

Bird & Bird  
& Food and Beverage

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

# Our International Food and Beverage Group

*Our dedicated lawyers advise all parts of the food and beverage sector and combine leading legal expertise with a genuine understanding of the dynamics, issues and opportunities prevalent in the food and beverage sector*

Our International Food and Beverage Group includes some of the world's leading IP, regulatory, corporate, technology and commercial lawyers located across Europe, the Middle East and in Asia, all of whom have a detailed understanding of the sector and its challenges and are able to provide domestic and multi-national businesses with a full range of legal services.

That includes all aspects of the food and beverage sector, ranging from agrosience research and development through food production, processing, brewing, packaging, bottling, labelling, advertising, distribution and retail to fast food and restaurants. We advise and guide clients in all aspects of their businesses, including product and brand development, regulatory compliance, structuring, finance and international multi-channel growth.

*“Acting for a blend of foreign and local entities, it proves its versatility by representing clients right up the food chain, from start-ups to major global brands.”*

WTR 1000



# Our firm in numbers

## Bird & Bird at a glance

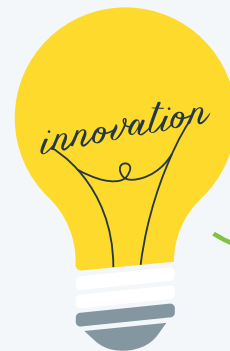


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International practice and sector groups at Bird & Bird

>60

of the world's 100 most innovative companies are our clients (according to Forbes)



>120

we have advised clients from over 120 countries within the last year



we have 27 offices in 18 countries



we have over 1100 lawyers internationally

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nearly half of our top 100 clients have been with us for over a decade

