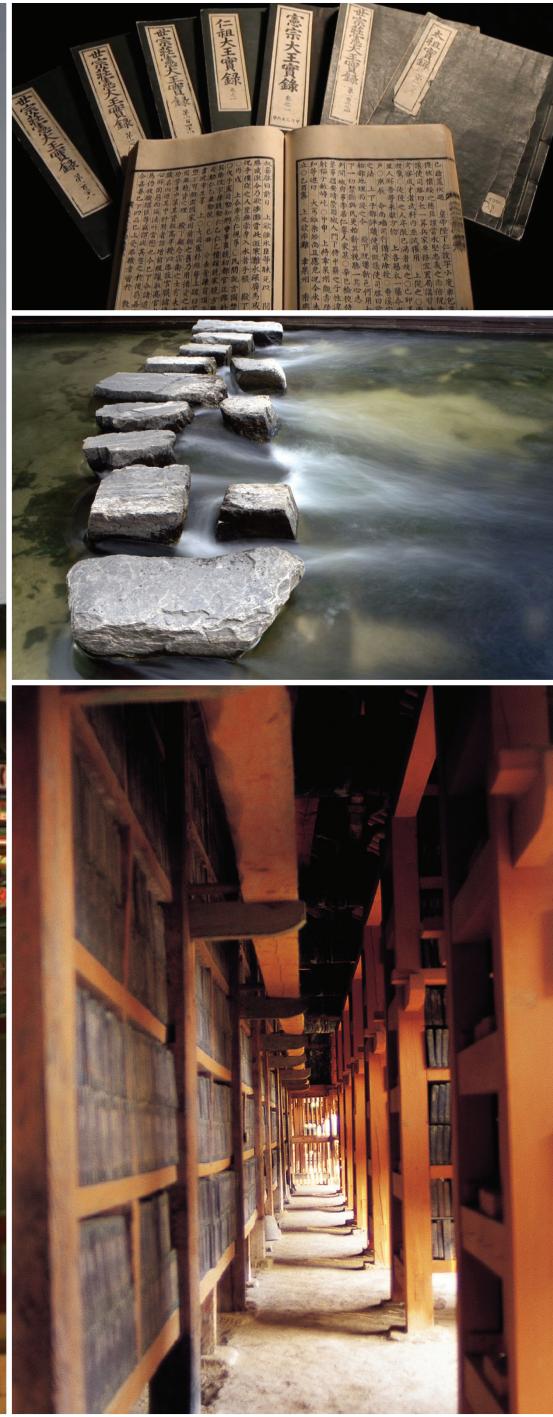
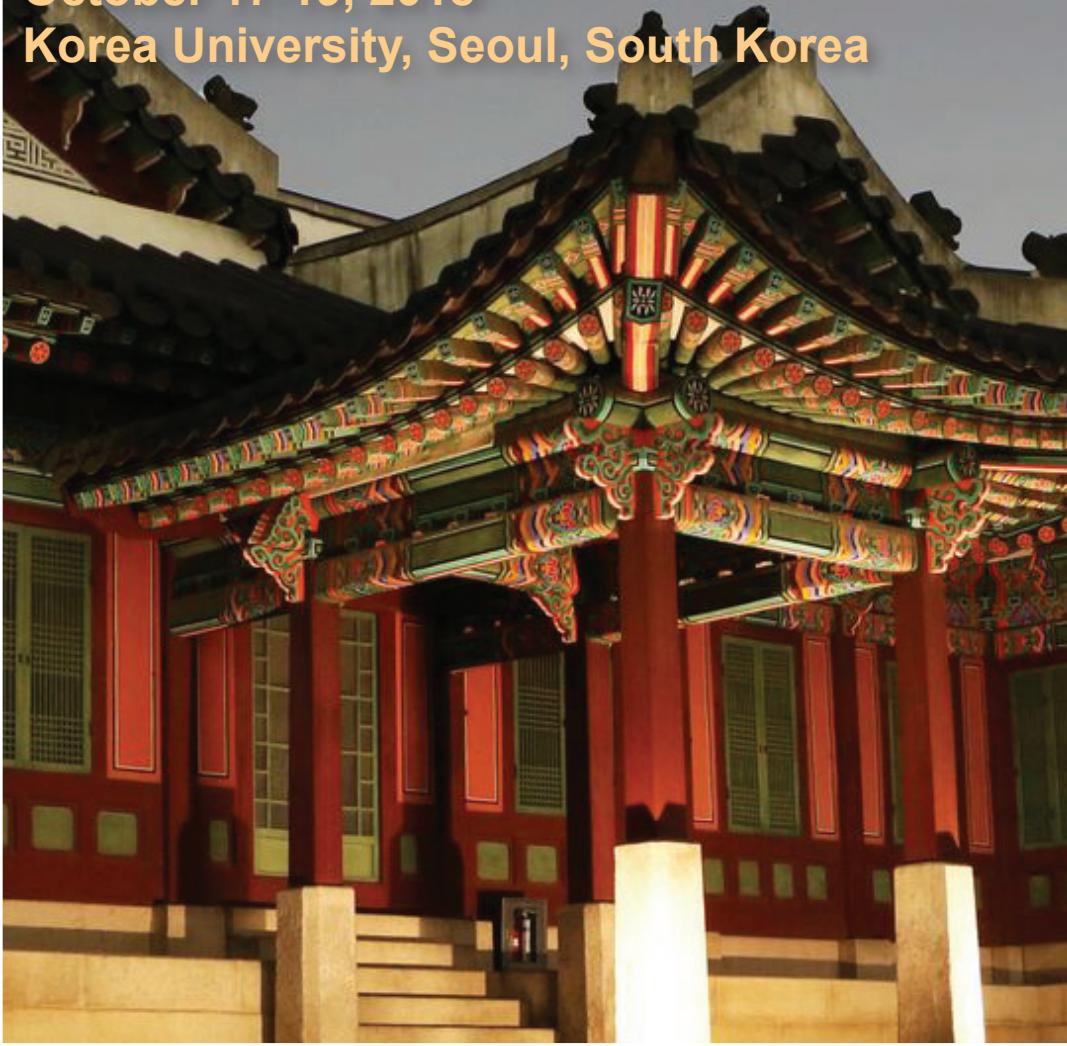




