



## Industrials

The industrials sector is continually evolving and crossing borders. Global economic uncertainty, political instability, and its impact on trade, climate change, digitalization, automation and disruptive business models are just a few of the many challenges businesses in the industrials sector are currently facing.

Prudent businesses in this rapidly changing sector turn to lawyers who have cross-disciplinary knowledge and on-the-ground presence in local markets, who are able to advise clients on their day-to-day and strategic concerns wherever they choose to do business. With offices in over 40 countries throughout the world, we offer a dedicated team that understands the sector, the challenges it faces and the pragmatic, cost-effective solutions that work for our clients. We are proud to support the diverse needs of our global client base, which includes many of the most successful industrial companies worldwide across our core areas:

- Aerospace and defense
- Automotive
- Chemicals
- Manufacturing

We help our clients on important issues affecting the industry, such as:

- Acquisition, asset and export finance
- Brand protection, patents, licensing and IP
- Commercial and procurement contracts and outsourcing
- Cybersecurity
- Data protection
- Digitalization and IoT
- HR, employment, employee benefits and pensions
- Litigation and arbitration
- M&A and international corporate restructurings (ICR)
- Product compliance and safety
- Real estate and real estate finance
- Regulatory advice, including on environmental, health and safety (EHS) matters
- Restructuring
- Risk, governance and compliance, including anti-bribery and corruption
- Supply chain management, including distribution/agency agreements and contracts
- Tax, including import and export, transfer pricing and sanctions

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- Societário
- Financeiro
- Propriedade Intelectual e Tecnologia
- Comércio Internacional, Regulatório e Assuntos Governamentais
- Contencioso, Arbitragem e Investigações
- Product Liability, Mass Torts and Product Stewardship
- Projetos, Energia e Infraestruturas
- Imobiliário

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## Publicações

### ***Aybar v. Aybar*: New York Court of Appeals finds registering to do business in the state does not mean consent to general jurisdiction**

12 October 2021

Consent by registration was the sole issue before the New York Court of Appeals in this case.

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### **Five issues to watch for at COP26 in Glasgow**

12 October 2021

Hopes had already been high for COP26 even before the pandemic paused it. The pent-up potential has only heightened those expectations.

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### **An interview with Aldersgate Funding**

11 October 2021

In this podcast, DLA Piper partner Henry Quinlan interviews Jim Holding and Matthew Lo at Aldersgate Funding Limited, who shed some light on the advantages of litigation and arbitration funding; the types of claims eligible for funding; the process of funding a case; and the jurisdictional constraints on this type of financing.

DLA Piper · Aldersgate Funding on how litigation funding can help your business

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### **OECD announces global deal on international tax reform with its Two-Pillar solution**

11 October 2021

In addition, the OECD sets out a detailed implementation timeline aiming to have parts of the plan ratified in 2022 and effective as early as 2023.

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### **New antidumping and countervailing duty petition: Oil country tubular goods from Argentina, Mexico, the Republic of Korea, and Russia – consequences for industry and downstream consumers**

8 October 2021

US AD and CVD investigations can result in the imposition of substantial duties in addition to already applicable duties and tariffs.

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### **New California law threatens to dramatically increase pain-and-suffering damages in survival actions**

7 October 2021

Considerations in approaching case valuations and risk assessments in survival actions brought in California.

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## **US Trade Representative seeks comments on possible reinstatements of previously extended exclusions to Section 301 tariffs**

6 October 2021

Interested parties should consider submitting comments in support or opposition to any possible reinstatement.

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## **Georgia Supreme Court: Consent by registration a valid way to exercise personal jurisdiction over out-of-state corporations**

5 October 2021

The court deduced that a corporation authorized to do business in Georgia must be subject to general personal jurisdiction in the state.

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## **New antidumping and countervailing duty petition: Freight rail coupler systems and components from China – consequences for the industry and downstream transportation companies**

4 October 2021

The preliminary ITC injury determination must be made by November 15, 2021.

