

# WilhelmGilliéron

## AVOCATS



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## Discover our areas of expertise through our case studies!

Since the beginning of 2018, we have received more than one hundred and fifty new briefs, especially in the following fields:

### New cases in 2018

- Assisting and advising a number of private medical clinics on compliance with the European General Data Protection Regulation (GDPR);
- Fulfilling a mandate to act as independent shareholders' representative at the AGMs of ALPIQ and BCV;
- Drafting many contracts, in particular: distribution contracts; independent agents' contract; mandate, employment, lease, publication and fiduciary contracts; collaboration and simple partnership contracts; shareholders' agreements, articles of association of limited companies, contracts for ownership transfer of equities and shares of limited companies in Sàrl form;
- Filing many trademarks with a view to their protection in Switzerland and Europe;
- Assisting and advising on ensuring a trading company is compliant with US regulations issued by OFAC;
- Assisting and advising on the handling of the sizeable claims of one of our clients in the bankruptcy of a major Swiss player in the client's branch of activity;
- Assisting and advising our corporate clients on the handling of labour law disputes;
- Performing due diligence when one of our clients acquired a very sizeable holding of transferable securities and real estate;
- Assisting and advising on setting up an online sales site;
- Representing in the courts a number of companies that had been excluded from public tender procedures;
- Assisting and ensuring follow-up for an association when it ceased its activities after its contracts with a State agency had been cancelled;
- Representing a private individual in the courts against an organisation in the employment field;
- Assisting and advising a business active in the international sales of goods to ensure the proper performance of agency contracts;
- Fulfilling a legal assistance mandate for the lead manager of the Léman Express railway project, which will run between France and Switzerland;
- Representing holders of bank accounts that have been sequestered in Switzerland as part of national criminal law proceedings or subject to a request for mutual legal assistance;
- Providing a legal opinion on mutual legal assistance granted by Switzerland to Taiwan;
- Providing an expert opinion for a study on implementation of the law on mutual legal assistance, for the Swiss Federal Audit Office.

Since the beginning of our activity, we have worked on the following cases:

### Our other cases

- Defending a client's interests against unfair competition from a rival who copied his products;
- Defending the interests of a medical establishment when a competitor set up in business and tried to poach its key executives;
- Advising a French client on the acquisition of a medical surgery in French-speaking Switzerland;
- Assisting and advising a minority shareholder on exercising his right to have information about the company's activities disclosed by the Board of the Directors;

- Advising a natural person on setting up a family foundation under Swiss law;
- Advising and assisting a company on the acquisition of useful product-development technology;
- Assisting and advising two different Swiss companies on their acquisition by companies incorporated under US law;
- Advising and assisting a shareholder on having his preferential subscription rights respected in an ordinary share capital increase;
- Advising a client on exercising his right of reply to an article published about him in the written press;
- Advising a medical group on its internal organisation to ensure protection of patient data;
- Drafting several general terms and conditions of sale;
- Advising and assisting with the merger of two companies incorporated under Swiss law;
- Advising and assisting an interest grouping of cross-border workers on their affiliation to the Swiss health insurance scheme;
- Advising a semi-public company on structuring the salary scale for its staff;
- Assisting and advising clients in connection with termination of their employment relationships;
- Filing several trademarks in Switzerland and internationally;
- Advising a media group on managing its media activities in compliance with Swiss law on image rights and protection of personal privacy;
- Assisting and advising on international mutual legal assistance in criminal and administrative law cases, more specifically between Switzerland and Brazil;
- Preparing and managing a bankruptcy moratorium for a natural person with all his creditors.