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The New Engine of Growth in Asia Conference: Investment and Technology

October 17-19, 2018
Korea University, Seoul, South Korea



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The New Engine of Growth in Asia Conference: Investment and Technology

Korea University
Seoul, South Korea

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1:00 PM-2:00 PM
2:00 PM-3:15 PM

Wednesday, October 17, 2018

**Opening Remarks
Session**

CJ Law Hall, B1F Conference Hall, Korea Univ., South Korea

Contribution of American Law and Lawyers to Law, Law Practice and Legal Education in Korea

American law has been instrumental in nurturing the democracy and market practices of South Korea, a country generally thought to be a civil law country nurtured in the German-Japanese legal traditions, and the roles of American lawyer in such development have not been discussed explicitly. In this session, the elements of American law and how they facilitated the development of Korean law practice and education will be dissected and presented to the audience by the practitioners of cross-pollination themselves, citing their best practices. Attendees will be able to learn the comparative-legal skills necessary for international lawyering practices and education in foreign jurisdictions.

Sponsor: Korea University American Law Center

Panel Chair:

Speakers:

John H. Choi, Shin & Kim, Korea
Johneth Chongseo Park, Sheppard Mullin, Korea
Claudia C. Hong, Kim & Chang, Korea
Edward Dhong, Ibm Korea Clo, Ihcf Chairperson
Michelle Kwon, Inha University Law School, Korea

3:15 PM-5:00 PM

Session

CJ Law Hall, B1F Conference Hall, Korea Univ., South Korea

Use of Artificial Intelligence in Legal Services in Korea/Asia

Asia was the forum where a machine beat its creators in the game of go, awakening the world to the advent of suprahuman artificial intelligence and where futuristic narratives on AI have been put to the most philosophical and emotional uses such as care of seniors, education of children, etc. Use of AI in legal services has been also most innovative as this workshop will show. On top of that, we will train ABA members on unique ethical issues arising out of delivery of legal services through or using AI, especially at the crossroads of professional legal ethics and AI & ethics.