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## **Commodities News and Trends**

20 September 2021

### **COMMODITIES NEWS AND TRENDS**

Brazil and Argentina lead the way in biofuels; CFTC: we will support transition to a low-carbon economy; is the end in sight for the shale-driven pipeline building boom?

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## **White House announces plan to substantially expand introduction of sustainable aviation fuel**

15 September 2021

Key details.

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## **By any standard? Meeting sustainability commitments through credible carbon markets**

13 September 2021

Operating in today's evolving voluntary carbon trading ecosystem.

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## **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.

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## **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.

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## **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.

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## **Framing patents as essential facilities in Chinese antitrust: *Ningbo Ketian Magnet Co., Ltd. v. Hitachi Metals***

7 September 2021

### **ANTITRUST MATTERS**

A Chinese court recently ruled in *Ningbo Ketian Magnet Co., Ltd. v. Hitachi Metals, Ltd.* that a patent-holder's refusal to license patents for producing rare-earth magnets to competitors constituted an abuse of dominance in violation of China's Antimonopoly Law (AML).

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## **Subject to the EAR: When is a non-US product free from the EAR?**

25 August 2021

When does a non-US-made product incorporating US-origin components or technology escape the technical jurisdiction of the EAR? This article outlines the exemptions possible, and explains the application of the second incorporation rule.

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## **When are non-US products incorporating US products free from US jurisdiction?**

25 August 2021

### **DLA PIPER TRADE TRUTHS**

This summary article provides key points to consider as well exemptions possible if your non-US manufactured products are subject to US reexport authorization requirements.

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## **Top 10 trends for US employers – Mid-year update**

24 August 2021

We recap key developments over the last six months and look at the potential changes ahead related to the top 2021 trends we identified at the start of the year.

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## **LatAm: Tax authorities address negative effects of the pandemic on national coffers**

12 August 2021

The tax authorities' revenue-generating approaches vary from incentives to additional taxation.

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## **New proposed regulations aim to standardize non-preferential origin determinations for imports from Canada and Mexico**

19 July 2021

Companies have the opportunity to present written comments on all aspects of the Proposed Rule by August 5, 2021.

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## **Mexico: Understanding SAT's "benchmark" disclosure of effective income tax rates**

14 July 2021

The effective tax rates are not binding, but it is expected that the SAT will use the rates as a reference to identify taxpayers for audits.

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## **New antidumping duty petition: Acrylonitrile-butadiene rubber from France, Mexico and the Republic of Korea – consequences for exporters and US importers**

8 July 2021

Key details and implications.

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## **New antidumping and countervailing duty petition: Urea ammonium nitrate solutions from Russia and Trinidad and Tobago – consequences for exporters and US importers**

7 July 2021

The petitioners additionally allege that the governments of Russia and Trinidad and Tobago are providing unfair subsidies to their countries' producers and exporters of urea ammonium nitrate to the US.

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## **Ransomware preparedness: NYDFS announces additional expectations of regulated entities' cybersecurity programs**

7 July 2021

As regulatees address their vulnerabilities to ransomware, NYDFS raises its expectations.

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## **Understanding California's South Coast AQMD Warehouse Indirect Source Rule – key points for warehouse owners, operators and tenants**

30 June 2021

Implementing the rule may prove challenging to owners, operators and tenants of warehouse facilities.

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## **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.

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## **Global corporate benchmarking group seeks inputs on corporate human rights standards**

22 June 2021

Comments are requested by June 25, 2021.

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### **A long hot summer: Five steps for energy commodities traders in a time of heightened scrutiny**

14 June 2021

Rising temperatures may exacerbate current market volatility, which in turn may lead to heightened regulatory scrutiny.

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### **Whatever your sector, ransomware attacks are changing how to think about platform security risk: Action steps**

14 June 2021

In an increasingly digitized economy, creating awareness of platform security risks is critical.

