

Bird & Bird  
& Food and Beverage

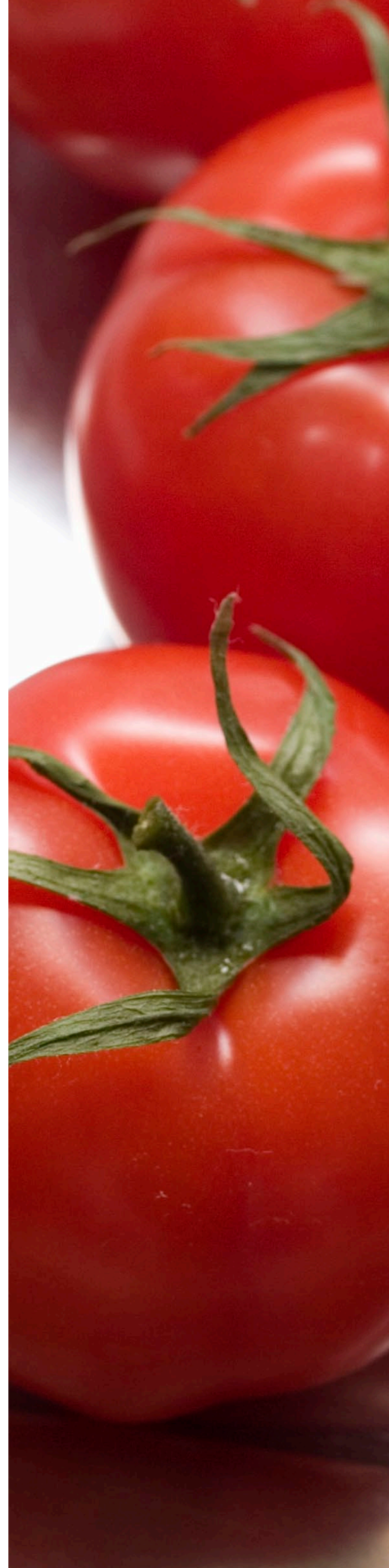


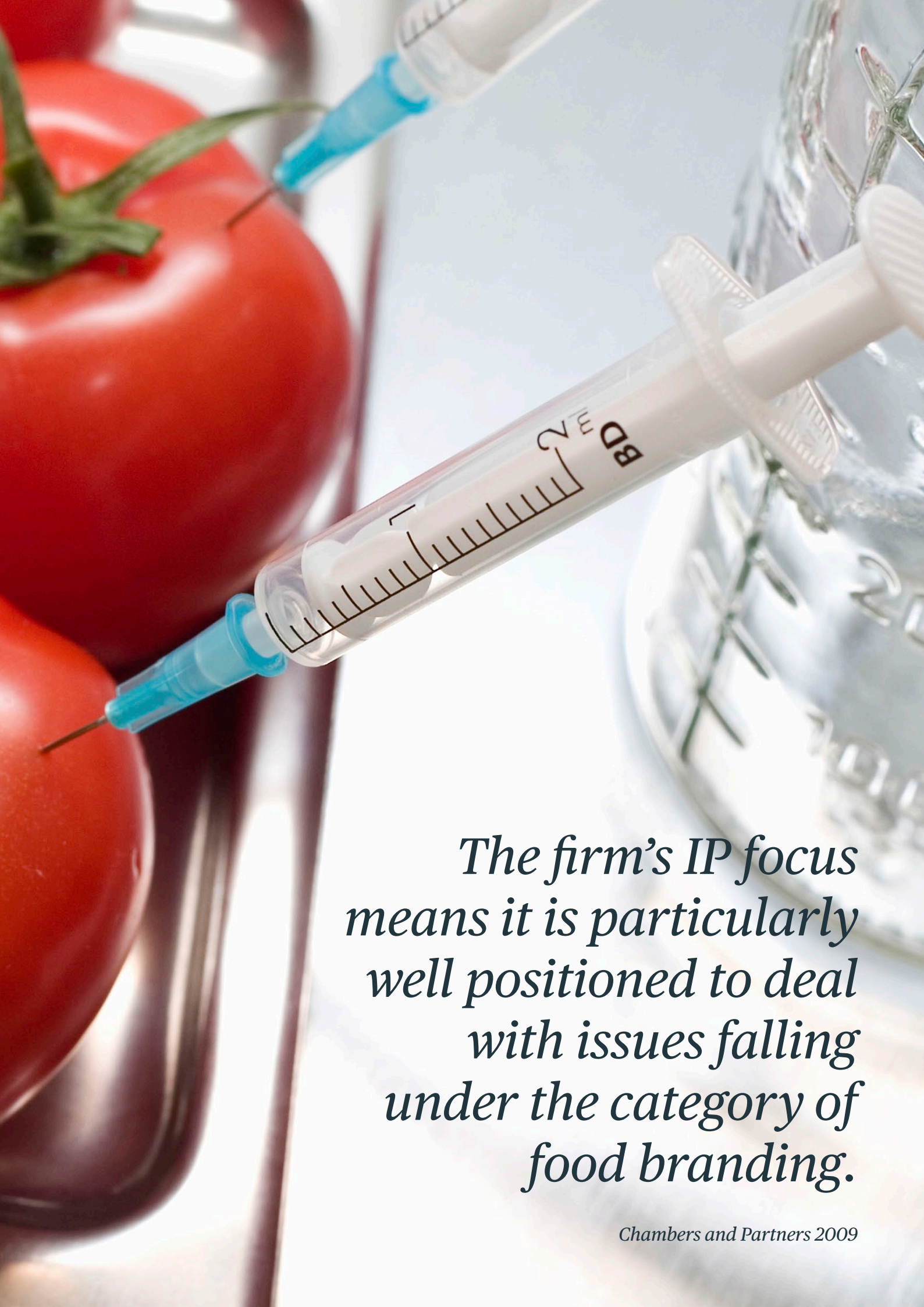
There are law firms & there's Bird & Bird