Sponsor: Korea University American Law Center

Panel Chair:

Speakers:

NG Wai King, WongPartnership, Singapore
Kimberley DAVIES, Luminance, Singapore
Carl IM, Yulchol LLC, Korea

Thursday, October 18, 2018

8:00 AM – 9:00 AM

9:00 AM – 9:15 AM

9:15 AM – 10:45 AM

Registration

Opening Remarks

Concurrent Sessions

FINANCE TRACK

Cryptocurrency: The Problem Child Tamed?

The first cryptocurrency transactions occurred almost nine years ago. Over that period, the value of such currency has exhibited great volatility, ranging from 1 cent per coin to USD 17,900. Nevertheless, governments around the world have been slow to respond and implement regulatory regimes. Not only are buyers of coins vulnerable to this astonishing variability but they have been left very susceptible to criminals hacking crypto exchanges, draining crypto wallets and infecting computers with cryptocurrency-stealing malware. In addition, while cryptocurrency transactions are being utilized for legitimate business purposes, they have also lent themselves to money laundering and terrorist financing. This session will explore what regulators in the United States and South Korea are doing to take control of this wild west atmosphere, including formal regulations, enforcement actions, issuing subpoenas, document requests and cease-and-desist orders. The session will also explore the potential civil and criminal penalties that could soon become a core focus of regulatory enforcement in the cryptocurrency world, particularly in the area of anti-corruption, anti-money laundering and economic sanctions violations. Finally, the session will touch on what remedies, including arbitration, may be available to buyers to recover stolen cryptocurrency.

Committee Sponsors: International Arbitration Committee, International Anti-Money Laundering Committee and the Seasoned Lawyers Interest Network

Panel Chair:

Jeffrey M. Epstein, Arnold & Porter, New York, NY

Moderator:

John E. Rollins, Stout Risius Ross, LLC, New York, NY

Speakers:

Steve Ahn, SEUM, Seoul, Korea

Joon Kim, Cleary, New York, NY

Michael Mancusi, Arnold & Porter, Washington, DC

Kan M. Nawaday, Venable LLP, New York, NY

Jongsoo(Jay) Yoon, Lee & Ko, Seoul, Korea

TRADE TRACK

U.S. Export Controls Affecting Asian Technology Production

Asian development of investment and technology encounters the extraterritorial application of U.S. Export Controls that would result in civil penalties, criminal prosecution and product seizure under U.S. law. This session will discuss how U.S. Export Controls affect Asian production, shipment and transshipment, and the limits of the use of U.S. technology in Asian manufacturing. Additional attention will be given to Asian production Best Practices that address the risk of violating U.S. law.

Committee Sponsors: Export Control and Economic Sanctions Committee

Panel Chair:

Lawrence Hanson, The Law Office of Lawrence W. Hanson, P.C., Houston, TX

10:45 AM – 11:15 AM

Networking Break

11:15 AM – 12:45 PM

Concurrent Sessions

The Emergence and Growth of Fintech in Asia

Asia is expected to lead the world into the next generation of financial technology innovation. In 2017, US\$3.85 billion was invested in Asian FinTech companies. The Asian FinTech industry is largely driven by start-ups and government support. In 2016, India launched a US\$1.5 billion fund for start-ups, as part of its Start-Up India initiative. Hong Kong recently introduced an Innovation and Technology Venture Fund. Singapore is working towards ensuring access to suitable financing for nascent Singaporean enterprises. South Korea's Financial Services (Commission) established the FinTech Center to catalyze FinTech innovation to support domestic start-ups. The panel will focus on:

1. Role that FinTech can play to make the Asian economies dominant in retail banking services.
2. Potential Investment opportunities in FinTech start-ups in Asia.
3. Opportunities for legal advisors to provide specialized legal services to emerging start-ups in the Asian FinTech industry.