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### **Commodities News and Trends**

3 June 2021

#### **COMMODITIES NEWS AND TRENDS**

Fossil fuel industry and ESG; energy aspects of Biden infrastructure plan; floating storage can rule the seas or give you a sea of trouble.

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### **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.

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### **FDA solicits public comment on adding list of device materials to certain medical device labels**

26 May 2021

The proposed change would apply to all medical devices that may be in contact with a patient long term.

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### **NHTSA moves to repeal regulatory preemption of state auto emissions regulation, advancing Biden plans to dramatically reduce US greenhouse gas emissions**

19 May 2021

The move is a substantial step away from Trump Administration policies on GHG emissions.

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### **The Russia sanctions and their impacts on commodities companies: Action steps for companies engaged in transactions with Russian gas and energy companies**

11 May 2021

Implications of key provisions in President Biden's Executive Order.

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### **EPA moves to phase out powerful GHG refrigerants under bipartisan mandate**

7 May 2021

EPA estimates the HFC phasedown will yield cumulative climate-related economic benefits of \$283.9 billion from 2022 through 2050.

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### **California mulls new standards for post-consumer plastic in thermoforms – proposed penalties may be severe**

28 April 2021

Producers would be required to show they are including higher thresholds of post-consumer recycled plastic in thermoform plastic containers manufactured to contain fresh foods.

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### **Democrats reintroduce Climate Risk Disclosure Act**

27 April 2021

The bill aims to help companies and investors assess their exposure to climate-change risk and to push companies to address their contributions to climate change.

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### **US Supreme Court clarifies scope of specific personal jurisdiction over corporations: *Ford Motor Co. v. Montana Eighth Judicial District***

12 April 2021

The decision resolves confusion in the lower courts.

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### **Managing Mexican mandatory disclosure rules**

8 April 2021

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

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### **Preliminary injunction granted in Cal Chamber lawsuit concerning acrylamide Prop 65 warning**

1 April 2021

California's Eastern District federal court found that Prop 65's acrylamide warning requirement was likely unconstitutional and preliminarily enjoined new lawsuits alleging failure to warn for acrylamide exposure in food and beverages.

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### **Supreme Court Corner**

30 March 2021

Numerous amici in *American Axle* urge the Supreme Court to take the case; update on *USPTO v. Booking.com*.

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### **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.

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### **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.

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### **California Air Resources Board proposes cuts to VOC limits in consumer products**

17 March 2021

Proposed amendments to consumer products regulations would affect retailers and manufacturers of aerosol air fresheners, hair care products, fragrances and insecticides.

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### **Antidumping and countervailing duty petition against imports of certain Chinese mobile access equipment and subassemblies: Consequences for exporters and US importers**

16 March 2021

Foreign producers, exporters and importers may consider having a strategy for addressing AD and CVD investigations, including possible participation.

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### **US national security review of the semiconductor manufacturing supply chain presents critical opportunities for industry**

15 March 2021

The review supports the CHIPS for America Act.

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### **CFTC final position rule limits enter into effect March 15**

10 March 2021

The Final Rules aim to "prevent excessive speculation" and thus implement one of the remaining key provisions of Dodd-Frank.

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### **Commodities News and Trends**

10 March 2021

#### **COMMODITIES NEWS AND TRENDS**

Oil and gas companies commit to transparency on methane emissions reporting; CFTC adopts final position rule limits; consequences of volatile markets.

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### **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

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subsidies related to the COVID-19 pandemic.

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### **California Prop 65: OEHHA proposes changing popular short-form warning**

3 February 2021

Businesses selling products in California that utilize short-form Proposition 65 warnings may have to be re-label yet again or risk enforcement actions.

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### **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).

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### **Year in review and 2021 preview – Top 10 trends for US employers**

2 February 2021

We identify the top 10 trends impacting US businesses as we close out 2020 and enter 2021.