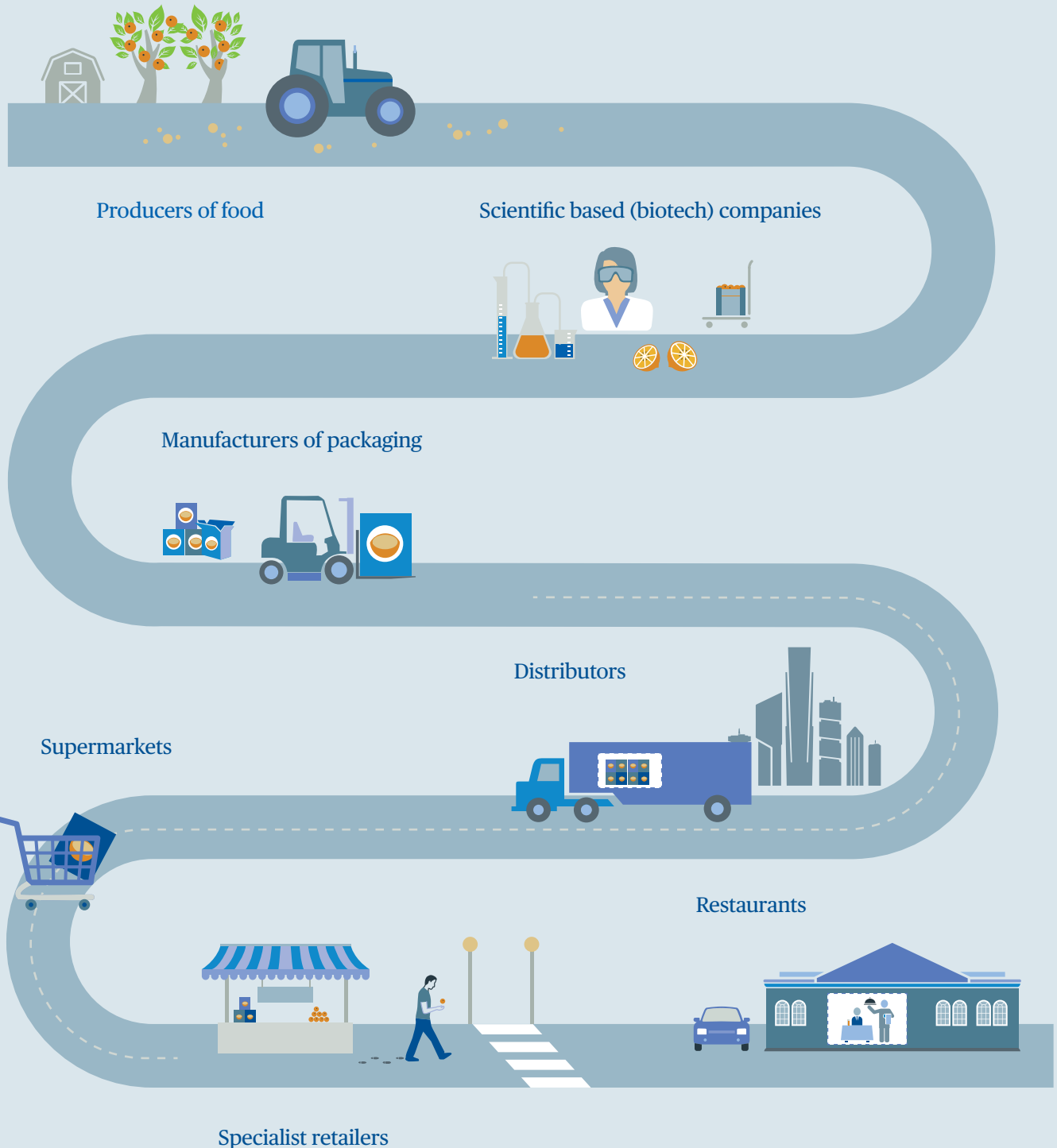




# Our full-service approach

## Food and Beverage sector focus

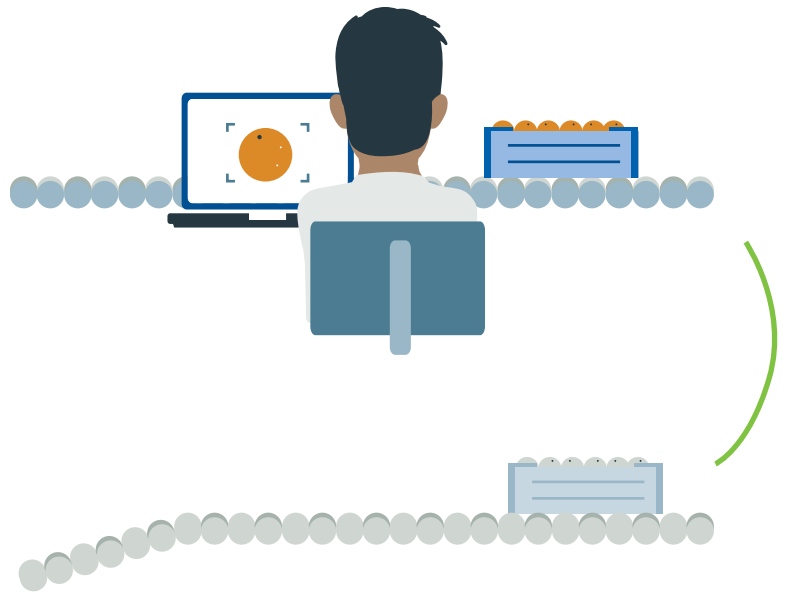
Our clients represent all parts of the sector, including:



## Modern technologies

As well as core legal advice we are able to advise on the many other technologies that are becoming increasingly important to companies in the sector, including:

- Information technology
- Data protection
- E-commerce



## Legal services

We provide accurate and practical advice and guidance to our clients in all aspects of their businesses, including:







# Supporting you across your lifecycle

*With the ability to offer a full range of legal services our team of lawyers advises food and beverage companies at all stages of their lifecycle*

## 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 advised on a range of ground-breaking 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.

## 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, 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

#### Cartel proceedings

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

### 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.

## Expansion and strategies

We work with our food and beverage clients to determine the most effective expansion strategies within their domestic markets as well as internationally. Our team acts for some of the world's best known brands, but we are also committed to helping small and medium-sized businesses achieve their growth objectives.

As part of the strategic expansion process we assist our food and beverage clients with the ongoing management of their domestic and international business relationships through: re-negotiating commercial arrangements, re-engineering new or under-performing parts of the businesses, advising upon exit planning, advising on risk management, including how to avoid and handle disputes when they arise and advising on strategic acquisitions.

## Customs and international trade

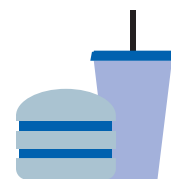
Despite globalisation, food and food ingredients remain subject to very specific import and export requirements, both in relation to public health (under the WTO SPS agreement) and trade policy.

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.

### *Case study*

#### International expansion

Advising one of the world's leading coffee franchises on its international expansion throughout Europe, the Middle East and Asia. Advising one of the world's leading Pizza brands on its European expansion strategy.



## Trade Secrets

Our Food and Beverage Trade Secrets Protection team provides a one-stop service and can assist you at all stages: from helping with preventative measures, including approaches that integrate HR, legal, compliance, training and IT solutions into a set of cohesive measures to minimize the threat of loss, through to defensive strategies such as obtaining injunctions in single or multiple jurisdictions and other types of enforcements. When it comes to exploring the commercial exploitation and monetization of trade secrets, our lawyers are at the leading edge of developments in this area.