# About Bird & Bird

Bird & Bird is an international law firm that provides a unique service to its clients, based on an extensive knowledge of key industry sectors, including Food and Beverage. We have an outstanding and longstanding reputation of helping our clients achieve success, built on many years of innovation and excellent project management. We always put the client's business objectives first and pride ourselves on our deep understanding of each of our clients' businesses.

With offices across Europe, Asia and in the Middle East, we are well placed to offer our clients local expertise within a global context. We also have a dedicated group focusing on India and close ties with firms in key jurisdictions in the United States.





*The firm's IP focus means it is particularly well positioned to deal with issues falling under the category of food branding.*

# International Food and Beverage Group

*Our International Food and Beverage Group provides a full range of specialised contentious and non-contentious corporate, commercial, intellectual property, tax, regulatory and international trade law services, tailored to businesses active in the sector.*

Globalisation drives consolidation. Nonetheless, local customs, preferences, sourcing opportunities and consumption patterns often dictate a national, regional or even local strategy for Food and Beverage. The sector is constantly in the spotlight with regard to issues such as producing food responsibly, to reducing packaging waste and fair trade.

Our considerable international reach enables us to deal with multinational projects and issues, as well as to provide advice which allows for local and international laws, policies and business practices. We combine our Food and Beverage experience with our expertise in other relevant legal and business areas. Bird & Bird is one of very few law firms that can offer a full range of dedicated legal services to the sector.

## Case study: slogan protection

Acting in a trade mark case before the ECJ in order to protect a slogan for a chocolate product.

Our lawyers genuinely understand the dynamics, issues and opportunities prevalent in the Food and Beverage sector. We are able to provide practical and value-added services to our clients in relation to all relevant legal issues.



Local expertise  
& multinational  
deals & fresh  
ingredients &  
brand innovations  
& added value in  
regulation & from  
raw materials  
to consumer  
products & a good  
nose for business



# Our experience

## Intellectual property

From trade marks, designs, copyright and trade dress to patents, our internationally recognised IP specialists offer unmatched contentious and non-contentious capabilities and experience in relation to all IP rights - in particular, patents, trade marks, copyright and designs in relation to ingredients, processing and packaging. We advise on IP protection, enforcement, strategic management, valuation and monetisation of IP portfolios.

Our specialist anti-counterfeiting teams ensure that genuine and safe products support your brand's reputation. Our in-house patent attorneys can assist in IP patent portfolio management. We also undertake trade mark availability searches/clearances and give advice leading to the validation of advertising campaigns.