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### **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.

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### **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.

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### **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.

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### **Biden Administration's ambitious climate agenda starts now**

22 January 2021

President Biden has kicked off his whole-of-government approach to address climate change.

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## 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.

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## Boardroom Brexit: What the deal means for business

31 December 2020

### [BOARDROOM BREXIT](#)

Welcome to this last edition of Boardroom Brexit, marking the end of the negotiations and the agreement of a new trade deal, the UK-EU Trade and Cooperation Agreement (TCA). In this edition, we summarise the impact of the deal on all aspects of business operations in one place – please use the hyperlinks below to help you navigate the report.

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## Boardroom Brexit: What the deal means for trade in goods

31 December 2020

### [BOARDROOM BREXIT](#)

What will the Trade and Cooperation Agreement mean for tariffs and quotas, rules of origin, technical barriers to trade, customs and product standards

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## The EEOC breaks its silence on the COVID-19 vaccine

22 December 2020

Some of the most important questions answered by the EEOC's guidance.

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## The new economic aid to hard-hit small businesses, nonprofits, and venues...what is in it for businesses?

22 December 2020

From US\$284 billion in PPP loans to tax deductions and tax credits for sick leave; stimulus funds will help make the winter not so chilly for many businesses.

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## Commodities News and Trends

16 December 2020

### [COMMODITIES NEWS AND TRENDS](#)

In the inaugural issue, three states collaborate on offshore wind project; record-setting year for CFTC enforcement; climate change lawsuit reaches Supreme Court - plus latest legal and regulatory developments in commodities trading.

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## Climate activism: Status check and opportunities for public companies

14 December 2020

The systemic risk of climate change is being discussed and managed in board rooms around the world.

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## 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.

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## US DOT issues groundbreaking proposals for regulation of automated driving systems, seeks input

11 December 2020

The rulemaking initiates an important new chapter in autonomous vehicle development and commercialization in the US.

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## REACH 2.0 – New EU Chemicals Strategy for Sustainability

10 December 2020

Chemicals are omnipresent in our everyday life and play a fundamental role as building blocks in technologies, materials and products. However, chemicals with hazardous components can also cause damage to human and animal health and the environment.

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## New regional stay-at-home orders in California

9 December 2020

Employers are strongly encouraged to evaluate their compliance with current orders as of December 9, 2020, and prepare for additional restrictions.

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## Nasdaq proposes board diversity listing standards

8 December 2020

The proposal is the first of its kind among US exchanges and, if approved by the SEC, would mark an important step toward mandated diversity requirements for the boards of US-listed public companies.

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## Practical Compliance

8 December 2020

### [PRACTICAL COMPLIANCE](#)

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

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## California adopts emergency COVID-19 standards

1 December 2020

The emergency standards affect most companies with California-based employees.

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## Creating voluntary carbon markets: IIF recommendations and consultation – suggestions due by December 10

17 November 2020

The Taskforce's recommendations are based on core carbon principles to help establish standardized benchmark contracts for listing on exchanges and using existing infrastructure.

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### **Schrems II: The next chapter – EDPB issues recommendations on supplementary measures for transfers of personal data to the US, European essential guarantees for surveillance measures**

13 November 2020

The measures could have significant impacts on international data transfers, particularly those between Europe and the US, which drive over a trillion dollars in trade every year.

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### **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.

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### **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.

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### **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.

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### **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.

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### **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.

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### **It is time for broad review and appropriate revisions to the US auto safety regulation system**

10 September 2020

A review could identify regulatory changes to facilitate the safe introduction and adoption of transformative new motor vehicle equipment, systems and technologies.

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### **Proposed changes to US Department of Commerce antidumping and countervailing duty regulations: Consequences for exporters and US importers**

31 August 2020

The proposed changes are likely to increase the risk of importers being exposed to unexpected additional duties; foreign producers and exporters could be forced to reduce or cease shipping to the US due to AD and/or CVD duties.