## 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

*“Peers say the team has had ‘a known effect on food labelling’.”*

Chambers and Partners





## 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 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.

## 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*

#### Corporate strategy

Advising food and beverages businesses on their corporate growth strategies, financing and cross-border acquisitions.

### *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.



# International reach

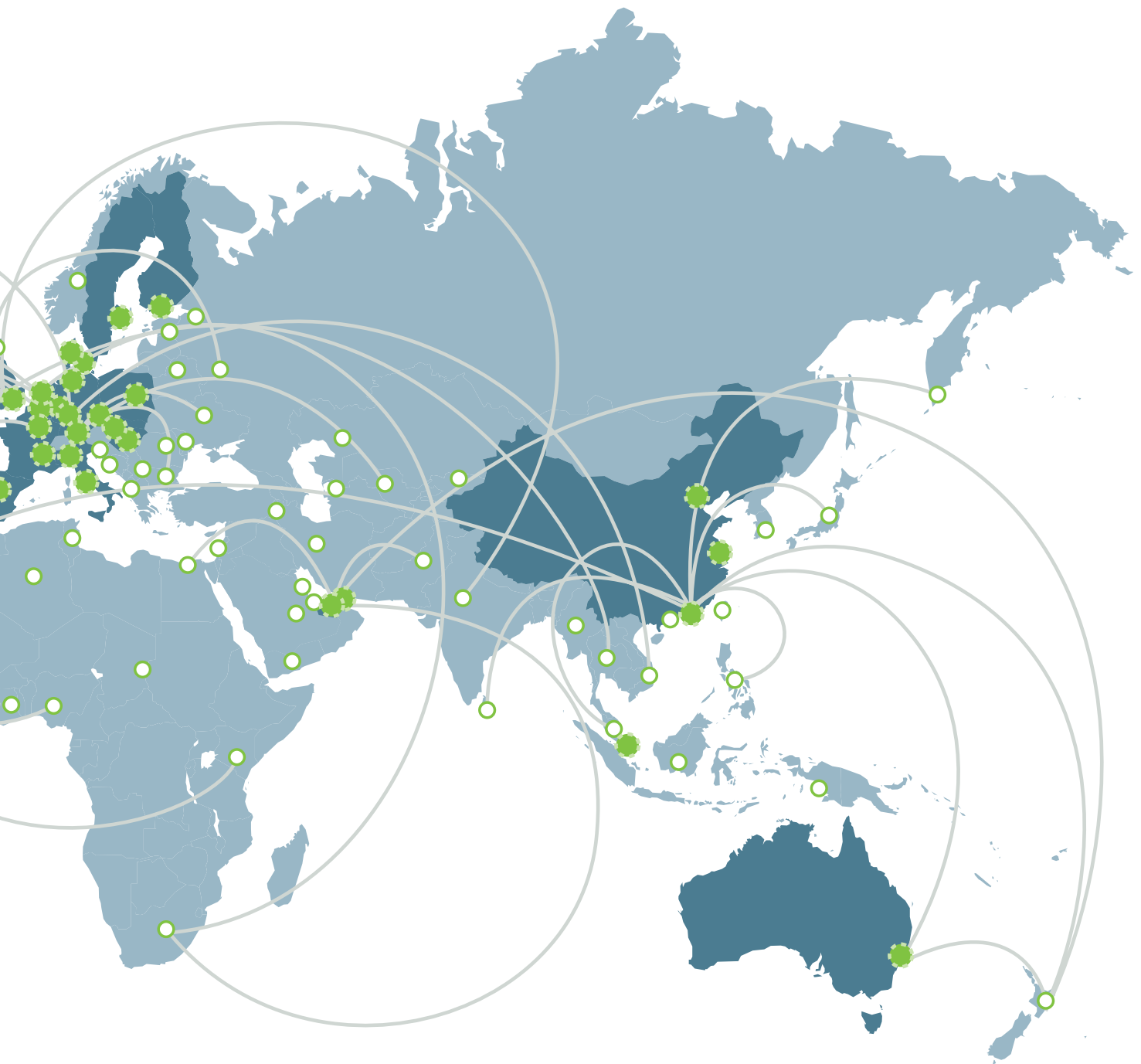


## Local expertise within a global context

We are an international law firm that provides a unique service to its clients, based on an extensive knowledge of the food and beverage sector.

With 27 offices in key business centres across Europe, the Middle East and Asia, as well as close ties with firms in other key jurisdictions in Europe, Asia and the United States, we are well placed to offer our clients local expertise within a global context. 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 and ensure on this way a practical and value-added service to our international clients in relation to all relevant legal issues.



# Get in touch

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