



Consumer Goods, Food and Retail

DLA Piper's Consumer Goods, Food and Retail Sector team is recognized for advising many of the world's leading organizations in the consumer goods, food and beverage and retail sectors. For businesses looking to expand into new product lines or territories, protect their brand and IP, understand the consequences of changing consumer spending habits, or comply with the regulatory regimes in all the jurisdictions where they have a presence, DLA Piper can help.

Consumer Goods, Food and Retail lawyers are based in offices across the Americas, Asia Pacific, Africa, the Middle East and Europe. We leverage our vast on-the-ground experience and global platform to work seamlessly across borders, supporting you wherever you do business.

We regularly advise companies in these industries:

- Food and beverage
- Grocery
- Health, beauty and personal care
- Household care products
- Investors and funders
- Retail and fashion

As the power of the consumer continues to rise, changing shopping behaviours, never has the consumer had more to say in the battle for customer centricity. This brings with it a number of challenges of which our lawyers regularly advise on, including:

- Wellness and wellbeing
- Sustainability
- Product and supply chain integrity
- Waste and accountability
- The rise of technology
- The use and ownership of customer data
- Distress on the high street
- Direct to consumer
- New ventures and acquisitions
- Crisis management

To find out more about our Consumer Goods, Food and Retail team, please contact either of our Global Co-Chairs.

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RELATED SERVICES

- Intellectual Property and Technology
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Publications

Blockchain and Digital Assets News and Trends

17 September 2021

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

Proposed infrastructure bill would subject cryptocurrencies to wash sale and constructive sale rules.

Proposed infrastructure bill would subject cryptocurrencies to wash sale and constructive sale rules

17 September 2021

The move comes as part of the Ways and Means Committee's attempt to raise revenue to finance infrastructure spending.

Defending trademarks from non-use cancellations: Strategies for OEM manufacturers in China

September 2021

For many companies, China is an essential piece of their business, but they may never sell a single product to a Chinese company or consumer. Those businesses must answer the tricky question of how to protect their brand in a country where consumers never see it.

Protecting your company from supply chain cyber attacks

September 2021

Today, virtually all companies rely on third-party technical solutions to manage their business. The downside is that incorporating new third-party technology into business operations creates new vectors for cyberattacks.

Supreme Court Corner

September 2021

The Court chose to enhance the Director's power to review PTAB decisions directly.

New workplace sexual harassment laws passed – (some) Respect@Work recommendations become law

8 September 2021

After months of anticipation, the Australian Federal Government's Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021 has now passed both houses of Parliament. The amendment contains important reforms to address workplace sexual harassment.

Blockchain and Digital Assets News and Trends

23 August 2021

BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS

New information reporting requirements for cryptocurrency transactions; CFPB involvement in cryptocurrency oversight; NCUA seeks comments on use of DLT and DeFi by credit unions.

A shop window of opportunity: Act now to recover

6 August 2021

LAW À LA MODE

Challenges in bricks-and-mortar retail are not new. However, the impact of the COVID-19 pandemic has accelerated many key consumer trends away from the high street, forcing acute (and potentially permanent) reductions in footfall as well as widespread store closures.

Arming your legal team for the new normal

6 August 2021

LAW À LA MODE

The last 12 months have seen significant shifts in the way business is conducted within the consumer goods, food and retail sector. While some of these shifts will gradually reverse as countries ease their restrictions over the course of 2021, others will remain in varying degrees.

Belgium: Diversity in the workplace and legal compliance

6 August 2021

LAW À LA MODE

More and more companies are striving to demonstrate their commitment to inclusion and diversity through workplace diversity and inclusion (D&I) training, equal employment opportunity (EEO) programs and affirmative action in the recruitment phase. To ensure these initiatives yield positive results, companies should first consider their legal ramifications.

Defending trademarks from non-use cancellations: Strategies for OEM manufacturers in China

6 August 2021

LAW À LA MODE

For many companies, China is essential to business, but they may never sell a single product to a Chinese company or consumer. For those companies, China is the source of their manufacturing and products, even if a Chinese consumer never purchases the goods. Those businesses must answer the tricky question of how to protect their brand in a country where consumers never see it.

Law à la Mode

6 August 2021

[LAW À LA MODE](#)

The world has seen huge disruption in the last 18 months, but as we begin to see the shoots of normalcy beginning to grow we reflect on what the pandemic has taught us and the trends we are seeing.

RetailTech: How digitization in the retail industry is shaping the way we shop in Australia

6 August 2021

[LAW À LA MODE](#)

Digital marketplaces are growing significantly, taking up a larger share of e-commerce worldwide. In Australia, we expect to see continuing diversification of channel partner strategies, as well as continuing diversification of payment methods.

Sustainably fashionable and fashionably sustainable

6 August 2021

[LAW À LA MODE](#)

Sustainability is making a splash in the fashion industry, but sustainability claims are more than just feel-good messaging, and brands seeking to tout their green bona fides must do so thoughtfully to avoid liability for making deceptive or misleading marketing claims.

US: Food service delivery becomes more taxing

6 August 2021

[LAW À LA MODE](#)

The tax consequences of using an app to order a pepperoni pizza for delivery are getting more complex by the day. Not necessarily for the customer, but certainly for meal delivery service providers.

Values-driven fashion: An interview with Clare Press

6 August 2021

[LAW À LA MODE](#)

Hear from Clare Press, Founder of the Wardrobe Crisis and First Sustainability Editor for Vogue Australia on how corporate values are what every fashion brand needs.

“Olympic” marketing and what to consider when advertising major sporting events in Germany

6 August 2021

[LAW À LA MODE](#)

With the Olympic Games in Tokyo taking place this summer, we must brace ourselves for “Olympic” advertising. In a matter of weeks, grocery stores, sports brands and other businesses will be tempting consumers with “Olympic” discounts and prices. But is such marketing in line with competition law?

Blockchain and Digital Assets News and Trends

19 July 2021

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

IRS says tax-deferred like-kind exchange is not available for cryptocurrency trades; copyright issues plague NFTs; crypto venture investments continue to accelerate.

EDPB's final Recommendations on Supplementary Measures confirm a subjective approach to assessing personal data transfer risks

2 July 2021

The Recommendations' detailed guidance will be useful to businesses and privacy practitioners as they conduct or update their transfer assessments, but the scope and detail of those assessments will require a sustained effort.

Supreme Court Corner

June 2021

The issue at hand in *Unicolors v. H&M* turns on a question of inaccuracies in the copyright registration certificate.

Global M&A Intelligence Report 2021

23 June 2021

Our annual Global M&A Intelligence Report is based on an analysis of key deal terms in over 3,200 private M&A transactions on which we advised since 2015.

Biden's FY 2022 budget and Treasury Green Book – additional details on international tax proposals

2 June 2021

Fleshing out revenue proposals in the White House's American Jobs Plan and American Families Plan.

Podcast: How has the fashion industry evolved to deal with the increased emphasis on sustainability

1 June 2021

Sustainability and ESG (SESG) in the fashion industry has become a central topic, with more focus on what brands are doing to address the issue, than ever before.

DLA Piper are delighted to share with you an exclusive interview with Clare Press, founder of The Wardrobe Crisis and former Sustainability Editor for Vogue Australia. With years of experience in the fashion industry, Clare gives fascinating insight into how the fashion industry has been culpable, but also how it can move forward in a positive and responsible way.

