



Jan 16th, 2020 | The Eros Hotel, New Delhi

 edvanceedge

present

COMMERCIAL CONTRACT MASTERCLASS

Negotiation, Drafting and Dispute Management

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Overview

Contract management is one of the core activities of a modern day organization as majority of an organization's operation being under contracts with customers, suppliers, service providers, vendors and consultants. It's vital that contracts should be aligned with the business expectation and professionals should be well versed with the drafting techniques and expertise to foresee the associated risk and design the contracts in the best interest of their organization. The importance of understanding contractual agreements has considerably increased since most business processes are governed through contractual relationships.

Edvance Knowledge Ventures upcoming initiative "**Commercial Contract Masterclass – Negotiation, Drafting and Dispute Management**" aims towards essential updates in commercial and legal issues pertaining to commercial agreements and helps improve the negotiation and drafting skills of the professionals involved. This full day masterclass will help organizations to reduce exposure, avoid litigation and implement dispute management by being fully conversant with the knowledge, skills and strategies in ensuring that the contracts are well negotiated, drafted and managed. Participating professionals will get a chance to hear and interact with experts on:

- ✓ How contracts have been drafted today and, what are the potential alternative drafting strategies and structures?
- ✓ How contracts are negotiated including techniques for negotiation on contract variations and claims.
- ✓ Effective risk control measures to minimize legal exposures and avoid disputes.
- ✓ Necessary skills required to effectively manage contractual pitfalls and implement dispute resolution mechanism.

BENEFIT OF ATTENDING

- ✓ Increase efficiency and effectiveness within organizational processes
- ✓ Possess knowledge on the latest best practices in contract strategy
- ✓ Build strong and effective contracts
- ✓ Improved supplier performance
- ✓ Improved understanding on legal issues which allow for more effective management of legal rights
- ✓ Possess confidence in discussing contract issues with lawyers and different parties
- ✓ Effective risk reduction and conflict resolution

Who should attend?

A must attend workshop for anyone who has to negotiate, manage, transact or resolve disputes with third parties, including but not limited to:

- ✓ Contract Administration & Management Professionals
- ✓ Legal Heads & General Counsels
- ✓ Legal Managers & Legal Executives
- ✓ Corporate Legal Advisors
- ✓ Deal Makers
- ✓ Company Secretaries
- ✓ Corporate Lawyers
- ✓ Arbitrators & Mediators
- ✓ Procurement & Purchasing Managers
- ✓ Relationship Managers

Agenda

09:30 AM - 10:45 AM

Negotiation Of Commercial Contracts

Contract negotiations are a process that involves discussing and compromising on contract terms in order to reach a final agreement between two or more parties involved in a transaction. In most contract negotiations, each party tries to negotiate for the best interest of themselves or their business. The negotiation aspect of a transaction is very important because once the contract is finalized all parties are legally bound to the terms of the contract and cannot overlook them without being liable.

Takeaways

- ✓ What is the best approach to contract negotiation
- ✓ When is a contract enforceable
- ✓ How to access a deal or no deal situation
- ✓ Determining the rights and obligations of all the parties involved
- ✓ Various factors that can affect the negotiation process

11:00 AM - 12:30 PM

A Hands-on Guide To Drafting Commercial Contracts

Contract drafting is one of the most crucial parts of the contract management lifecycle. Clarity and precision in contract drafting are essential for making sure that both party's needs are met. Having a well-drafted contract during a business deal can help provide a strong layer of legal protection.

Takeaways

- ✓ The Contract Law fundamentals and Elements.
- ✓ Difference between MOU, Letter of Intent and an agreement.
- ✓ Conversion of MOUs and Letter of Intent into formal contracts.
- ✓ Introductory Provisions including Parties, Recitals, Definitions etc
- ✓ Critical Provisions including Appointment, Conditions Precedent, Consideration, Covenants,
- ✓ Term & Termination, Representations and Warranties & Indemnities
- ✓ General Clauses like Governing Law, Arbitration, Force Majeure, etc

01:30 PM - 02:45 PM

Techniques Of Drafting International Contracts

Contracts with international business partners can be more complicated than you think. By the very nature, transnational commercial agreements include inherently unique issues, risks and challenges, including, but not limited to, the location and the law under which any disputes will be litigated or arbitrated. Hear and interact with the expert on the main international legal instruments governing international contracts and gain essential skills and

knowledge that is required to negotiate and draft international contracts.