Committee Sponsor: International Securities & Capital Markets Committee

Panel Chair: Pratibha Jain, Nishith Desai Associates, Delhi, India

The Continuing Evolution of the U.S. • Republic of Korea Free Trade Agreement and the Impact on Regional and Trans-Pacific Investment and Technology Transfer

The free trade agreement between the United States and the Republic of Korea promised to join not only two of the world's largest trading partners but also had the potential for significant impact on geopolitical stability, territorial expansion in the South China Sea and the Rule of Law on many issues including intellectual property rights and human rights. This panel will examine the evolution of KORUS up to end including the current treatment of the FTA given political realities in South Korea and, especially in the U.S. under the Trump Administration.

Committee Sponsor: Customs Law Committee

Panel Chair: Les Glick, Butzel Long, Washington, DC

12:45 PM – 2:00 PM

Luncheon
KEYNOTE SPEAKER: TBD

2:30 PM – 4:00 PM

Concurrent Sessions

TECHNOLOGY TRACK

Compliance 3.0: Tying Technology to Advance Compliance to the Next Level

Traditional Compliance work is now being supplemented with technology advancements, such as AI and Data Analytics, to help organizations save not only costs but also build in-house sound capabilities for other business units. In industries, such as the pharmaceutical industry, we have seen companies develop technology platforms to determine habits, patterns, and predictive analysis for its employees to aid in internal investigations. There is no doubt that internal Compliance abilities are evolving beyond adhering to the company code of conduct. We have a panel of legal and pharmaceutical experts assembled to share their experiences both in advising firms and also in executing investigations when technology has played an instrumental role in the outcomes success. Also, our experts will share their thoughts on what's next for this exciting change in a discipline that continues to have the regulators' attention.

Committee Sponsor: Central/East Asia & China Committee

Panel Chair:

Dr. Tim Klatte, Grant Thornton, Shanghai, China

INVESTMENT TRACK

Trends and Challenges for Indian and Chinese Outbound and Inbound Investments

This program will focus on the key trends and challenges relating to making investments in India and China, as well as making investments from India and China. Whether it be setting up a subsidiary, a joint venture, making an acquisition, undertaking a venture capital or a private equity investment. Panelists will discuss the peculiar legal issues that emanate from, and are critical to such transactions. Issues such as exchange controls, anti-trust, enforceability of investment agreements, and dispute resolution mechanisms that must be borne in mind while structuring and negotiating such transactions would be discussed, and practical tips provided on how best to handle such issues, and mitigate risks for clients.

Committee Sponsor: South Asia/Oceania and India Committee

Panel Chair:

Vishal Gandhi, Gandhi Associates, India

Speakers:

Zhang Ying, Junhe, Beijing, China

Hunter Qiu, Zhonglun, Shanghai, China

Vishal Gandhi, Gandhi & Associates, Mumbai, India

4:00 PM – 4:30 PM

Networking Break

4:30 PM – 6:00 PM

Concurrent Sessions

How Technology and Innovation Could Solve the Global Refugee Crisis: Using Profitable Smartphone Apps, Cryptocurrency and Blockchain Technology, and Person-to-Person Services

There are over 65 million refugees, asylum seekers and internally displaced persons worldwide and growing. What happens when the capacity to address such need by humanitarian organizations and states is exhausted? How can new technology such as refugee smartphone apps to provide translation, geolocation services, medical assistance, and paperwork processing, as well as cryptocurrency and blockchain technology to compensate refugees for work done via smartphone, educational credits achieved, or job training hours accomplished - dramatically change the outcomes for refugees? Is this a good thing or exploitation for refugees? What are the privacy and security concerns? Does monetizing humanitarian efforts comport with ethical standards? How do the Principles for Digital Development work? Why have there been such failures with humanitarian technology? Is there still room for businesses and entrepreneurs to create profit, help refugees, alleviate stress on NGOs and states and how can this be done?

