been brought together for this seminar is composed of international experts who have great experience, both practical and academic, in international contracts.

**Participants**

- Business people and corporate counsel from companies involved in international trade;
- Practising lawyers;
- Legal practitioners advising international trading companies.

**International Chamber of Commerce**

38, Cours Albert 1er, 75008 Paris, France  
Telephone +33 1 49 53 28 91 Fax + 33 1 49 53 30 30  
Web site [www.iccwbo.org](http://www.iccwbo.org) E-mail [conf@iccwbo.org](mailto:conf@iccwbo.org)

# Programme

9.30 a.m. to 5.00 p.m.

Dates

**Monday 30 January – Thursday 2 February 2006**

Venue

**International Chamber of Commerce**

38, Cours Albert 1er, 75008 Paris, France

09.00 - 09.30

**Registration**

## Monday – Introduction and negotiation

Morning

- Welcome addresses
- Presentation of ICC
- Strategies and techniques of negotiation
- “Getting to yes”

Afternoon

- Working groups on negotiations
- Report on the work done by the groups and debate

**Dinner up the Eiffel Tower**

Morning

## Tuesday – Drafting

- Essential and accessory clauses
- Force Majeure and Hardship clauses
- Drafting techniques

Afternoon

- Working groups on drafting essential clauses negotiated the previous day
- Report on the work done by the groups and debate

**Cocktail**

Morning

## Wednesday – Prevention and methods of dispute resolution

- Why and what to do when contracts go wrong ? The grounds of failure
- Renegotiation strategies
- Dispute Boards in distribution contracts and in the long-run – technical expertise – ADR
- Dispute resolution: State Tribunals, ADR, arbitration or combinaison of the “med-arb”?
- ICC arbitration

Afternoon

- Working groups on the conflict resolution clause
- Report on the work done by the groups and debate

**Guided visit of the Louvre Museum**

Morning  
09:30 - 13:00

## Thursday – Different cultural and legal approaches

- Applicable law – Lex Mercatoria, UNIDROIT Principles etc.
- Droit civil *v.* Common law
- International contracts in the Middle East
- International contracts in Asia: the example of Japan
- Topical subject: Introduction to Incoterms
- Conclusions

**End of seminar**

# Key discussion leaders

## Chairman of the ICC Institute

- **Serge Lazareff**  
Avocat à la Cour, France; Chairman, ICC Institute of World Business Law

## Chairman of this seminar

- **Yves Derains**  
Partner, SCP Derains & Associés, France; Former Secretary General, ICC International Court of Arbitration; Council Member, ICC Institute of World Business Law

## Executive Manager of the ICC Institute

- **Laetitia de Montalivet**

## Other ICC Representatives

- **Jonas Astrup**  
Policy Manager, Commercial Law and Practice, Department of Policy and Business Practices
- **François-Gabriel Ceyrac**  
Director, National Committees and Membership
- **Katherine González Arrocha**  
Senior Counsel, ICC Dispute Resolution Services
- **Anne Marie Whitesell**  
Secretary General, ICC International Court of Arbitration

## Other speakers

- **Mohamed Chemloul**  
Avocat à la Cour d'Alger; Former Secretary General, Sonatrach, Algeria; Member, ICC International Court of Arbitration; Founding Member, ICC Algeria
- **Toshiki Enomoto**  
Associate, Cleary, Gottlieb, Steen & Hamilton, France; Member of the New York and Paris Bars; Former Counsel, ICC International Court of Arbitration
- **Paul-A. Gélinas**  
Member of the Montreal and Paris Bars, France; Council Member, ICC Institute of World Business Law; Former Chairman, ICC Arbitration Commission
- **Kristine Karsten**  
Partner, Eversheds Frere Cholmeley, France; Council Member, ICC Institute of World Business Law
- **Laurence Kooy**  
Head of Global Trade Services Legal Affairs, BNP Paribas, France
- **Gerald Pointon**  
Solicitor and Member of the Law Society of England & Wales; Avocat au Barreau de Paris; Consultant, Delvolvé Rouche, France
- **José Rosell**  
Partner, Hughes Hubbard & Reed LLP, France



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## Logistical note

### Working languages and methods

French and English, with simultaneous interpretation. For each seminar, the number of participants is limited to 40 in order to encourage active participation.