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### **Puerto Rico enacts act prohibiting workplace harassment**

28 August 2020

The law creates a new course of action for employees and imposes additional responsibilities on employers. It is effective immediately.

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### **Slave-Free Business Certification Act proposes audit requirements for labor abuses in major company supply chains**

27 August 2020

The legislation would require large companies to report on and root out forced labor in their supply chains.

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### **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.

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### **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.

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### **The US-Mexico-Canada Agreement: A summary of changes in Mexico's laws**

6 August 2020

Mexico makes sweeping changes to an array of laws.

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### **DLA Piper achieves a successful result in Auctus Resources Pty Ltd v Commissioner of Taxation [2020] FCA 1096**

5 August 2020

DLA Piper's tax team has been successful in representing its client, the taxpayer, in *Auctus Resources Pty Ltd v Commissioner of Taxation [2020] FCA 1096*. The case relates to specific tax assessment and tax recovery powers of the Commissioner of Taxation relating to an R&D tax offset refund in the 2013 income year. It is also a reminder to legal practitioners to raise all grounds and contentions during the hearing. This article will explore these issues in further detail.

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### **NLRB overturns restrictions on employee discipline for profane or abusive outbursts**

31 July 2020

Another reflection of a labor law landscape undergoing dramatic change.

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### **Returning to work: OSHA issues guidance**

21 July 2020

The latest guidance includes FAQ responses which clarify OSHA's position on a number of important COVID-19 issues.

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### **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.

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### **New antidumping and countervailing duty petitions filed against imports of seamless carbon and alloy steel standard, line and pressure pipe from the Czech Republic, the Republic of Korea, Russia and Ukraine: Consequences for exporters and US importers**

16 July 2020

Duties can be imposed if the DOC determines that imported goods are dumped and/or subsidized and if the ITC also determines that the domestic industry is materially injured or threatened with such injury by reason of subject imports.

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### **New antidumping and countervailing duty petitions filed against imports of standard steel wire mesh from Mexico: Consequences for exporters and US importers**

7 July 2020

Duties can be imposed if the DOC determines that imported goods are dumped and/or subsidized and if the ITC also determines that the domestic industry is materially injured or threatened with such injury by reason of subject imports.

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### **All quiet on the merger front...right? US antitrust agencies issue joint 2020 Vertical Merger Guidelines**

6 July 2020

The Guidelines focus heavily on two primary concerns – foreclosure or raising rivals' costs and access to competitively sensitive information.

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## **DC Circuit issues opinion on sovereign immunity defenses to the enforcement of arbitration award against foreign states**

1 July 2020

Foreign states might not only be able to rely on the doctrine of sovereign immunity to protect themselves from final judgments, but also to avoid the burdens of litigation itself.

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## **New countervailing duty petitions filed against phosphate fertilizer imports from Morocco and Russia: Consequences for exporters and US importers**

1 July 2020

US CVD investigations can result in the imposition of substantial duties, in addition to other already applicable duties and tariffs.

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## **The new US-Mexico-Canada trade agreement goes live today**

1 July 2020

USMCA is the first treaty in which complaints of noncompliance by a Mexican facility may be reported to a US government agency for the purpose of investigation and, if appropriate, remediation.

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

30 June 2020

Claiming USMCA duty advantages – practical considerations.

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## **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.

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## **US Department of Commerce clears Huawei to participate in international standards organizations**

18 June 2020

BIS noted it is important to US technological leadership that US companies be able to work in these standards bodies to ensure US standards proposals are fully considered.

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## **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.

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## US-based pharmaceutical manufacturing in response to COVID-19: new manufacturers face risks

3 June 2020

A rush to develop a new company to begin manufacturing is fraught with risk.

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## Update: NLRB proceeds with partial implementation of new election rules after adverse federal court ruling

3 June 2020

The new rules faced a bumpy road to implementation.