Committee Sponsor: International Refugee Law Committee

Panel Chair: Heather Weckel, Belmont, CA

Recent Trends and Developments in Technology M&A in Asia

In Asia, we have seen increasing M&A activities, and among others, one of the hottest sectors is technology sector, where we see large volume and increasing numbers of transactions. Within Asia, we have seen more transactions in China where Alibaba, Tencent and Baidu to be the active players in the market. Also, in South Eastern Asian Countries, in particular, in Singapore which is the financial district of the region, we have seen increasing activities of startups, in particular, Fintech related companies. Further, we have seen increasing activities of technology companies, including technology related M&As in other Asian countries, such as India and South Korea. In this session, we will discuss about recent trends and developments of technology related M&A in Asia, by focusing on some of the recent transactions and players in the some of the active markets and regions mentioned above.

Committee Sponsors: International M&A and Joint Venture Committee; South Asia/Oceania and India Committee

Panel Chairs:

Vishal Gandhi, Gandhi Associates, India

Takashi Toichi, TMI Associates, Roppongi, Tokyo, Japan

6:30 PM

Reception at Korea University Museum

8:00 AM – 9:00 AM 9:00 AM – 10:30 AM	Registration Concurrent Sessions
DISPUTE TRACK	INVESTMENT TRACK
When Money Is Not Enough: Ensuring Equitable Relief Is an Option in Arbitrating Technology Agreements	The Role of Innovation and Technology in Competition Law and Enforcement in East Asia
<p>What happens when a contracting partner abuses a technology license or other intellectual property agreement? Will damages be enough? Or do you want to ensure that you will have options to pursue equitable relief under an international arbitration agreement? Does your arbitration clause possibly preclude seeking equitable relief in certain jurisdictions? Often times, the ability to stop infringing conduct is as important, if not more so, than eventually recovering damages. Do your arbitration clauses provide adequate abilities to do so? This program will focus on these questions as our panel explores best practices for ensuring that your international arbitration clause includes adequate options for pursuing equitable remedies and how best to enforce such equitable options. Panelists will discuss their experiences in negotiating provisions for equitable relief in arbitration clauses and in seeking equitable relief in conjunction with arbitration proceedings.</p> <p>Committee Sponsor: International Arbitration Committee</p> <p>Committee Co-Sponsor: International Litigation</p> <p>Panel Chair & Moderator: Keith Fichtelman, Lee, Hong, Degerman, Kang & Waimey, Los Angeles, CA</p> <p>Speakers: Matthew Kendrick, Daimler Greater China Ltd., Beijing, China Young Seok Lee - Partner, Rosetta Legal, Seoul, Korea Ping Gu, Zhong Lun Law Firm, Beijing, China Larry Schmadeka OR Eric Olson, Lee, Hong, Degerman, Kang & Waimey, Newport Beach, CA</p>	<p>As the global economy is transformed by new technologies and innovations, it triggers new thinking and presents new challenges to competition law and its enforcement. These new challenges have potentially major implications for cartel investigations, competition analysis in merger review, and even the very language of competition laws. Both China and South Korea are studying potential major revisions to their competition laws and enforcement regimes, while Japan has recently substantially restructured its competition law regime. How to both foster competition and encourage innovation is a common theme in these efforts.</p> <p>This panel of leading scholars and expert practitioners will discuss the actual and potential changes in these 3 important jurisdictions and their likely impact, particularly on merger control and antitrust investigations procedurally and substantively, as well as potentially on innovation. The panel will share their insights on the optimal statutory and procedural frameworks to evaluate innovation effects in mergers, the analytical tools in competition law generally, and effective constraints on administrative action and judicial review.</p> <p>Sponsor: Korea University School of Law Innovation, Competition & Regulation Law Center</p> <p>Committee Co-Sponsors: International Antitrust Law; Central/East Asia and China; Northeast Asia, Japan and Korea; International M&A and Joint Venture; International Intellectual Property Law</p> <p>Panel Chair & Moderator: Hwang Lee, Korea University School of Law, Seoul, Korea</p> <p>Panel Chair & Speaker: Elizabeth Xiao-Ru Wang, Compass Lexecon, Boston, MA</p> <p>Speakers: Reiko Aoki, Japan Fair Trade Commission, Tokyo, Japan (invited) Hyung Bae Kim, Director General, Market Structure Policy Bureau, Korea Fair Trade Commission, Seoul, Korea Yanbei Meng, Renmin University, Beijing, China</p>