Class actions: Emerging risks and trends

12 May 2021

[THE DLA PIPER CONSUMER GOODS, FOOD AND RETAIL SECTOR TRAINING SERIES](#)

This webinar discusses current and emerging trends in mass litigation affecting the Consumer Goods, Food and Retail sectors.

Digital partnerships in the consumer financial services space

12 May 2021

[THE DLA PIPER CONSUMER GOODS, FOOD AND RETAIL SECTOR TRAINING SERIES](#)

This webinar looks at the opportunities in the development of digital partnerships in the consumer financial services space and where this meets the Consumer Goods, Food and Retail sector.

UK VAT Changes on the sale of goods to customers from 1 January 2021

12 May 2021

[THE DLA PIPER CONSUMER GOODS, FOOD AND RETAIL SECTOR TRAINING SERIES](#)

This webinar focuses on UK VAT changes on the sale of goods to customers from 1 January 2021.

Managing Mexican mandatory disclosure rules

8 April 2021

A review of new obligations for taxpayers and advisors under Mexico's mandatory disclosure rules.

New antidumping and countervailing duty petition: Organic soybean meal from India – consequences for exporters and US importers

5 April 2021

Foreign producers, exporters and importers should have a strategy for addressing AD and CVD investigations, including possible participation.

So you want to go digital...

April 2021

This article assists businesses in identifying the core issues that must be addressed to ensure the legal sufficiency of transactions conducted on eSignature platforms.

Employee and independent contractor classification: Still the top legal issue in franchising

30 March 2021

Franchising rests on a basic premise that franchisees are independent contractors and not employees.

SEC interim final amendments signal stricter regulation on Chinese and other emerging market companies

29 March 2021

Under the new requirements, certain companies must establish that they are not owned or controlled by a foreign government entity and must disclose any foreign government influence.

Episode 15: Comprehensive New E-Commerce Rules Introduced

23 March 2021

[NAVIGATING CHINA: THE DIGITAL JOURNEY](#)

Operators of e-commerce platforms, websites and apps in China, and those using third party e-commerce, social media or livestreaming platforms to sell their products and services in China, must update their operations, services and systems in advance of wide-ranging new rules.

United States imposes significant new export controls and sanctions on Russia and China

23 March 2021

Reflecting a further hardening of US foreign policy and national security policy positions with those two countries.

Blockchain and Digital Assets News and Trends

22 March 2021

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

Wyoming moves to clarify legal status of DAOs; court dismisses class action against a cryptocurrency exchange.

Country-specific guidance on the transfer pricing implications of the COVID-19 pandemic

4 March 2021

Businesses may wish to consider the guidance from several countries on the appropriate transfer pricing treatment for governmental subsidies related to the COVID-19 pandemic.

Blockchain and Digital Assets News and Trends

25 February 2021

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

Canada's AML regime amendments: is your interactive entertainment service or platform operating a "money service business"?

Corruption Perceptions Index 2020 - a regional perspective

11 February 2021

Last week Transparency International launched the 2020 edition of its Corruption Perceptions Index (CPI), which ranks 180 countries and territories by their perceived levels of public sector corruption, according to experts and business people, using a scale of zero to 100 (100 being very clean and zero being highly corrupt).

Announced, proposed and implemented: Developments in Digital Services Tax in key European jurisdictions

9 February 2021

While the OECD and G20 work toward a global agreement on digital services taxes, some European countries have forged ahead on their own.

Announced, proposed and implemented: Key features of France's DST

9 February 2021

The French definition of "taxable service" under the DST differs from the definition of "taxable services" as used for VAT purposes.

Announced, proposed and implemented: Key features of Italy's DST

9 February 2021

The Italian DST applies only to revenues deriving from the provision of tax-relevant digital services linked to Italian-located users.

Announced, proposed and implemented: Key features of Spain's DST

9 February 2021

The annual worldwide revenue threshold is not limited to revenues generated by the provision of digital services, meaning that non-tech businesses may also need to comply.

Announced, proposed and implemented: Key features of the United Kingdom's DST

9 February 2021

The UK's DST is intended to be an interim measure pending a long-term global solution to the tax challenges arising from digitalization.

No firing for lighting up? Cannabis in the workplace

28 January 2021

Appropriately addressing cannabis usage in the workplace while navigating anti-discrimination protections for workers.

The Qualified Maquiladora Approach Agreement has been renewed: Implications for multinationals' transfer pricing

26 January 2021

US-based multinationals using the maquiladora structure to manufacture goods in Mexico are taking note.

China's Blocking Rules: New trade-compliance dilemmas for third-country companies

25 January 2021

The Blocking Rules respond to the increased use of "secondary" economic sanctions and export controls by the US.

Launch of first edition of DLA Piper's Influencer Marketing Guide

12 January 2021

We introduce you to DLA Piper's Influencer Marketing Guide. Download the full guide for DLA Piper's overview of the legal framework for influencer marketing in 22 countries around the world.

Understanding the OECD's guidance on the transfer pricing implications of the COVID-19 pandemic

5 January 2021

A practical look at the new OECD guidance.

Franchisor consolidations after COVID-19

22 December 2020

Consolidations will continue in an opportunistic way, but will be moderated by a recognition that consolidation can be risky.

Cyberfrauds and Cyberattacks: Remote Working Posing Increased Risks and How to Stay Protected

14 December 2020

Cybercriminals are becoming more sophisticated in the ways they facilitate cyberfrauds, with the increasing use of personalised messages on instant messaging platforms such as WeChat or WhatsApp and socially engineered phishing emails to deceive recipients to transfer funds, disclose sensitive information or click on malicious links.

Practical Compliance

8 December 2020

[PRACTICAL COMPLIANCE](#)

Q4 2020: Spotlight on real estate COVID-19 compliance.

Blockchain and Digital Assets News and Trends

23 November 2020

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

IMF issues report on regulatory framework for CBDs and GSCs, SEC invites feedback on application of custody rule to digital assets.

Law à la Mode

20 November 2020

[LAW À LA MODE](#)

Retail has had to adapt to COVID-19 with speed, ingenuity and resilience. But even bigger disruptions may be around the corner.

Contracting for the climate: The Climate Contract Playbook is a trove of climate clauses

11 November 2020

Contracts have become an essential vehicle for companies seek to mitigate their environmental risks and limit their carbon footprints.

Q&A: ACORE Capital

9 November 2020

Tony Fineman of ACORE Capital discusses the loan origination market and the repositioning of the retail sector.

Q&A: Square Mile Capital Management, LLC

9 November 2020

Michael Lavipour of Square Mile Capital Management, LLC predicts the future of shopping malls and explains why now is a good time to lend on hotel assets.

Coronavirus: Directors' duties and making decisions in a crisis

2 November 2020

Directors need to carefully consider how to address the risks of the ongoing COVID-19 pandemic within their business, given its impact on the global economy. As many companies are continuing to face significant, and increasing, cash flow pressure, directors should carefully consider their actions in the context of the legal framework.

Chile: Drafting arbitration clauses in international contracts – practical aspects

26 October 2020

International arbitration has expanded considerably in recent years in Chile.

