

TECHLAW BOARD MEETING MINUTES

May 9, 2019

Participants:

Agne Lindberg - Delphi
Alessandro Vasta - Tonucci & Partners
Alexander Yap - Allen & Gledhill LLP
Andreas Meissner - Taylor Wessing
Ashleigh Hale - Bowmans
Axelle Toulemonde - Gide Loyrette Nouel
Benjamin Bradford - Jenner & Block LLP
Boaz Mizrahi - Meitar Liquornik Geva Leshem Tal
Bo-Sen Von - Lee and Li
Craig Kennedy - Bowmans
Craig Thorburn - Blake Cassels & Graydon LLP
Dahae Roland - Delphi
Daniel Di Paola - Marval O'Farrell & Mairal
David Mirchin - Meitar Liquornik Geva Leshem Tal
Didier Sangiorgio - Walder Wyss
Doil Son - Yulchon
Gustavo Giay - Marval O'Farrell & Mairal
James Koenig - Fenwick & West LLP
Jens Wolf - Taylor Wessing
John Menton - Arthur Cox
Jonathan Farrer - Corrs Chambers Westgarth
Keiji Tonomura - Nagashima Ohno & Tsunematsu
Luiz Roberto Peroba Barbosa - Pinheiro Neto Advogados
Mark Reutter - Walder Wyss
Michael McCormick - Dorsey & Whitney LLP
Nelson Apjohn - Nutter McClennen & Fish LLP
Niels Christian Ellegaard - Plesner
Olivia Mulooly - Arthur Cox
Paul Hunt - Barnes & Thornburg LLP
Phil Catania - Corrs Chambers Westgarth
Rahul Matthan - Trilegal
Ralph Pais - Fenwick & West LLP
Randy Colson - Haynes and Boone LLP
Raphael de Cunto - Pinheiro Neto Advogados
Samuel Lee - Yulchon
Shaun Van Horn – Jenner & Block LLP
Soichiro Fujiwara - Nagashima Ohno & Tsunematsu
Sunny Handa - Blake Cassels & Graydon LLP
Thierry Dor - Gide Loyrette Nouel
Thomas de Weerd – Houthoff
Gonzalo Ulloa – Gomez Acebo & Pombo
Eduardo Castilo – Gomez Acebo & Pombo

George Xu – Fangda Partners (on conference call)

1. Opening Remarks

Rahul Matthan welcomed the TechLaw board members to the meeting and in particular extended a welcome to the new TechLaw members from Fangda (China) and Bowmans (South Africa). At this stage Rahul requested the board representatives of the new members to make a short presentation of their firms.

The Board discussed the utility of continuing to maintain the current format of the Board meetings – having the two annual in-person board meetings as well as three board calls. The members generally agreed that board calls were not necessarily productive even though they do serve a limited purpose of reminding members of upcoming TechLaw events and highlighting speaking opportunities as well as in the passing of the annual budget. There were suggestions to leverage technology platform (like Slack) for communications between members. It was proposed that the Executive Committee continue to meet separately to discuss issues of general relevance to the organization on the basis that decisions that require specific approval be either brought to the Board at one of the in-person Board Meetings or circulated by email.

2. Program Committee Update

Nelson Apjohn lead the discussion around the upcoming programs in Tokyo (17-19 September, 2019), Rome (Spring 2020) and in Buenos Aires (Fall 2020). Alessandro Vasta discussed the possibility of scheduling the meeting in Rome in the second or third week of May, 2020 and said that he would get back to the Board Members with finalized dates after checking against all possible conflicts. Gustavo Giay suggested holding the Fall 2020 Meeting on the 22nd and 23rd of October in Buenos Aires. For both the 2020 meetings further details would only be available later in the year.

3. TechLaw Academy

Ralph Pais and Thierry Dor provided an update on the TechLaw Academy meeting proposed to be conducted in Amsterdam. So far, there are 28 residents attending from 21 firms. The firms that are not sending participants have indicated enthusiastic support of the program but regrettably do not have suitable candidates to send this year.

Ralph then took the Board through a discussion on the future of the TechLaw Academy. The original plan was to have two cohorts that attend two TechLaw Academy meetings each over four years. Ralph proposed an amendment to that structure suggesting that next year, both the first as well as the second cohort could be invited to the TechLaw Academy so that they could get to know each other better.