**Wilhelm Avocats advises its clients on various aspects of Swiss law. Some examples of our work are set out below:**

- Legal assistance before the Swiss federal court on patent laws to protect the interest of a family office having invested in a high-tech start-up;
- Drafting of a legal opinion on the issue of validity of amendments to the articles of incorporation of a Swiss SA restricting the transfer of registered shares to third parties;
- Drafting a legal opinion about the validity of shareholders' loans towards the prohibition of reimbursement of equity to shareholders stated by Article 680 of the Swiss code of obligations,
- Legal assistance in the filing of registered brand before the relevant authorities in Switzerland and abroad on behalf of a non-profit foundation in the health sector,
- Legal assistance to a public administration to validly terminate the employment agreement of one of its employee for having secretly performed a private independent business activity in parallel to its employment relationships;
- Advices in the drafting of a Purchase agreement of the assets of a restaurant in the Lausanne region and in the setting-up of the appropriate legal vehicle to continue this business activity;
- Drafting of legal opinion regarding the admissible terms of a Letter of subordination of claims to help the client to improve its financial situation;
- Drafting of a request to appoint an Emergency arbitrator in accordance with the international arbitration rules of the ICC in an arbitration proceedings to be started on the building up of an engineering work in Africa;
- Advices and legal assistance to heirs domiciled outside Switzerland in a dispute about the terms of a will to be executed in Switzerland and abroad;
- Legal assistance to an Hospitality group towards unlawful messages unduly sent by a broker on the internet.
- Coordinating the international arbitration proceedings initiated by Swiss clients in Hong-Kong to seek damages for the non-execution of an international agreement;
- International Arbitration in a dispute related to IT Agreements delivered by a IT provider to a Swiss Forex Bank;
- Arranging a Joint Venture in Tunisia on behalf of a Swiss company active in the high technology sector;
- Negotiating the terms of a Licence Agreement with a major broadcasting company for a Swiss broadcasting entity;
- Advising a Swiss watch manufactures company in terminating its contractual relationships with an artist domiciled outside Switzerland;
- Filing a legal claim before ordinary courts of law to seek information from a Swiss bank in relation to the estate left by a very wealthy foreign domiciled private individual.

**We advise:**

- an SME on the organisation of convertible loans for its investors and the stages in the corporate life at which these loans will be converted into capital;
- an SME in the region on the drafting of its general terms and conditions of business with its clients;
- a private individual on the drafting of a contract to acquire a business trading in a personal capacity;
- the shareholders of an SME on the sale of shares in that company to a new foreign purchaser;

- private individuals based in Switzerland on the recovery of their investments in private equity abroad;
- a prominent athlete on the conclusion of his sponsorship contracts;
- an NGO on the valorisation of its intellectual property and media image;
- an information technology company in the context of a dispute which has gone to international arbitration concerning the validity of its IT contracts;
- minority shareholders in the context of a judicial dispute in order to secure respect for their shareholders' rights in the company in which they have invested;
- the HR Department of several multinational businesses in the context of their legal issues relating to human resources (remuneration plans, options, labour conflicts, relations with the employment service, work on Sundays and public holidays...);
- a company incorporated in Swiss law on the reorganisation of its investments in Australia, in particular by managing its dealings with local attorneys and the appointment of, and cooperation with, its representatives in that country;
- private persons residing in Switzerland on the recovery of hazardous investments made under fraudulent conditions in China, in particular by identifying the right local correspondent and communicating the relevant information;
- a start-up on the restructuring of its investments and relations with its partners;
- a company on the management of its application to the appropriate authorities in the Canton of Vaud for an adjournment of bankruptcy;
- a media group on the management of the legal problem of the right to be forgotten on the Internet;
- a company active in the food sector on the drafting of all the contracts to be signed with its investors, especially in the form of convertible loans;
- a group of minority shareholders on the promotion and defence of their rights in dealing with an all-powerful and arrogant majority shareholder;
- an important appliance leasing operator on the drafting of its contracts and recovery of its claims;
- a cosmetic products company on the legal aspects of the launch of its new brand and on the protection of its accompanying intellectual property rights;
- managers and owners in dealing with the legal difficulties that they may encounter with their tenants and the management of their property;
- a media group on a tie-up with one of its competitors.

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**Source :** <https://www.wg-avocats.ch/en/news/news/discover-our-areas-of-expertise-through-our-case-studies/>