### Case study: coffee wars

For many years we acted as patent litigators on the forefront of the famous European coffee wars, not only involving coffee pads but also defending the world's best known high-tech coffee capsules.



## Customs and international trade

Despite globalisation, food and food ingredients remain subject to very specific import and export requirements, both in relation to public health (under the WTO SPS agreement) as well as trade policy.

Our lawyers provide advice in relation to market access, as well as on customs duties and other taxes and trade remedies (e.g. anti-dumping and State aid). We have unique experience in relation to the European Common Agricultural Policy and its framework of subsidies, quotas and other instruments.

## Corporate

Our corporate team has extensive experience in advising a diverse range of international companies in the Food and Beverage sector on corporate law issues. We have in-depth experience of international investments and acquisitions, especially in relation to the establishment and structuring of operations, whether by merger or acquisition or the creation of new ventures.

We also advise on private equity and venture capital transactions. Our experience in the sector also enables us to advise on the various food and beverage compliance and regulatory issues resulting from corporate reorganisations. Our corporate specialists have also advised on a range of groundbreaking joint ventures, including marketing joint ventures in the food sector. Our team's capabilities enable us to ensure that the underlying commercial arrangements upon which such joint ventures rely are properly structured and documented.

## Regulatory

Our international reach means that we are well placed to advise on all regulatory issues faced by the industry across Europe, Asia and the Middle East, including providing lobbying support where necessary. In terms of food production, we advise on regulation relating to ingredients sourced from parts of the world different from those where the product is manufactured and consumed. We also advise on regulatory requirements in respect of labelling and packaging as well as various waste-management rules.

We have in-depth experience in advertising regulations in regulated markets, in particular where food and pharmaceuticals may converge.

### Case study: convergence food and pharma

Advising a market leading pharmaceutical company on the development and marketing of food supplement and diet products for the EU.

*“Incredibly astute, reliable and commercial.”*

*Chambers and Partners 2010*

## Tax

Our tax lawyers have wide experience in advising the industry on setting up tax efficient and flexible cross-border corporate structures, specific IP-related tax planning (including the optimisation of the use of low tax jurisdictions and specific IP benefits in high tax jurisdictions) and the tax efficient ownership structures of IP. We advise on all aspects of financing, including optimisation of interest deductibility and avoidance of thin capitalisation rules, transfer pricing issues, VAT planning, monitoring of tax compliance and exit strategies.

## Product liability and recalls

Any incident in the industry causes legal issues to arise on multiple fronts. Our combined regulatory and dispute resolution capability enables us to assist in incident management efficiently and quickly. Our experience ranges from product recalls to insurance, advertising and commercial contracts and litigation.