After a discussion the Board decided to maintain the current structure of the TechLaw Academy will continue till further notice.

4. Membership and recruitment:

Ralph Pais then took the Board through the activities of the Membership and Recruitment Committee. Since TechLaw now has members in South Africa and China the Committee has been looking at other countries where there may be interest to identify member firms. The two jurisdictions that were top of mind were Ukraine and Russia. After discussion the consensus among the Board Members was that there was interest in adding an appropriate member firm in Russia but not in Ukraine. The Alrud and Egorov law firms were identified as potential candidates.

The Board then discussed initiatives to improve member retention. It was suggested that Board members should look to bring another partner from their firms to the in-person meetings in order to deepen the touchpoints within the network. There was another suggestion that at future in-person meetings, Partners from other practice groups in the respective Member firms could be invited so that they could get to meet and network with their counterparts from the same practice area in the other member firms.

5. Finance

Jennifer Kelly presented the report of the Finance committee. At present the cash in hand stands at US \$638,000 which does not include the expenses of the Madrid meeting that has not yet been paid (nor expenses for the Tokyo meeting). All firms but three have paid their membership dues. Active efforts are on to collect the dues from them.

6. Publications

Shaun van Horn presented an update on the Restrictive Covenants publication. The final document is over 300 pages long and the American Bar Association has shown interest in its publication. Once updated, it should be ready for publication in the first quarter of 2020. The foreword will refer to Techlaw. There was a discussion around the authorship of the individual chapters. The suggestion was to have the authorship declared in favour of the member firm and not the individual lawyer who contributed the chapter. A further question was raised around royalties and whether they should be paid in favour of TechLaw. Shaun agreed to discuss these issues with the ABA and get back to the Board.

Phil Catania then took the Board through the data sovereignty publication and the format in which it would be published. The Board raised questions around the modality of the proposed publication – as to how frequently it would be updated going forward. Some members felt that producing three new publications each year while still updating the existing publications, may be too demanding. Another question was whether this should be inward facing publication (just available to Techlaw members) or outward facing on the website and/or LinkedIn. There was a suggestion that the document, once completed, should be made available to the member firms in their respective knowledge management systems for internal use across the firm. In this context the Board agreed that there was a need to publish appropriate disclaimers before uploading this on an external facing website. It was decided that Phil would circulate a word document of the final version and that the Board would then decide on next steps.

7. TechLaw Collaborations

Rahul presented to the members the details of referrals between TechLaw member firms. More members responded this year compared to the last. Reported referrals increased from US\$ 3.5 million in 2017 to US\$ 6.5 million in 2018 (an increase of 3 million US\$). The Board then discussed what specifically should be reported – is it just referrals that come as a result of a direct or indirect referral by a TechLaw Board member or all referrals between member firms. Some members said that it is difficult to identify whether the referral came solely due to the TechLaw network or whether it was the result of other associations and networks that the firms are a part of. Other board members argued that it should not matter where the referral is coming from so long as it was an indication of the fact that there were strong relations between the firms and TechLaw was one way to maintain that relationship. It was decided that to the extent possible all referrals between member firms should be captured.

Rahul then informed the members that there will be TechLaw meetings organised around the iTechlaw meeting in Dublin, INTA in Boston and the IBA in Seoul. Doil Son informed the members that Yulchon was hosting a lunch for TechLaw member firms on September 22. Rahul also mentioned that there were possibly a number of other events where more than multiple TechLaw member firms were represented and that should we know this in advance there is an opportunity to create networking opportunities between other partners of member firms. Doil Son informed the board of the TechLaw only panel that he had organised for the IPBA and encouraged the member firms to consider curating programs like this where possible as this gives greater visibility to the organisation.

Jennifer Kelly reminded the members that if any such event needs financial support from TechLaw, it can be requested and approved as there was a budget for this.

Finally, Rahul informed the Board Members that the Madrid meeting was likely to be the last one that Andreas Meissner from Taylor Wessing would attend. Rahul thanked Andreas for his contribution and the members unanimously expressed their gratitude and best wishes.