Replacing NAFTA: What the USMCA means for the future of North American trade and investment – a Q&A

26 October 2020

Contributors from the US, Mexico and Canada discuss several key considerations.

Oman introduces VAT: A law firm's perspective

22 October 2020

Prudent businesses operating in Oman are already planning for the implementation of Omani VAT and have started reviewing their legal arrangements and contracts.

Blockchain and Digital Assets News and Trends

21 October 2020

BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS

SDNY finds Kin token is a security; unpacking the DOJ's cryptocurrency guidance – plus latest legal, regulatory and case law developments.

China Enforces Tax Collection on Employees Working for Chinese-invested Enterprises Overseas

16 October 2020

With the recent IIT reform in 2019, and the introduction of a number of implementation rules (particularly the tax policy on overseas income), it appears the China tax authorities are taking a harder stance on how overseas income derived by China tax residents will be taxed in China, starting with Chinese expatriates working for Chinese state-owned enterprises.

Hong Kong Employment Law Update

16 October 2020

In this article, our Hong Kong Employment team provides an update on the Government's efforts to enforce clawback and penalties in respect of the first tranche of the Employment Support Scheme and statutory maternity leave increasing to 14 weeks from 11 December 2020.

COVID-19 – Galvanising your business against supply chain and customer insolvency risk

7 October 2020

The risk of unforeseen counterparty customer or supplier financial distress and failure amidst the on-going challenges for businesses from COVID-19 means that pre-emptive legal and operational protections against the risk of heavy financial loss or business disruption from customer/supplier failure are more valuable than ever.

Mass layoffs and collective redundancies guide

6 October 2020

As COVID-19 continues to impact the global economy in unprecedented ways, companies that have had to scale back or shut down operations are bracing for what the next few months will bring, and what this means for their workforces. In this guide, we examine key considerations for employers looking to make permanent reductions in force across APAC.

Recent Breakthroughs for Foreign Arbitration Institutions in China

5 October 2020

On 7 September 2020, the State Council has further published the “Work Plan for Deepening Comprehensive Pilot and New Round of Opening-Up of Services Sectors in Beijing and Building Comprehensive Demonstrative Area of Opening-Up of State Service Sectors” further allowing foreign arbitration institutions to provide arbitration services in Beijing.

China lifts further travel restrictions for certain foreigners

28 September 2020

Effective from 28 September 2020, China will allow foreign nationals holding three categories of valid Chinese residence permits (work, personal matters, and reunion) to enter China with no need for applying for new visas. This is a further lifting of travel restrictions for foreigners who have the need to return to China.

Consumer contracts affected by COVID-19: CMA Guidance

25 September 2020

As uncertainties continue over the nature and timing of future restrictions relating to the 2019 novel coronavirus disease (COVID-19), businesses should proceed with caution when dealing with their consumer customers and contracts...

Human rights compliance programmes in the Consumer Goods, Food & Retail sector

10 September 2020

The risk of adverse environmental, social or human rights impacts is one that Consumer Goods, Food & Retail businesses will be familiar with, especially in relation to supply chains.

Human rights compliance programmes: Why now?

10 September 2020

Businesses are increasingly required to identify and manage their involvement in adverse environmental and social impacts throughout their organisations and supply chains. Previously, drivers for developing human rights compliance programmes have included reputation risk and compliance with best practice and “soft law” standards.

Can Australia forget about investment from China?

8 September 2020

This article is based on a series of interviews with clients and colleagues based in mainland China, and explores the attitudes of Chinese businesses to overseas investment generally, and into Australia in particular. There was high degree of consistency in responses from clients on their investment plans, and perceived barriers to investment in Australia. The overall picture painted was one of businesses and investors still interested in overseas investment in certain sectors and in certain markets, but who are currently adopting a “wait and see” approach given travel restrictions and a significant level of uncertainty in global markets.

UAE overhauls Economic Substance Regulations

3 September 2020

The first ESR Report filing deadline is December 31, 2020.

Sale of Lion Dairy and Drinks – not in Australia’s national interest

27 August 2020

On Tuesday 25 August 2020, the Treasurer of Australia announced that the proposed sale of Lion Dairy and Drinks Pty Ltd (Lion Dairy) to China Mengniu Dairy Company Limited (China Mengniu) would not be within Australia’s “national interest”, effectively blocking the transaction. This article discusses the ramifications of the decision and how they could impact on foreign investment in Australia.

Details of the second tranche of Hong Kong’s Employment Support Scheme released

24 August 2020

On 18 August 2020 the Hong Kong government announced details surrounding the second tranche of the Employment Support Scheme. While the majority of the rules surrounding the second tranche remain largely the same as the first tranche, there are new penalties for employers who have fallen foul of a number of nebulous terms.

Blockchain and Digital Assets News and Trends

21 August 2020

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

California appellate court affirms judgment for Coinbase in lawsuit over Bitcoin Gold – plus latest legal, regulatory and case law developments.

Release of exposure draft legislation for major reforms to Australia’s Foreign Investment Framework

10 August 2020

Many governments around the world have been strengthening their laws relating to foreign investment. Australia is no exception to this development and has just released proposed sweeping reforms to its foreign investment regime. In this article, we provide a high level overview of the key proposed amendments and our thoughts on how some of those proposals are likely to affect foreign investment into Australia.

***Schrems II*: Now what? New FAQs from EU data protection supervisors provide guidance on data transfers**

28 July 2020

Organizations relying on Privacy Shield for transfers to the US of personal data subject to GDPR must immediately implement an alternative mechanism or cease transfers.

Where to from here in Australia? Key upcoming trends in the consumer goods, food and retail industries

23 July 2020

States and territories across Australia have been in various stages of lockdown over the past four months. With recent announcements by the prime minister and respective premiers, many parts of Australia (but not Victoria) are now slowly emerging into a new normal. Consumer-facing industries will not be immune to this shift, and effects will be felt across retail, food and beverage and fast-moving consumer goods industries. These industries will need to adapt to changing consumer demands and preferences.

This article is one of the first in a series under our Up Again campaign, to highlight the issues facing businesses as they emerge from lockdown and seek to navigate the challenges ahead. In this article, we explore the key themes and trends that we expect will affect the retail, food and beverage, and fast-moving consumer goods industries over the next six to 12 months and beyond.

Hong Kong Government increases statutory entitlement for maternity leave

16 July 2020

On 10 October 2018, the Chief Executive stated in her policy address that the government proposed to increase the statutory maternity leave entitlement from ten to 14 weeks.

New Dutch Franchise Act poses challenges for franchisors

1 July 2020

FRANCAST

The legislation offers a number of protections to franchisees, which will be problematic for foreign franchisors who transact with well-established Dutch franchisees. The law will take effect on January 1, 2021, although it provides a two-year transition period for existing agreements.

Are you ready for the USMCA? Customs-related takeaways on key changes from NAFTA

30 June 2020

Claiming USMCA duty advantages – practical considerations.

Changes to Hong Kong anti-discrimination legislation

30 June 2020

Anti-discrimination laws in Hong Kong have undergone a series of changes over the past few years.

Blockchain and Digital Assets News and Trends June 2020

18 June 2020

BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS

World Economic Forum announces Presidio Principles as a foundation of blockchain ecosystem design – plus latest legal, regulatory and case law developments.