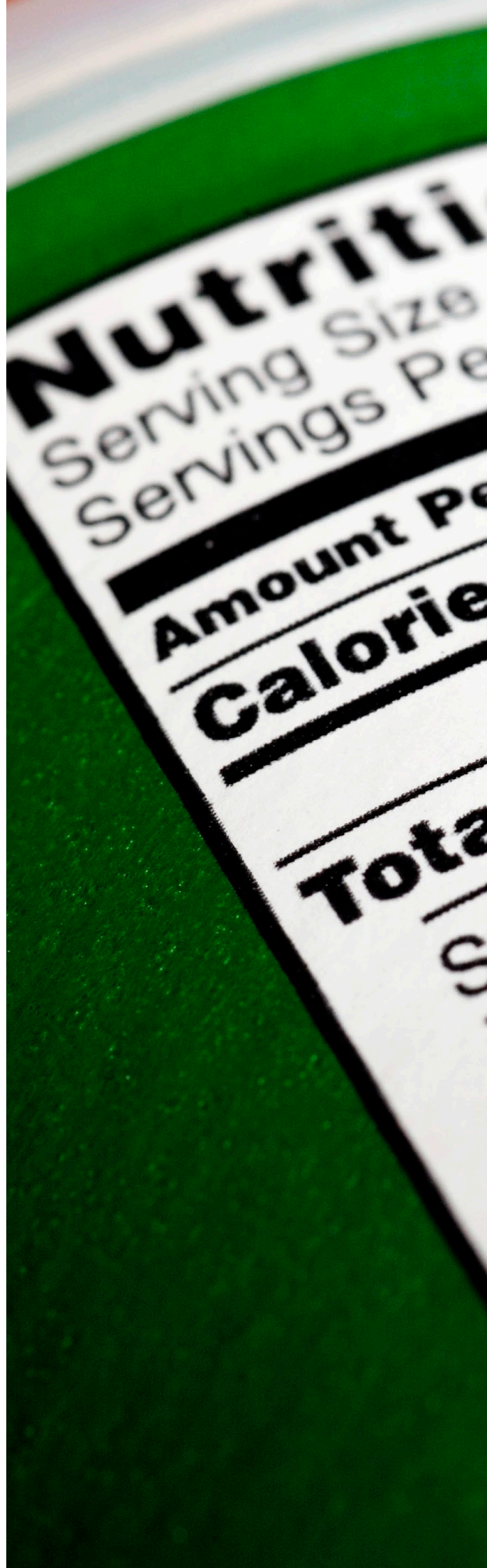
# Competition

The Food and Beverage sector is attracting increasing levels of attention from the competition authorities, who are now investigating cartel agreements, as well as merger notifications. Issues like joint purchasing, the delicate relationship between manufacturers and retailers, competition between brand and private label products are also strongly debated.

Compliance with EU and different national competition rules, such as China's anti-monopoly law, is essential for the Food and Beverage sector. We assist food companies in mergers and acquisitions transactions and advise on contentious and non-contentious behavioural work. To ensure that their distribution structures, commercial agreements and supply and pricing policies comply with competition and anti-corruption rules, we work closely with our clients to help them prepare for, and steer them through, competition investigations and defend them against cartel and abuse of dominance claims.

## Case study: cartel proceedings

Representation of an association of food manufacturers before the cartel authority.



# Contacts

## Belgium

Jean-Christophe Troussel

T: +32 (0)2 282 6000  
jean.christophe.troussel@twobirds.com

## China and Hong Kong

Ai-Leen Lim

T: +852 2248 6000  
ai-leen.lim@twobirds.com

## Czech Republic

Miloslav Sinfeld

T: +420 226 030 500  
miloslav.sinfeld@twobirds.com

## Finland

Tom Vapaavuori

T: +358 (0)9 622 6670  
tom.vapaavuori@twobirds.com

## France

Yves Bizollon

T: +33 (0)4 78 65 60 00  
yves.bizollon@twobirds.com

## Germany

Ulf Grundmann

T: +49 (0)69 74222 6000  
ulf.grundmann@twobirds.com

## Hungary

Andrea Simándi

T: +36 1 799 2000  
andrea.simandi@twobirds.com

## Italy

Giovanni Galimberti

T: +39 (0)2 30 35 60 00  
giovanni.galimberti@twobirds.com

## The Netherlands

Armand Killan

T: +31 (0)70 353 8800  
armand.killan@twobirds.com

## Poland

Emilia Stepien

T: +48 22 583 79 00  
emilia.stepien@twobirds.com

## Singapore

Karol Goh

T: +65 6534 5266  
karol.goh@twobirds.com

## Slovakia

Miloslav Sinfeld

T: +421 232 332 800  
miloslav.sinfeld@twobirds.com

## Spain

Antonio Creus

T: +34 (0)91 790 6000  
antonio.creus@twobirds.com

## Sweden

Sara Sparring

T: +46 (0)8 506 320 00  
sara.sparring@twobirds.com

## UK

Jane Mutimear

T: +44 (0)20 7415 6000  
jane.mutimear@twobirds.com

# twobirds.com

Abu Dhabi & Beijing & Bratislava & Brussels & Budapest & Düsseldorf & Frankfurt & The Hague & Hamburg & Helsinki & Hong Kong & London & Lyon & Madrid & Milan & Munich & Paris & Prague & Rome & Shanghai & Singapore & Stockholm & Warsaw

Bird & Bird LLP is a limited liability partnership, registered in England and Wales with registered number OC340318 and is regulated by the Solicitors Regulation Authority. Its registered office and principal place of business is at 15 Fetter Lane, London EC4A 1JP.

Bird & Bird is an international legal practice comprising Bird & Bird LLP and its affiliated and associated businesses and has offices in the locations listed on our web site: twobirds.com.

A list of members of Bird & Bird LLP, and of any non-members who are designated as partners and of their respective professional qualifications, is open to inspection at the above address.