The mock case will be sent to participants before the seminar so that they can read the facts and prepare for working in groups and identify the contractual clauses which cover the events mentioned in the facts.

### Admission requirements for candidates

To be admitted, candidates should have:

- competence in one or both of the seminar's working languages (*English and/or French*)
- experience in negotiating and managing international contracts.

Depending upon the number of places available, the following factors will be taken into consideration when selecting candidates:

- geographical distribution
- knowledge of English and/or French
- current responsibilities and nature of activities and functions.

### MCLE Credit

The ICC Institute of World Business Law is a State Bar of **California** approved MCLE provider, is eligible for CLE credit under **New York's** approved jurisdiction procedures and is a Law Society and the General Council of the Bar of **United Kingdom** External CPD Course Provider. So that we can help you with your reporting requirements, please indicate on your registration form where you plan to apply for credit.



### Certificate

All participants are expected to be present for every session. A Certificate of Attendance will be awarded to those who have participated in every session of the seminar.

### How to register

**Easier and faster: registration and payment on-line at [www.iccinstitute.org](http://www.iccinstitute.org)**

- *or*, complete and return the registration form indicating method of payment accompanied by a one-page curriculum vitae, to:

**E-mail:** [conf@iccwbo.org](mailto:conf@iccwbo.org)

**Fax :** +33 1 49 53 30 30

**Tel.:** +33 1 49 53 29 71

**Post:** ICC Institute

International Chamber of Commerce

38, Cours Albert 1er, 75008 Paris, France

**Registration will be confirmed upon receipt of the registration form and contribution to costs.**

### Contribution to costs

**ICC members and Institute members: 1 490 EUR**

**Non-members: 1 560 EUR**

The contribution to costs includes working papers, participation in working sessions, lunches and refreshments served during breaks, the dinner on Monday and the guided visit of the Louvre. Travel and hotel expenses are not included.

Note: No reduction can be given on the contribution to costs. Some organizations may provide financial support to participants (*e.g. the United Nations Development Programme (UNDP) and the Commission of the European Union*). Please consult your Government for details.

### Travel arrangements

Participants are responsible for making their own travel arrangements and hotel reservations. A list of hotels is available upon request.

### Visas

Entry into France requires a valid passport. Visas are generally requested for nationals from Africa, South America, Asia and central and eastern Europe. We strongly recommend that you consult the French Embassy or Consulate in your country for specific information concerning visa requirements.

### Cancellations

50 % of the contribution to costs will be refunded if notice of cancellation is received in writing by the ICC before **29 December 2005**. Cancellations after this date are not refundable. However, the registration may be transferred to another person from the same company or organization at no extra charge, subject to agreement from the Institute prior to the seminar.

# Registration form

**S 0612**

Register online  
**www.iccinstitute.org**  
or complete and return to:  
**conf@iccwbo.org**  
Fax: +33 1 49 53 30 30

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Participant information

Title (Mr/Dr/Mrs/etc.) .....  
Family name ..... First/given name .....  
Position .....  
Company .....  
Address .....  
City/state ..... Zip/postal code .....  
Country ..... E-mail .....  
Tel. (.....) ..... Fax (.....) .....

*(Please tick the appropriate box)*

Contribution to costs

- 1 490 Euros** for ICC members and Institute members *(please circle your affiliation)*  
 **1 560 Euros** for non-members

**Register online: [www.iccinstitute.org](http://www.iccinstitute.org)**

Method of payment

- By credit card:**       American Express       Euro/MasterCard       Visa  
Card number ..... Expiry date .....  
Name of cardholder .....

- By cheque:** payable to "International Chamber of Commerce" bearing the reference "ICC S0612" and participant's name clearly indicated

**Should you need an invoice, please tick box**

Working language

I would like to receive documentation in:       English       French  
Date ..... Signature .....

*The information you provide on this form will be used to compile the participants list for this event. By providing this information, you consent to ICC storing it in its data base for the sole use of the ICC International Secretariat. You may have access to this information and request to have it deleted or corrected at any time by contacting ICC Institute of World Business Law.*

If you know of someone who would be interested in participating, please let us know:

Family name ..... First/given name .....  
Company ..... Country .....  
Phone (.....) ..... Fax (.....) .....  
E-mail .....