10:30 AM – 11:00 AM

Networking Break

11:00 AM – 12:30 PM	Concurrent Sessions
TECHNOLOGY TRACK	TRANSACTION TRACK
<p>Corporate Cyber Fraud: Global Strategies to Enhance Recovery Efforts in The Event of Asset Theft</p> <p>2017 was a record year for reported incidents of cyber hacking or phishing affecting global corporations, and the rate of attacks is expected to increase. Despite persistent media coverage surrounding the massive data breaches of major companies like Equifax, Yahoo!, and Sony, phishing attacks have remained a principal risk to companies. Though hackers routinely defeat company security protocols to gain access to accounting and payment systems, it takes most businesses more than 195 days to detect a breach on their network, by which time the stolen funds are usually long gone. Asia's major financial hubs and offshore locations, such as the BVI and the Cayman Islands, are among the most common destinations for these stolen funds. This type of fraud has cost businesses billions in recent years, including in several high-profile cases where the consequences have gone beyond financial loss.</p> <p>This panel session will cover some of the steps companies and their advisers can take to maximize the odds of retrieving stolen assets, including coordinating with local and international law enforcement, conducting a forensic investigation and the tracing and freezing of assets.</p> <p>Committee Sponsor: International Criminal Law Committee</p> <p>Panel Chair: Robin J. Baik, Cleary Gottlieb Steen & Hamilton, New York, NY</p> <p>Speakers: Robin Baik, Kobre & Kim, Seoul, Korea Jiho Park, Yoon & Yang, Seoul, Korea</p>	<p>Understanding CFIUS Review Process and “National Security” Concerns: What Every Cross-Border M&A Lawyer Must Know about the CFIUS Review Process and Potential Risks When Representing Non-US Buyers Of U.S. Businesses and Assets</p> <p>Back in March, President Trump blocked one of the largest transactions in the high-tech space-- Broadcom's bid for Qualcomm--on national security grounds, after rejecting a Chinese Government-backed private equity firm from acquiring a U.S. chipmaker, Lattice Semiconductor. The Obama administration also used CFIUS review to block a number of foreign acquisitions of US businesses on national security grounds.</p> <p>In this session, you will learn about the CFIUS review process and the meaning of “national security” to help you navigate through the process that has always been something of a “black box.” CFIUS practitioners from leading U.S. law firms will provide in-depth analysis of recent blocked transactions and discuss the recent legislative development to expand the scope of transactions that are subject to CFIUS review. [A representative from the CFIUS office of the U.S. Treasury Department will discuss the key factors in determining whether a transaction will threaten national security of the United States.</p> <p>Panel Chair: Nelson K. Ahn, Lee & Ko, Seoul, South Korea</p>
12:45 PM – 2:00 PM	<p>Luncheon</p> <p>KEYNOTE SPEAKER: TBD</p>

2:30 PM – 4:00 PM

Concurrent Sessions

How U.S. Tax Changes Will Affect U.S.-Asian Transfers of Investment and Technology

The U.S. tax law in 2018 dramatically changed the U.S. taxation of foreign investors in U.S. businesses and of foreign technology companies with U.S. subsidiaries. Likewise, the U.S. tax law in 2018 dramatically changed the U.S. taxation of U.S. investors in foreign businesses and of U.S. technology companies with foreign subsidiaries. The panelists will review these 2018 U.S. tax changes, and how they are likely to change the flows of investment and multinationals' spending on developing technology, between the U.S. and Asia, with a non-exclusive focus on Korea. The new U.S. tax rules will affect the advice that attorneys will give on structuring or restructuring cross-border investments, presenting opportunities but potential pitfalls.