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## New antidumping and countervailing duty petitions filed against lawnmowers from China and Vietnam: consequences for exporters and US importers

29 May 2020

ITC staff work begins almost immediately on such petitions.

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## Preparing for global class actions arising from COVID-19

28 May 2020

The risk to companies of global and cross-border class action and collective redress proceedings is rising.

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## 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.

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## 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.

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## 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.



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## **Ending the inevitable battle over whether the estate should assert claims: The case for independent fiduciary investigations**

6 May 2020

An effective mechanism for investigating whether claims should be pursued against the debtor on behalf of the bankruptcy estate.

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## **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.

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## **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.

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## **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.

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## **Supreme Court recognizes state court jurisdiction relating to Superfund remediation but conditions some additional landowner remedies on approval by EPA**

29 April 2020

The Court decided two critical questions.

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## **EPA and CalEPA guidance on field activities during COVID-19 focuses on agency communication, deadlines and flexibility**

24 April 2020

EPA wishes individual regions to communicate directly with their regulated communities to ensure reasonable expectations for ongoing field work; meanwhile, CalEPA may fill gaps in EPA's enforcement.

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## **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.

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### **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.

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### **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.

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### **Trump Administration issues new regulations reducing stringency of automobile fuel economy and greenhouse gas emissions standards for 2021-2026**

7 April 2020

The new standards are controversial and are subject to multiple court challenges.

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### **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.

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### **Industrial banks and industrial loan companies – recent FDIC actions; implications for parent companies**

6 April 2020

Commercial businesses and financial technology firms that deliver financial services products as an element of their business operations may now wish to consider an ILC for their operations.

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### **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.

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### **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

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company's own systems and data, as well as that of their supply chain.

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### **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.

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### **Coronavirus: Competition and regulatory measures in Ireland**

25 March 2020

#### **ANTITRUST AND COMPETITION: NOVEL ISSUES IN A POST-CORONAVIRUS WORLD**

An unprecedented challenge calls for unprecedented measures. The competition and regulatory world has reacted rapidly to the challenge of COVID-19 with bold legal solutions. We discuss how EU and Irish regulators are responding with support for business, exploring the relaxation of competition laws and adopting temporary measures for merger review.

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### **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.

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### **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.

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### **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.

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### **US Department of Transportation proposes significant regulatory changes to facilitate deployment of self-driving vehicles**

25 March 2020

The proposed changes to Federal Motor Vehicle Safety Standards aim to eliminate key regulatory barriers to deployment of autonomous vehicles while maintaining the same level of vehicle occupant protection provided by existing standards.

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### **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.

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### **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.

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### **Coronavirus: New York State enacts emergency paid sick leave law, effective immediately (United States)**

20 March 2020

To be eligible for the benefits available under the Act, an employee must be subject to a mandatory or precautionary order of quarantine or isolation.

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### **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.

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

19 March 2020

Key highlights for March 19, 2020.

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### **Coronavirus: Congress passes revised paid leave law (United States)**

18 March 2020

Congress passed a revised version of The Families First Coronavirus Response Act requiring employers with fewer than 500 employees to provide COVID-19-related paid sick and family leave to eligible employees.

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### **Coronavirus: emergency response legislation passed by the Senate; additional stimulus and tax relief expected soon (United States)**

18 March 2020

The US Senate is expected to pass, on March 18, comprehensive legislation to help families and businesses impacted by the coronavirus disease 2019 (COVID-19) pandemic.

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### **US employee benefits and the coronavirus**

17 March 2020

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

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## **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.

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## **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.

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## **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.

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## **The age of growing viral outbreaks: key contract considerations in a world facing the latest outbreak – COVID-19 (Global)**

13 March 2020

The effect of viral outbreaks on overall business continuity and performance as a priority in assessing operational, reputational and contract risks and their potential consequences and liabilities.