World Economic Forum announces Presidio Principles as a foundation of blockchain ecosystem design

18 June 2020

WEF's foundational values for a decentralized future.

Australia tightens rules on foreign investment

17 June 2020

In this article we summarise the tax-related developments from early June 2020, as Australia takes a more stringent approach towards compliance procedures involving foreign investments.

Boardroom Brexit - 15 June 2020

15 June 2020

[BOARDROOM BREXIT](#)

Boardroom Brexit - Britain rules out extension (15 June 2020).

Afghanistan's Food & Beverage Market and COVID-19

28 May 2020

Afghanistan is a frontier market and an importer of a variety of food products; and in the last two years has undergone a record number of business reforms meaning there are significant opportunities for international food and beverage companies in the Afghan market, even in the midst of COVID-19.

Blockchain and Digital Assets News and Trends

20 May 2020

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

California may limit application of securities laws to tokens, French court says bitcoins are fungible assets – plus latest legal, regulatory and case law developments.

Consumer Goods, Food and Retail Top of Mind: COVID-19 sector insights

20 May 2020

In this time of growing uncertainty, we recognize that many of our clients are facing unprecedented challenges arising from the coronavirus disease 2019 (COVID-19) pandemic.

US takes action to abate tariffs and duties in wake of COVID-19

8 May 2020

US importers may consider navigating the various tariff exemptions and deferrals in several ways.

BIS announces three new rules that place significant restrictions on exports to China

7 May 2020

These rules will subject many products and technologies to new US export control licensing requirements.

Coronavirus: Changes to rules governing meetings and the execution of company documents (Australia)

7 May 2020

Certain requirements in the *Corporations Act 2001* (Cth) (**Corporations Act**) relating to shareholders meetings, and document signatures, are not compatible with public health requirements for social distancing during the coronavirus pandemic. In order to facilitate these important corporate functions during this period, on May 6, 2020 the Australian Federal Government introduced the Corporations (Coronavirus Economic Response) Determination (No. 1) 2020.

This determination modifies the legislative requirements regarding meetings and execution of company documents. These changes come into force on 6 May 2020, and will expire after six months, on 5 November 2020.

COVID-19: New York and Other Northeast Council states take phased approach to reopening economy

6 May 2020

These developments raise a number of immediate questions and considerations for businesses operating in the region.

Coronavirus: Cancellation of consumer contracts and consumer law enforcement in the UK during the pandemic

6 May 2020

While various COVID-19-related special measures have already been announced by the UK government to alleviate the impact on businesses, is there anything special for businesses dealing with consumers who did not receive or use what they paid for because of coronavirus-related restrictions?

CFIUS filing fees effective as of May 1, 2020: What you need to know

5 May 2020

The filing fees go into effect and must be paid for transactions filed on or after May 1, 2020.

Economic relief for hemp farmers in new round of funding in response to COVID-19

5 May 2020

The new stimulus package is a more apparent green light for hemp businesses to obtain financial aid.

Coronavirus: Directors' duties and making decisions in a crisis (Australia)

4 May 2020

Directors need to carefully consider the risks of the COVID-19 outbreak within their business, given its impact on the global economy. As many now face significant, and increasing, cash flow pressure, directors should carefully consider their actions in the context of the legal framework.

In this new guide we have set out the practical steps directors should be taking to protect their company and its business going forwards.

US securities regulators focus on China and emerging markets: Further risk and disclosure considerations are necessary

4 May 2020

Key takeaways for China-based US-listed companies.

Food and beverage COVID-19 regulatory updates

1 May 2020

Ongoing commentary and guidance from US regulators.

Covid-19: Advertising guidance for brands (UK)

30 April 2020

The outbreak of COVID-19 is an unprecedented and rapidly-evolving challenge to businesses in all sectors. In the context of advertising, marketing and social media communications, the overwhelming regulatory focus has been on preventing the exploitation of consumers and on limiting the spread of misinformation.

Law à la Mode

30 April 2020

[LAW À LA MODE](#)

Law à la Mode: top tips for social media campaigns, the expansion of copyright protection in the UK, compulsory labelling in Russia, an interview with Deploy's Founder and Creative Director Bernice Pan and more

Post-COVID-19: What to expect in the "next normal"

30 April 2020

Issues that are front of mind, based on an informal survey of some of the largest companies and most influential global business leaders.

eSignature and ePayment News and Trends

30 April 2020

[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)

Some key considerations for lenders looking to close loans electronically, either in person or remotely, plus latest regulatory, legal and case law developments around eSignatures and ePayments.

COVID-19: Critical due diligence considerations for M&A, financing and strategic corporate transactions in the retail industry

29 April 2020

Parties to retail-related transactions must consider unprecedented issues.

Consumer law enforcement - Recent EU / UK legislative developments and future prospects

28 April 2020

Recent legislative developments in the EU and the UK indicate that there will be more reason for businesses to be aware when consumer law requirements apply, what steps they need to take to comply as well as be vigilant of future legal changes.

Coronavirus: reopening businesses – compliance risks

24 April 2020

Companies looking to reopen are urged to do so in compliance with varying, changing government restrictions to avoid longer term liabilities that could potentially outweigh short term gains

Blockchain and Digital Assets News and Trends

23 April 2020

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

The FSB report on global stablecoin frameworks and related cryptoassets reflects views inside G20 governments – plus latest legal, regulatory and case law developments.

Strengthening franchise systems post COVID-19: Strategic acquisitions

23 April 2020

For franchise companies looking for strategic opportunities, a discussion of transaction structures.

Hong Kong government approves Hotel Sector Support Scheme

22 April 2020

The Hong Kong government has approved a Hotel Sector Support Scheme. Please find more information and how to contact us on our website if you have any queries.

Hong Kong government approves catering sector one-off subsidy

22 April 2020

The Hong Kong government's Finance Committee met on Friday and Saturday to discuss and approve further details surrounding its Anti-epidemic Fund.

The Committee approved the terms of a government paper published last week which clarifies certain additional details in relation to the one-off subsidy for the catering sector as set out below. This is a new development following our previous alert, which was

published on 10 April.

Guidance from the courts (England and Wales) on the application of the Covid-19 Job Retention Scheme (or employee furlough) in administrations.

21 April 2020

The High Court has given directions to the administrators of each of Carluccio's Limited and Debenhams Retail Limited on the application of the Covid-19 Job Retention Scheme, but can the government tread a course that protects the rights of employees and follows the scheme?

Proposed amendments to Hong Kong's Employment Support Scheme

21 April 2020

The Hong Kong government's Finance Committee met today, Friday 17 April, to discuss and approve further details surrounding the Employment Support Scheme in response to coronavirus COVID-19.

US antitrust enforcers on high alert for collusion in labor markets during COVID-19 pandemic

21 April 2020

[ANTITRUST AND COMPETITION: NOVEL ISSUES IN A POST-CORONAVIRUS WORLD](#)

Antitrust enforcers are closely monitoring employer coordination to disadvantage workers.

Puerto Rico's Emergency Paid Sick Leave Act is in force

16 April 2020

The Act will also apply in case of future epidemics in which the Puerto Rican government declares a state of emergency.

Adapting to a new consumer market

15 April 2020

As consumer-facing businesses consider changes in their business models, avoiding legal pitfalls in some key areas is necessary for a successful transition.