Committee Sponsor: International Tax Committee

Committee Co-Sponsors: Northeast Asia, Japan & Korea, Central/East Asia & China, Cross-Border Real Estate Practice, South Asia/Oceania & India, International Trade, Transnational Practice

Panel Chair & Moderator:

Alan S. Lederman, Gunster, Fort Lauderdale, FL

Speakers:

Bobbe Hirsh, Skarzynski Black LLC, Chicago, IL
Heejong Kim, Jung & Sohn, Seoul, Korea

Recent Developments on the FRAND Debate: A Comparative Analysis of US, EU and Asia

Over the last decade, issues related to the commitment to license standard essential patents (SEPs) on fair, reasonable and non-discriminatory (FRAND) terms have received tremendous attention from the courts and antitrust agencies around the world. Courts and competition authorities in numerous jurisdictions have made important decisions in the recent cases on issues related to FRAND rates, licensing terms, and injunctive relief.

This panel will compare and contrast policies and recent court decisions in jurisdictions including US, Europe, and Asia. The program will bring together attorneys and economists to provide a detailed, comparative view of the enforceability of licensing and contractual limitations in more restrictive jurisdictions that could undermine global strategies in business licensing or distribution.

Committee Sponsor: International Antitrust

Panel Chair: Elizabeth Xiao-Ru Wang, Compass Lexecon, Boston, MA

Moderator: Yee Wah Chin, Ingram Yuzek Gainen Carroll & Bertolotti, LLP, New York, NY

Speakers:

Ye Zhao, Jingtian Law, Beijing, China
Justin Coombs, Compass Lexecon, London, UK
Anne Layne-Farrar, CRA, Chicago, IL
Cecil Saehoon Chung, Yulchon LLC, Seoul, S. Korea

4:00 PM – 4:30 PM

Networking Break

4:30 PM – 4:45 PM

Closing Remarks

4:45 PM – 6:15 PM	Concurrent Sessions
<p>How to deal with GDPR and data privacy laws in Asia around new technologies, such as AI, BigData, and IoT</p> <p>Welcome to the world of privacy. On May 25, 2018, the General Data Protection Regulation ("GDPR") has been effective from EU. However, GDPR affects globally. So as other local privacy related laws. With the development of AI, BigData, and IoT, practical implication of privacy laws becomes so complicated and it would be almost impossible to harmonize the new developing industry and the privacy laws.</p> <p>This program is intended to cover legal and business issues involved in GDPR, local privacy laws and new technology under the 4th Industrial Revolution. The panel will explore the laws in various countries including Europe, Asia, and U.S. in the areas of AI, BigData and IoT.</p> <p>Committee Sponsor: Northeast Asia, Japan and Korea Committee</p> <p>Committee Co-Sponsors:</p> <p>Panel Chair: Jai Lee, Yulchon, Seoul, Korea</p>	<p>Global Sports Corruption: A Challenging Frontier in International Business and International Law</p> <p>Sports, a multi-billion dollar business interest, provides rich opportunities for corruption. In the passing wave of the 2018 Olympics Winter Games in Pyeongchang, South Korea, Asia region will soon welcome another two big games ahead - Tokyo 2020 and Beijing 2022.</p> <p>In 2017, the Russia doping scandal, a state-sponsored doping scandal, had already drawn overwhelming international attention. In the meanwhile, the U.S. Department of Justice had also elevated its investigation into international sports corruption in January 2018. The investigation involves organizations such as the FIFA, the International Olympic Committee (IOC), and the U.S. Olympic Committee, as well as people involved in bids to host international sporting competitions.</p> <p>This program is intended to cover legal, ethical, and business issues involved in global sports corruption, across both international organizations' authorities and national authorities.</p> <p>Committee Sponsor: UN and International Organizations</p> <p>Committee Co-Sponsors: International Arbitration; Young Lawyer's Interest Network</p> <p>Panel Chair: Hong Tang, San Francisco, CA</p>

6:30 PM

Dinner at [TBD Location]

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