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## **Negotiations begin on legislation to mitigate economic impact of coronavirus outbreak: Congressional tax writers seek your input**

10 March 2020

The Congressional tax writers are seeking private sector input in two different but equally important forms.

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## **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.

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## **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.

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## 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.

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## 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.

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## 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.

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## 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.

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## 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.

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## 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.

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## **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.

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## **Long-awaited changes to export controls for firearms and ammunition have arrived**

6 February 2020

This new regulatory scheme will create a transition burden on industry, but it will result in more flexible regulatory obligations overall.

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## **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.

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## **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.

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## **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.

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## **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.

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### Looking ahead: commodities marketing, trading and shipping

23 January 2020

Helping to navigate this uniquely challenging environment.

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### How the Environmental, Social and Governance standards are affecting the commodities industry – key factors and action steps

23 January 2020

ESG affects all industries, but for the commodities industry, it is at once one of the biggest investment opportunities and one of its biggest challenges.

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### 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.

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### FCC proposes new rules and spectrum reallocation that could change the future of auto safety communications – agency seeks comments and input

6 December 2019

This significant rulemaking proposal seeks to make watershed changes in the use of spectrum, Intelligent Transportation Systems, and the future of auto and road safety and communication applications in the US.

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### 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.

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### 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.

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### 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.

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**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.

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**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.

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**Opportunity for temporary duty suspension or reduction - submit petitions for Miscellaneous Tariff Bills to ITC by 12/12/16**

1 NOV 2016

Interim rules governing the petition process and a web portal – the MTB Petition System – to facilitate submission of duty suspension requests.

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**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.

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## EVENTOS

### Próximos

#### Commodities webinar series

28 October 2021 | 12:00 pm - 1:00 pm EDT

Webinar

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## Anteriores

### Embracing Digital Evolution

15 September 2021  
Webinar

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### Extension of Foreign Direct Investment Control Regime: Update

9 June 2021  
Webinar

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

27 April 2021  
Webinar

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### EDPB recommendations for safeguarding data transfers after Schrems II

19 November 2020  
Webinar

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### Trading in times of unprecedented low oil prices:

28 May 2020 | 2:00 – 3:00 CT  
Webinar

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## NOTÍCIAS

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### DLA Piper advises MKS Instruments on USD6.5bn acquisition of Carlyle-backed Atotech

2 July 2021  
DLA Piper has advised MKS Instruments, Inc., a global provider of technologies that enable advanced processes and improve productivity, on its acquisition of Atotech Limited, a leading process chemicals technology company and a market leader in advanced electroplating solutions, backed by buyout firm Carlyle Group Inc.

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### DLA Piper announces new sector leadership

10 March 2021

DLA Piper is pleased to announce several recent changes to the firm's sector leadership.

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### **DLA Piper advises BASF in the sale of its Kankakee, Illinois, manufacturing site and certain associated business divisions to One Rock Capital Partners**

22 December 2020

DLA Piper represented BASF Corporation in the sale of its manufacturing site in Kankakee, Illinois, and the associated businesses of vegetable-oil-based raw material sterols and natural vitamin E, anionic surfactants and esters produced there to an affiliate of One Rock Capital Partners, LLC, a US-based private equity firm.

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### **DLA Piper advises Heidelberger Druckmaschinen on the sale of MIS software provider CERM**

6 August 2020

DLA Piper has advised Heidelberger Druckmaschinen AG (Heidelberg) on the sale of CERM, a global provider of Management Information System (MIS) software for the printing industry, in a Management Buyout (MBO).

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### **DLA Piper advises CIRCOR in sale of Distributed Valve business**

7 July 2020

DLA Piper represented CIRCOR International, Inc. in the sale by its subsidiary, CIRCOR Energy Products LLC (CEP), of its distributed valve business to MS Valves GmbH.