US CPSC advises consumers certain recall remedies may be unavailable due to COVID-19 – four key takeaways

15 April 2020

Guidance will evolve as the pandemic develops, and CPSC-regulated firms are encouraged to consider these actions.

COVID-19: New York State provides new guidance on essential businesses

13 April 2020

The Guidelines raise a number of immediate questions and considerations for New York businesses.

FDA COVID-19 updates for the food and beverage industry

13 April 2020

FOOD AND BEVERAGE NEWS AND TRENDS

FDA issues guidance to serve as a food safety resource during the COVID-19 pandemic, plus other late-breaking developments in the food and beverage sector.

Main Street Lending Program: Federal Reserve unveils emergency lending facilities for small and mid-size businesses up to 10,000 employees

13 April 2020

The Fed announces new steps it is taking to provide loans to assist employers of various sizes, as well as to strengthen the ability of state and local governments to deliver critical services during the pandemic.

Australian Federal Government short-term amendments Fair Work Act 2009

9 April 2020

On 8 April 2020 the Federal Government passed short-term amendments to the Fair Work Act 2009 (Cth) to give effect to the JobKeeper wage subsidy scheme announced on 30 March 2020 and provide employers who have qualified for this scheme with greater flexibility in dealing with issues arising in relation to the Coronavirus COVID-19 pandemic.

UK government to provide additional financial support measures for mid-market business impacted by COVID-19

9 April 2020

On 3 April 2020 the Chancellor announced a new scheme for larger companies, with the creation of the new Coronavirus Large Business Interruption Loan Scheme (CLBILS) to ensure that more firms are able to benefit from government-backed support during this difficult time.

Contract analysis in a crisis: flowcharts

7 April 2020

Flowcharts providing considerations for analyzing commercial contracts in the context of the COVID-19 pandemic through a logical process flow that can serve as a practical checklist.

Coronavirus - Mitigating supply chain and customer insolvency risk (Canada)

7 APR 2020

The on-going impact of the COVID-19 outbreak could have a significant impact on your global supply and customer chains.

Cost-cutting considerations in the time of COVID-19 (Part 3 – employment issues outside the US)

7 April 2020

A deeper dive into various cost-saving measures and their viability for employers outside the US.

A balance between the government, the private sector and the needs of the people: Invocation of rarely used provisions to ensure public safety during the COVID-19 pandemic

6 April 2020

The Defense Production Act, compulsory licensing and march-in rights are means for authorizing the government to step in and assert rights against private companies.

COVID-19 and the "essential business" designation: Practical guidance for businesses that fall in the gray area between "essential" and "non-essential"

6 April 2020

Certain frequently asked questions as well as practical guidance.

Coronavirus: The Defense Production Act's authorities and limitations in the fight against COVID-19

6 April 2020

The DPA has significant implications for companies receiving a direct order from the President and for the subcontractors and suppliers behind them; meanwhile, recent legislation has created procurement opportunities under the DPA.

COVID-19: Financial relief programs for hemp and hemp-related businesses

3 April 2020

What the relief bill may mean for the cannabis industry.

Beyond social distancing: What employers need to know to keep their workplaces safe and manage privacy obligations in the face of COVID-19

2 April 2020

Guidance from OSHA, EEO and CDC to help employers seeking to protect the health, safety and privacy of their on-site employees.

eSignature and ePayment News and Trends

March/April 2020

[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)

COVID-19 special edition

Coronavirus: Cybersecurity considerations for your newly remote workforce (United States)

31 March 2020

Cyber risk management involves balancing the productivity of a workforce with ensuring confidentiality, integrity and availability of the company's own systems and data, as well as that of their supply chain.

Coronavirus: DHS Response to COVID-19 - What US Employers Need to Know

29 March 2020

Key questions and answers related to the new DHS guidance.

Coronavirus: US State AGs ramp up efforts to combat price gouging

29 March 2020

[ANTITRUST AND COMPETITION: NOVEL ISSUES IN A POST-CORONAVIRUS WORLD](#)

State Attorneys General throughout the country are vigorously enforcing state unfair trade practice and price gouging statutes against those alleged to be taking advantage of consumers during the COVID-19 pandemic.

Coronavirus: Employer's guide to the California Stay at Home Order and the Bay Area Shelter in Place Orders

27 March 2020

Many Northern California employers are seeking to reconcile their obligations under these orders. This Alert will address some of the uncertainties associated with dual compliance for Northern California employers.

ESG: The rise of private ordering and the role of the NCGC committee (United States)

26 March 2020

[ESG HANDBOOKS AND GUIDES](#)

This inaugural ESG handbook, part of our 2020 Proxy Season Hot Topics series, aims to help public companies as they develop and maintain a robust ESG program.

Blockchain and Digital Assets News and Trends

25 March 2020

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

The age of viral outbreaks – key contract considerations in a post-COVID-19 world, plus latest legal, regulatory and case law developments around blockchain and digital transformation.

Coronavirus: Cyber hygiene practices

25 March 2020

While the world is responding to the coronavirus disease 2019 (COVID-19), and individuals are increasingly focused on personal hygiene and social distancing, augmenting cyber hygiene efforts at home and at work are increasing in importance too.

Coronavirus: Employee furloughs, reductions-in-force and similar temporary cost-saving measures (Part 2 – Employment issues outside the US)

25 March 2020

A general overview of key employment issues to consider outside of the US in light of COVID-19.

Coronavirus: Employee furloughs, reductions-in-force and similar temporary cost-saving measures in the US - Part 1

25 March 2020

Key employment-related issues for US-based employers in relation to cost-saving measures due to COVID-19.

Coronavirus: Several state and local governments issue “shelter in place” orders (United States)

23 March 2020

Between March 17 and 22, state and local governments have promulgated at least a dozen “Stay-at-Home” / “Shelter-at-Home”-type Orders. This alert provides details on a number of state and local government orders.

[UPDATED] New stay at home orders in California and Los Angeles: key highlights

23 March 2020

The orders all exempt various businesses from compliance, but the orders have different scopes.

90-day deferral for US federal income tax payments

20 March 2020

Those who decide to defer their federal tax payments will be able to do so on a penalty-free and interest-free basis, with penalties and interest beginning to accrue for payments submitted after July 15, 2020.

COVID-19 and food – FDA position (United States)

19 March 2020

For help considering potential impacts of FDA touchpoints.

COVID-19: The benefits of US chapter 11 relief in a time of economic crisis

19 March 2020

Highlighting some of the most significant benefits of US chapter 11 for companies facing severe challenges under the current circumstances.

Coronavirus: Federal government stimulus response – Massive stimulus package may move through US Congress at “warp speed”

19 March 2020

The economic stimulus package taking shape may be the biggest one ever.

Coronavirus: executive summary - key highlights from Washington (March 19, 2020) (United States)

19 March 2020

Key highlights for March 19, 2020.

COVID-19: As diagnostic companies and laboratories ask “how can I help?” FDA responds with unprecedented regulatory flexibility, seeking to achieve more rapid testing capacity in the US

18 March 2020

Options expand for life science, healthcare and other stakeholders.

Real Estate Gazette: Operational Real Estate

17 March 2020

[REAL ESTATE GAZETTE](#)

Operational real estate is a rising star in the real estate investment market. One element that makes this asset class so interesting is the various sub sectors it covers, each calling for specialist experience and practical know-how in both commercial and legal terms.