Takeaways

- ✓ What are the terms unique to overseas contracts?
- ✓ Various jurisdictions issue: Complying with overseas jurisdiction and coinciding with the rule
- ✓ Effective techniques of drafting international commercial contracts
- ✓ Dispute resolution provision in international contracts

03:00 PM - 04:15 PM

Dispute Resolution Clauses And Mechanism

A contract's dispute resolution clause sets out the way the parties will resolve disputes. It provides a neutral set of agreed-upon guidelines that will help maintain a good business relationship and minimize the amount of time and money spent working out issues. Attention to dispute management issues at the time of contract drafting may avoid costly and risky experiences later, and will in any event firmly place responsibility and accountability on the parties themselves.

Takeaways

- ✓ Understanding and identification of dispute prone areas
- ✓ Possible consequences and the medium of dispute resolution mechanisms
- ✓ Remedies for disputes emerging from contracts
- ✓ ADR provision in contracts
- ✓ Litigation or Arbitration - A comparative analysis
- ✓ Role of corporate counsel in dispute management
- ✓ Checklist for drafting dispute management clauses

04:15 PM - 05:30 PM

Modifications, Breach And Termination Of Contracts

In a perfect world, agreements would be entered into, both sides would benefit and be pleased with the outcome, and no disputes would arise. But in the real world of business, delays happen, financial problems can crop up, and other unexpected events can occur to hinder or even prevent a successful contract from being carried out. What are your options?

Takeaways:-

- ✓ Modification of a contract by negotiation, accord and satisfaction or by simple variation
- ✓ Documentations involved in contract modification and variation, right time for "Lock-in period"
- ✓ Anticipating contractual obligations to breach of a contract
- ✓ Filing a breach of contract complaint
- ✓ Breach versus repudiation
- ✓ Partial breach, material breach of contract, anticipatory breach of contract

Speakers



BHUMESH VERMA – Managing Partner, **Corp Comm Legal**

Bhumesh is the Managing Partner of Corp Comm Legal, an independent Indian law firm headquartered in New Delhi.

Having started his career at Ajay Bahl & Co. (now part of AZB & Partners), Bhumesh went on to work with some of the best law firms in India. He received the coveted Chevening Scholarship by the UK Government in 2000 where under he studied in College of Law, York and was a visiting lawyer with Ashursts' London office. Later in his career, he became partner at some of the leading Indian law firms including Khaitan & Co., Paras Kuhad & Associates and Link Legal.

His primary expertise areas are advising domestic and foreign clients on inbound and outbound Mergers and Acquisitions (M&A) transactions, Private Equity, Venture Capital, Foreign Investments, Joint Ventures, Technology Transfers, External Commercial Borrowings, Corporate Structuring, Strategic Advice, Entry Strategy for foreign investors, Regulatory Approvals, Corporate Advisory, Due Diligence, Negotiation, Documentation for transactions (from MOU/LOI to Definitive Agreements & post-closing)

and related legal fields. Bhumesh is regularly invited as a guest faculty by several law and management institutes in and outside of India, online legal education portals and for judging moot courts. He also conducts workshops and training sessions for students and professionals on contracts drafting, negotiation and corporate laws skills.

KPS KOHLI – Partner, **Dhir & Dhir Associates**

KPS Kohli is a Partner of the firm and has experience of over 10 years in Telecommunications, IT, Arbitration, Insolvency, Aviation, Public Policy, Corporate and Commercial. He has worked with various notable conglomerates and regularly advises clients on complex legal matters and the impact on businesses of the changes in policies of the Government. He represents clients before various High Courts, Tribunals and the Supreme Court of India. He has also assisted a wide client base internationally on complex legal matters under the jurisdictional laws of United Kingdom, Germany, Sweden, Singapore, Hong Kong, Nepal, Australia and the United States. He advises and represents clients before courts and arbitral tribunals under various arbitration rules such as ICC, DIS, SCC, CIETAC.