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### **DLA Piper advises Heidelberger Druckmaschinen AG on the restructuring of the company pension scheme**

2 July 2020

DLA Piper has advised Heidelberger Druckmaschinen AG on the restructuring of the company pension scheme, covering all employees in Germany. This was agreed by the Management Board and employee representatives of the company together with the IG Metall trade union.

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### **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.

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### **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.

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## DLA Piper announces new US and global sector leadership

22 January 2020

DLA Piper is pleased to announce several recent changes to the firm's US and global sector leadership teams. They include:

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## DLA Piper advises CIRCOR in US\$172 million sale of Instrumentation and Sampling business to Crane Co.

6 January 2020

DLA Piper represented CIRCOR International, Inc. in the US\$172 million sale of its Instrumentation and Sampling business to Crane Co.

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# Sustainability and ESG

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Businesses in the industrials sector face diverse and complex sustainability and ESG challenges, depending on where they are in their sustainability journey. While the sector has been quick to adapt to technological changes, it is now being tested by more sweeping changes in the transition to sustainability – affecting the business model, strategy and operations.

The focus of the manufacturing, automotive and chemicals industries has been on environmental issues, such as energy and waste management, reducing greenhouse gas emissions and improving efficiency of design and resource use throughout the product life cycle. Companies in aerospace and defense have been predominantly grappling with social and governance issues, such as demonstrating their commitment to human rights, anti-corruption, business integrity and transparency.

The following key sustainability themes cut across the industrials sector:

- **Towards a circular economy:** Businesses in industrials have been reassessing materials sourcing, energy use and waste management in line with circular economy principles. Some companies have gained revenues, market leverage and consumer support from making improvements to product design and life-cycle management which increase sustainable sourcing and material reuse while striving for a zero-waste supply chain. The automotive industry, for example, has responded to consumer demand for open business models and closed-loop value chains, with some car companies upcycling used materials to reduce total emissions.
- **Towards a low-carbon economy:** The industrials sector also has a leading role to play in driving the transition to a net-zero future. The overall environmental impact and carbon footprint of the sector remains significant, considering the high consumption of energy and resources and hazardous waste management involved in business operations. Some reductions in greenhouse gas emissions have been achieved through operational efficiencies, including energy efficiency, waste reduction and the increasing use of renewable energy sources. While some companies have remodeled their business strategy and brand on environmental sustainability principles, it can be more challenging for others depending on their products, operations and hurdles that may limit immediate transition. Companies not focused on identifying transition opportunities risk regulatory action, consumer backlash, investor withdrawals and/or litigation – as potential for loss of value as well.
- **Improving product quality and safety:** For companies in the chemicals business, a customer-centric approach has been essential for focusing on public trust following concerns with product quality and safety, marketing practices and concerns of potential anti-competitive behavior. The manufacturing and automotive industries have also had to address rising consumer expectations on demonstrating product quality and safety, in addition to meeting regulatory compliance standards.
- **Improving employees' health and safety:** There are growing demands from employees for industrials companies to assure

occupational health and safety, given the nature of the work and risk of critical safety incidents if safety processes and procedures are not thorough and followed. The most successful companies have proactively put in place internal procedures to ensure workplace health and safety beyond what is required by law, thereby minimizing potential for injury claims and reputational risks.

- **Developing internal procedures to prevent crises:** Companies in the defense industry are particularly exposed to human rights abuse allegations and other ethical issues. However, such controversies have decreased in recent years as several companies have established internal systems to prevent complicity in human rights violations, especially in relation to arms proliferation in conflict areas. The most successful of these include human rights due diligence processes which go beyond the minimum required by government licensing regimes.
- **Improving transparency and reporting:** Across the industrials sector, there is a shift towards mandatory sustainability and climate-related reporting and disclosure obligations, such as on carbon emissions and energy use. More broadly, transparency is an important issue for the aerospace and defense sector, considering the sensitive nature of the business and vulnerability to corruption risks. In this subsector, a small but growing proportion of companies have taken a proactive approach to increasing transparency and integrity measures and preventing corruption.

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