That diversity is reflected in this issue, we hope you enjoy it.

US employee benefits and the coronavirus

17 March 2020

Some of the many benefit plan issues that employers are facing.

Coronavirus: Congress expected to pass expanded paid leave (United States)

16 March 2020

The paid leave requirements in the current version of the Families First Coronavirus Response Act.

Coronavirus: federal and state tax relief (United States)

16 March 2020

Congress and state legislatures and administrative agencies are working hard to provide necessary tax relief for those affected by the coronavirus disease (COVID-19) pandemic.

Coronavirus (COVID-19): ten practical steps for global employers, right now (Global)

13 March 2020

These steps are not based on laws of any one jurisdiction but rather are designed to provide a global employer with themes to consider, understanding that what may be suitable for each employer may vary greatly depending on the employer's unique circumstances.

Implications of the Single Use Plastics Directive

12 March 2020

New Regulations concerning Single Use Plastics (SUP) and other plastics all over Europe will be affecting the product compliance, design and manufacturing processes of the EU operating Food and Beverage industry substantially within the near future.

Defending your supply chain against coronavirus COVID-19 (United States)

9 March 2020

An action plan that companies can implement to make strategic decisions related to potential supply chain disruptions.

Court of International Trade blocks expanded Section 232 tariffs on certain US imports, prompting others to take legal action

4 March 2020

The first injunction in an appeal filed by a US importer challenges the expansion of the tariffs on constitutional and procedural grounds.

Coronavirus COVID-19 and corporate governance (Australia)

18 February 2020

The coronavirus COVID-19 outbreak and ensuing government restrictions raise corporate governance concerns and create areas of risk across the ESG spectrum that should be considered by companies and their directors and officers.

Coronavirus COVID-19 and other supply chain disruptions (UK)

14 February 2020

In a world of increasingly long, international and interdependent supply chains, the coronavirus COVID-19 outbreak is just the most recent event to highlight the ever more complex considerations arising from a disruption to supply.

When is an outbreak an act of God? Mitigating commercial and operational risks during the COVID-19 crisis (Global)

13 February 2020

A close look at a standard but often overlooked "act of God" or force majeure clause in contracts may provide some insight into options for mitigating commercial and operational risks during the ongoing health crisis.

An update on the impact of the coronavirus on business in Singapore

12 February 2020

Due to the evolving 2019- nCoV acute respiratory disease (the COVID-19) situation, the Ministry of Health (the MOH) and the Ministry of Manpower (the MOM) have, since January 2020, issued advisories which employers will need to be aware of. In particular, the MOH and MOM have, since our last update on February 12 2020, updated and issued new advisories due to the increased risk of importation of COVID-19 into Singapore.

COP25's key outcome: adoption of the San Jose Principles on carbon market mechanisms – takeaways for business

12 February 2020

Ambitious countries are not waiting for full consensus on carbon markets.

Coronavirus COVID-19 and force majeure: How are your contracts being affected? (Europe)

12 February 2020

The outbreak of coronavirus COVID-19 has caused, and continues to cause, great uncertainty for businesses around the world.

Coronavirus COVID-19: The legal impact on force majeure events (Australia)

12 February 2020

Key considerations for parties that may wish to declare a force majeure event or dispute the declaration of a force majeure event by a counterparty in relation to coronavirus COVID-19.

Hong Kong Government introduces mandatory quarantine measures

11 February 2020

On 9 February 2020, the number of deaths due to the rapidly spreading coronavirus in Mainland China officially surpassed the figure seen during the 2002/2003 SARS epidemic.

Numerous governments have been implementing restrictions barring entry to those with recent travel history through Mainland China, including Singapore, Japan, Australia and the United States. Following pressure from public health workers, the Hong Kong Government has now followed suit and has begun a mandatory two-week quarantine for anyone arriving from Mainland China.

How to resume business amid the coronavirus outbreak (China)

11 February 2020

As reported in our previous article, China has extended its Chinese New Year holiday and work suspension period as a result of the novel coronavirus outbreak which has now infected more than 40,000 people around the world.

This is a summary of the Back to Work Day and compensation for working before Back to Work Day in key cities and provinces across China.

APAC employment issues arising out of the Coronavirus (AsiaPac)

31 January 2020

On 29 January 2020, the number of confirmed cases of the rapidly spreading coronavirus in Mainland China officially surpassed the figure seen during the 2002/2003 SARS epidemic.

Multinationals with local operations around the APAC region have been significantly affected. As staff return to the office following the Chinese New Year holiday period, businesses are now considering what they can do to minimise any risk to health and safety and support staff through this challenging period where anxiety and uncertainty is rife, whilst at the same time complying with their employment obligations and maintaining business continuity. Putting in place detailed business and contingency plans and ensuring careful communications with staff to address key topics and concerns is key, as is keeping such plans and communications under frequent review given the fluidity of the current situation.

This alert considers some of the key issues that HR and business leaders should be considering across the APAC region.

The President announces expansion of Section 232 tariffs expected to affect millions of dollars in US imports

30 January 2020

The Proclamation authorizes the Department of Commerce to establish a process for requesting exclusions for affected parties located inside the US.

Harsher penalties on discriminatory employment practices in Singapore

29 January 2020

The Fair Consideration Framework was updated in January 2020 to impose harsher penalties on employers found to be engaging in discriminatory practices such as by favouring the hiring of foreigners over Singaporeans.

China extends holidays for workers amid coronavirus outbreak (China)

28 January 2020

Learn about how the widely publicised corona virus outbreak affects business in Greater China.

Brazil's new Franchising Law allows parties to settle their disputes by arbitration

27 January 2020

The new framework aims to allow the expansion of franchising in Brazil through more legal certainty, transparency and simplification.

The almost free US-Japan Trade Agreement is now in effect

9 January 2020

This trade agreement reduces or eliminates US customs duties on numerous goods.

Commerce imposes export licensing requirement on geospatial imagery software

8 January 2020

Companies that produce, design, test, manufacture, fabricate, or develop a software described in the new controls may now be operating within the category of "critical technologies" as defined in CFIUS regulations.

Different countries, different circumstances . . . but both require attention

8 January 2020

[FRANCAST](#)

Franchisors seeking to expand into Saudi Arabia will face significant regulatory hurdles, and those eyeing Indonesia will generally find a more relaxed regulatory regime.

EU launches preparatory work for a global sanctions regime for human rights violations

17 December 2019

On 9 December 2019, High Representative/Vice-President of the European Union Josep Borrell announced that the Foreign Affairs Council has agreed with strong consensus to start the preparatory work for a global sanctions regime to address serious human rights violations.

Law à la Mode: Levi Strauss & Co and Google; Mystery shoppers and the GDPR; Monograms and trademarks; Counterfeit products in China and more

16 December 2019

[LAW À LA MODE](#)

The UK editorial team is delighted to bring you the 29th edition of *Law à la Mode*, the legal magazine produced by DLA Piper's Consumer Goods, Food and Retail sector group for clients and contacts of the firm worldwide.

VAT - Monthly Alert - October 2019

4 November 2019

[VAT MONTHLY ALERT](#)

A summary of important VAT developments with implications for cross-border business operations.