Mr. Kohli has advised various Ministries on varied issues of public importance. He was part of the team of lawyers representing the Ministry of Telecommunications before Delhi High Court on the rights of Comptroller and Auditor General of India to audit the accounts of private telecom operators. Mr. Kohli has advised the Comptroller of Digital Locker Authority on the appropriate licensing framework for the digital locker service to be provided in India. Mr. Kohli also works closely with the Airport Economic Regulatory Authority on various issues in the aviation sector in India.



TEJAS KARIA – Partner & Head - Arbitration, **Shardul Amarchand Mangaldas & Co.**

Mr. Tejas Karia is a Partner and heads the Arbitration practice at Shardul Amarchand Mangaldas. He has wide experience in handling International and Domestic Commercial Arbitrations across sectors involving disputes relating to Oil & Gas, Shareholders' Agreements, Joint Ventures, Construction and Infrastructure, Insurance, Real Estate and Private Equity. He has represented multinational and Indian corporations in ad hoc and institutional arbitrations involving major arbitration institutions like - LCIA, ICC, ICA, ICADR, RSA, ICADR and SIAC seated in India, Paris, London and Singapore. He has been part of committee of Law Commission of India for recommending amendments to the Arbitration and Conciliation Act, 1996 and also of High-powered Committee for Institutionalization of Arbitration in India.

He has been ranked as "Global Leader" by Who's Who Legal and Global Arbitration Review. He has also been recognised as "Leading Lawyer in Dispute Resolution" by Asia law Leading Lawyers, mentioned in Legal500, ranked by Chambers & Partners for Arbitration. He is a Member of the SIAC Court of

Arbitration, the ICC Commission on Arbitration and ADR, Vice-Chairman of Society of Construction Law – India, Fellow of Chartered Institute of Arbitrators and a Director of India Branch of Chartered Institute of Arbitrators. He has co-authored a number of publications on Arbitration and spoken at various conferences and seminars on arbitration in India and abroad.

REGISTER YOUR INTEREST

Standard Registration Fee
10% Group Discount
(For 3 or more delegates)

INR 12,000 + 18% GST
INR 10,800 + 18% GST

HOW TO REGISTER

ONLINE REGISTRATION
Using Credit / Debit card

<http://www.edvancedge.com/commercial-contract-masterclass>

OFFLINE REGISTRATION
Through Cheque / DD

In favor of **Edvancedge Knowledge Ventures Private Limited** payable at:
146 – E, Pocket – 1,
Mayur Vihar, Phase – 1,
Delhi – 110091

You can also pay via Electronic Transfer or deposit Cheque / Cash into:

Bank Name: Andhra Bank
Beneficiary: Edvancedge Knowledge Ventures Private Limited
A/c Number: 158811100002458
IFSC Code: ANDB0001588
Branch: Mayur Vihar Branch, Delhi

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TERMS & CONDITIONS

- ✓ All the registrations will be confirmed on first come first serve basis
- ✓ Registrations will be confirmed only at the receipt of the payment
- ✓ Delegates must ensure to send along the signed copy of the registration form while paying via cheque / demand draft.
- ✓ Registration fee includes your attendance at the masterclass, delegate kit, lunch & refreshments at the venue and participation certificate.
- ✓ Registration(s) are NOT refundable, however in an event of cancellation you can either substitute another delegate at your place or avail future credit benefits of the amount paid.
- ✓ Cancellations or Substitutions must be informed latest by one day prior to the event; failing which you won't be eligible for the benefits.
- ✓ Edvancedge Knowledge Ventures Private limited reserve the right to make necessary changes to the Agenda in order to best suit the objectives of the event. Every effort will be made to keep presentations and speakers as represented. However, unforeseen circumstances may result in the substitution or re-scheduling or cancellation of a presentation, topic or speaker - in part or whole.
- ✓ Delegates are personally responsible for their belongings at the venue. Edvancedge Knowledge Ventures Private Limited or the Event hosting facility management will not be held responsible for any stolen or missing items belonging to Delegates, Speakers or Attendees.

DELEGATE DETAILS

COMMERCIAL CONTRACT MASTERCLASS

Jan 16th, 2020 | The Eros Hotel, New Delhi

Title

Name

Email Id

Mobile

Job Title

Organization

Billing Address

Country

Pin Code

I agree with the Terms & Conditions

If you don't receive acknowledgement before the event, Please call us to confirm your booking.