Beginning October 11, 2019: opportunity to obtain temporary reduction or suspension of US import duties

7 October 2019

Miscellaneous Tariff Bill petitions can be submitted to the ITC until 5:15 pm EST on December 10, 2019.

US Trade Representative imposes additional tariffs on EU goods following WTO decision in Airbus subsidies dispute

7 October 2019

This decision marks the resolution of a 15-year WTO dispute over US claims of illegal subsidies to support Airbus production.

With great influence comes great responsibility: potential liabilities in the growing influencer marketplace

30 Sep 2019

What responsibility, if any, falls on the influencer for social media product endorsements?

Law à la Mode: Beauty Trends: 5 Key Beauty M&A deals; Street art and fashion; Word from the industry's mouth; The rise in innovative retail services; and more

20 MAY 2019

[LAW À LA MODE](#)

The Moroccan editorial team is delighted to bring you the 28th edition of Law à la Mode, the legal magazine produced by DLA Piper's Consumer Goods & Retail Sector Group for clients and contacts of the firm worldwide.

PFAS: in California, regulators put cleanup levels on hold, but announce major data hunt

7 MAR 2019

This data hunt will affect thousands of facilities, drinking water systems and private drinking water well owners.

Law à la Mode: Word of the industry's mouth; Enforcement of IP rights through Ukrainian customs register; E-commerce in Poland; The development of artificial intelligence in the fashion industry; and more

26 NOV 2018

[LAW À LA MODE](#)

The US editorial team is delighted to bring you the 27th edition of *Law à la Mode*, the legal magazine produced by DLA Piper's Retail Sector Group for clients and contacts of the firm worldwide.

Law à la Mode: Social Media Influencers & Effective Disclosures, IP and E-Commerce: Your basic checklist, Longchamp's Handbag Copyright Saga, IP Protection of Fashion Shows in Italy and more

21 MAY 2018

[LAW À LA MODE](#)

The UK editorial team is delighted to bring you this special edition of Law à la Mode, produced by DLA Piper's Retail Sector group for distribution to clients and contacts of the firm worldwide and marking the 140th Annual Meeting of INTA in Seattle.

Law à la Mode: Social Media Influencers & Effective Disclosures, IP and E-Commerce: Your basic checklist, Longchamp's Handbag Copyright Saga, IP Protection of Fashion Shows in Italy and more

21 MAY 2018

[LAW À LA MODE](#)

The UK editorial team is delighted to bring you this special edition of Law à la Mode, produced by DLA Piper's Retail Sector group for distribution to clients and contacts of the firm worldwide and marking the 140th Annual Meeting of INTA in Seattle.

Law à la Mode: Virtual Reality and Augmented Reality; Insta-worthy or Insta-infringement; E-commerce in Poland; Harnessing hidden advertising; and more

20 DEC 2017

[LAW À LA MODE](#)

The Asia Pacific editorial team is delighted to bring you the 24th edition of Law à la Mode, the quarterly legal magazine published by DLA Piper's Retail Sector group for clients and contacts of the firm worldwide.

Law à la Mode: The dangers of unused trademarks; demonstrating reputation; lowering the cost of retail rent in Hong Kong; Brexit update; and more

22 MAY 2017

[LAW À LA MODE](#)

The Belgian editorial team is delighted to bring you this special edition of Law à la Mode, marking the 139th INTA Annual Meeting in Barcelona.

Law à la Mode: The future of retail; Green fashion; E-commerce in China; Brexit update: trademarks and design; and more

3 APR 2017

[LAW À LA MODE](#)

The UK editorial team is delighted to bring you the 22nd edition of Law à la Mode, the quarterly legal magazine published by DLA Piper's Retail Sector group for clients and contacts of the firm worldwide.

Law à la Mode: 10 tips when licensing a brand; a new provision for trademark parody; and more

23 May 2016

[LAW À LA MODE](#)

The French editorial team is delighted to bring you this special edition of Law à la Mode, marking the 138th INTA Annual Meeting in Orlando.

Slavery in the supply chain: new corporate reporting obligations for companies

9 DEC 2015

[HEALTH, SAFETY AND ENVIRONMENTAL MATTERS SERIES](#)

The UK's Modern Slavery Act 2015 is in force, imposing on companies new reporting requirements and new enforcement powers, including the creation of an Independent Anti-Slavery Commissioner.

Supply chain planning in the post-BEPS era: five questions for MNEs

22 JUL 2015

After BEPS actions are incorporated into OECD documents and local legislation, tax planning opportunities will still exist, but realizing the benefits of tax planning will require a greater emphasis on economic substance. One often-overlooked area of opportunity is tax-efficient supply chain planning.

EVENTS

Upcoming

The essential legal update for consumer goods businesses

29 September 2021
Webinar

Previous

Embracing Digital Evolution

15 September 2021
Webinar

The Grand Opening of the High Street

29 April 2021
Webinar

Biden's Climate Summit - what changes can we expect and how could those impact COP26?

27 April 2021
Webinar

EDPB recommendations for safeguarding data transfers after Schrems II

19 November 2020
Webinar

Sustainability and ESG: A case study on Timberland's strategic alliance in Haiti

28 September 2020

SUSTAINABILITY AND ESG: A CASE STUDY ON TIMBERLAND'S STRATEGIC ALLIANCE IN HAITI

Webinar

Sustainability and ESG: A case study on Timberland's strategic alliance in Haiti

28 September 2020

SUSTAINABILITY AND ESG: A CASE STUDY ON TIMBERLAND'S STRATEGIC ALLIANCE IN HAITI

Webinar

Evolution of the global grocery market during and after COVID-19

21 July 2020

NEWS

DLA Piper advise Graphite Capital on acquisition of personalised children's book publisher Wonderbly

29 July 2021

DLA Piper has advised Graphite Capital, a leading UK mid-market private equity specialist, on its acquisition of Wonderbly, the world's leading publishing platform for personalised children's books.

DLA Piper advises MTB Direct on investment by Odyssey Private Equity

3 March 2021

DLA Piper has advised online retailer MTB Direct on its recent investment by private equity group Odyssey Private Equity.

DLA Piper announces partnership promotions for 2020

30 April 2020

DLA Piper is proud to announce that 67 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2020 in the United States and May 1, 2020 for EMEA and Asia Pacific. The promotions have been made across many of the firm's practice areas in 35 different offices throughout 13 countries.

Across the firm's practices globally, Corporate saw the largest intake of new partners with 19 promotions, followed by Litigation and Regulatory with 15. Intellectual Property and Technology and Finance and Projects had ten and eight promotions respectively, while there were six in Real Estate. Tax and Employment both had four, and there was one in Restructuring.

DLA Piper lawyers named Acritas Stars

10 March 2020

Acritas has named over 200 DLA Piper lawyers as 2020 Acritas Stars. Now in its fourth year, Acritas Stars highlights the stand-out lawyers in private practice as nominated by clients around the world. More than 3,000 senior in-house counsel feed into the nomination process to give a comprehensive view of highly recommended lawyers across the globe.

Sustainability and ESG

Lawmakers, investors, shareholders and governments around the world are pressuring businesses to incorporate Sustainability and Environment, Social and Governance (SESG) practices into their operations and strategies, and this focus is only going to grow. Moreover, consumers are weighing in, sharing their experiences and opinions about companies via social media and then making buying decisions accordingly. Social responsibility, reputation, leadership and corporate transparency have never been so important. Consumer goods, food and retail companies must be prepared with an SESG strategy that demonstrates their values as responsible corporate citizens and ensures that these values are implemented in a transparent and auditable way across the supply chain.

SESG covers a wide spectrum of matters expanding beyond environmental issues: among them, diversity in employment, workplace practices, and transparency in accounting, as well as end-to-end supply chain accountability, including product sourcing, manufacturing and product life-cycle management, routes to market, final mile logistics, and waste management and reduction. There is a great deal to consider.

Although there may be a perceived dichotomy between SESG issues and the demands to increase profitability and improve margins, the market atmosphere and consumer buying behaviour has begun to narrow the gap between these two goals. As a result, SESG issues must be fully understood by businesses and integrated into the business model and strategy if they are going to remain profitable. Companies that fail to address these issues risk exposing themselves to litigation (particularly in global jurisdictions where class actions are on the increase), regulatory breaches, and reputational damage, as well as impacting the bottom line and investment opportunities.

CONSUMER GOODS

Many consumer goods businesses view this emerging way of thinking as an opportunity and are not waiting for regulatory forces to drive change. They appreciate the cost savings resulting from energy efficiencies and the reduction of carbon output at all stages of the supply chain. They are decreasing their dependency on fossil fuels and using renewables; they are also using LEAN operational methods to reduce waste, which can slash costs and improve long-term sustainability. Further, they are turning to new technologies, like artificial intelligence and the Internet of Things, which can drive environmental and cost benefits by supporting greater efficiency and facilitating more effective predictive demand forecasting as well as capacity sharing for warehouses and logistics. Consumer goods brands are now facing scrutiny for the ways they manage their product life cycle. Consumers want retailers to show them how items are made and what materials are used. This transparency can be achieved by implementing blockchain solutions to create a digital ledger of transactions which cannot be altered. This technology has the potential to be transformative for the consumer goods sector, by reducing barriers and increasing visibility, trust, and interoperability between different parties in the supply chain. Many businesses are also now implementing closed loop value chains to manage waste, reduce environmental hazards, and promote recycling. For example, consumer durables, such as kitchen appliances, have a high environmental impact: at the end of their useful life, they may go straight to landfill rather than being recycled; they often contain harmful chemicals which will be released when not correctly disposed of. Closed loop value chains applied to such products encourage safe disposal and effective recycling. Waste management and recycling are increasingly important aspects of business strategy in this sector.

FOOD AND BEVERAGE

For the food and beverage sector, probably the most publicized aspect of SESG arises from the sharpening focus on health issues. A clear example: the worldwide problem of obesity, which the World Health Organisation has dubbed a global epidemic. More than 650 million people are now recorded as obese, and the ramifications for societies – shorter life spans, an array of related health problems such as heart disease and diabetes – are considerable. Food and beverage businesses are being called upon to demonstrate their commitment to helping address this crisis by making their ingredients healthier, addressing the pricing

of healthier foods, and restricting marketing of unhealthy foods. Governments are also developing new ways to reduce obesity which include educating people on their choices, introducing taxes for products like sugary beverages, and changing labelling regulations.

There is also a growing trend towards “healthification” and being a “conscious consumer”: the pursuit of a healthier and more environmentally sensitive lifestyle, particularly among young adults, which includes reducing meat intake, drinking less alcohol (or none at all), and consuming products that are not just organic but ethically sourced. It is these trends that are influencing the investment and development of new products like low-alcohol seltzers and meat-free alternatives. The main drivers behind conscious consumerism are:

- Health worries, on a personal and societal scale
- Ethical concerns/animal welfare
- Environmental impact of meat consumption and international shipment of foodstuffs
- Food security
- And, most recently, COVID-19 and potential future pandemics.

Because a significant part of conscious consumerism concerns ingredients, and provenance, we are likely to see blockchain embraced as a means of creating a permanent, immutable, transparent record of each link in the supply chain, including ingredient sourcing and monitoring of factory, warehouse and transport conditions. Using blockchain to track and record the life of a product will also make product recalls easier and more efficient.

Another aspect of ESG that is relevant for food and beverage businesses is food labelling and packaging. For many years, prominent members of the industry have urged legal reforms that would ensure food labels and packages are standard across the industry and are clear and understandable for consumers as they seek to make healthy decisions

Product life-cycle management is another focal topic for the food and drinks industry. For years now, the industry has relied heavily on single-use plastics, but governments and consumers alike are now decrying this, demanding that plastics be reliably recycled and even not used in packaging at all. Many retailers have been taking this into account, and mass reduction in the use of plastic has been seen across the industry.

RETAIL

Waste is a leading sustainability concern for the retail sector. Perhaps the most top-of-mind aspect of this is so-called fast fashion. Clothing brands rely on marketing seasonal products to consumers eager to stay on trend. But often, at the end of a season, these products are simply discarded, creating enormous waste and clogging landfills. Consumers are becoming more aware of their purchasing habits and the environmental consequences of throwing away entire wardrobes at the end of each season. Fashion and retail businesses will need to find a way to address this issue and balance it with the competing downward pressure on price and margin.

Waste is not just limited to cheap fast fashion brands: luxury brands too have issues with waste. For instance, the pattern cutting process can leave behind large amounts of waste. We are also seeing negative attention focused on luxury brands which are accused of burning unsold stock to maintain their perceived exclusivity.

All of this has led to a wider consumer concern about ESG issues in retail. Consumers want to know where items are from and how they are made. They also want to know how brands treat their employees, including employees of their sub-contractors and of their suppliers. Consumers expect brands to follow ethical practices, to ensure the occupational health and safety of their workers, to ensure their workers earn a living wage, and to take broad responsibility for ESG practices not just in their storefronts but throughout the supply chain. NGOs, moreover, often champion the interests of workers in factories where practices are unethical and see it as their moral duty to shine a light on these issues. Companies are expected to take responsibility for every aspect of their production, and those who fail to measure up in a transparent way may face the repercussions –social media notoriety, consumer boycotts, regulatory action, and lasting reputational and commercial impact.

The issue of how the consumer receives the product is also key. The move to online shopping has been accelerated by COVID-19. ESG issues around logistics and particularly waste generated in the delivery process and the environmental impact of inefficiencies in the final mile are more visible to the public and, as a result, are subject to greater scrutiny. This is an issue which the industry has been grappling with for several years from a cost efficiency perspective, but which now is also being examined from the ESG perspective. Use of electric vehicles in the final mile, particularly in urban areas, is becoming

increasingly prevalent, and we also predict an increase in the use of technology to aid dynamic delivery scheduling and capacity sharing within vehicles. Similarly, the issue of single-use plastics for deliveries is also increasingly prevalent – brands are under increased pressure to reduce plastic packaging and to use fully recycled (and recyclable) materials.

Finally, another key aspect of ESG in the retail space arises from the use and security of consumer data. The online shopping experience makes it easier for consumers to buy a retailers' products, but also exposes companies, and consumers, to the risk of cyberattack. Furthermore, some companies have sought to monetize consumer data, raising further issues of privacy. Companies with transparent data handling practices and transparency around how they handle security breaches are more likely to gain and keep consumer trust.

To discuss the implications of these issues for your business, please contact our ESG leaders.