

AMCHAM NEWS

American Chamber of Commerce in New Zealand

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March 2015

AmCham Annual Member & Government official's reception

The AmCham board was recently Wellington for the annual Board Wellington meeting and reception for members & Government officials.

Deloitte Partner Alan Dent welcomed the guests, recognizing the long term relationship between AmCham and Deloitte and welcoming US Ambassador Mark Gilbert. Ambassador Gilbert commented that he was delighted to be in New Zealand and talked about the strong relations between the two countries. On the trade front he was hopeful that TPP would be concluded in the coming months and he looked forward to working with business here in NZ to grow trade and relations.

AmCham would like to thank Deloitte for hosting the reception.



Ambassador Gilbert leads delegation to SelectUSA Summit

US Ambassador Mark Gilbert recently led a delegation of NZ businesses to the SelectUSA Investment Summit held in Washington DC which was attended by some 26 US ambassadors and more than 1,300 people from 60 countries.

The Summit featured high-level speakers from business and government including President Obama and five Cabinet Members: Secretary of Commerce Penny Pritzker, Secretary of State John Kerry, Secretary of the Treasury Jack Lew, Secretary of Labor Thomas Perez and U.S. Trade Representative Michael Froman.

AmCham member **D'Arcy Polycrone** was one of the companies and AmCham will be inviting them to brief members on the summit. <http://selectusa.commerce.gov/>

TPP Update

US Camber Testifies on TPP

U.S. Chamber Senior Vice President for Asia Tami Overby testified on March 4 before the House Foreign Affairs Subcommittee on Asia and the Pacific [hearing](#) on "The Trans-Pacific Partnership: Prospects for Greater U.S. Trade" in support of the TPP and renewal of the Trade Promotion Authority (TPA). Read [testimony](#)

Hatch Signals He Will Submit Final TPA Offer To Wyden on Tuesday

Senate Finance Committee Chairman Orrin Hatch (R-UT) on Tuesday (March 24) indicated that he planned to submit to Ranking Member Ron Wyden (D-OR) by the end of the day his final offer for changes to a draft Trade Promotion Authority (TPA) bill, without giving any details on the offer itself.

A Japanese official said late Friday (March 27) that the delay in congressional consideration of a bill to renew Trade Promotion Authority (TPA) is negatively impacting bilateral negotiations with the United States under the Trans-Pacific Partnership (TPP) because it causes Tokyo to question whether Washington is in a position to strike a deal. Source: Inside Trade

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TPP Updates (Continued from page 1)

Ryan Says TPP Ministerial Tentatively Set For Late May; Airs Worries on TPA Lag

The head of the House Ways & Means Committee on Thursday (March 26) said Trans-Pacific Partnership (TPP) countries have tentatively planned to hold a ministerial meeting in late May, but expressed worry that the hold-up in renewing Trade Promotion Authority (TPA) could delay the talks as well as congressional consideration of a final TPP deal. Source: Inside Trade

Groser Warns TPP Could End Up Like Doha If Congress Does Not Pass TPA

New Zealand Trade Minister Tim Groser on Wednesday (March 18) ramped up the pressure on the U.S. Congress to pass a Trade Promotion Authority (TPA) bill, saying the Trans-Pacific Partnership (TPP) negotiations cannot enter their real end game until that happens and that failure by Congress to act could cause the talks to stagnate like the Doha round. Source: Inside Trade

Obama-Abe Deal Could Spur Push to Conclude TPP at Late May Ministerial

WAIKOLOA, Hawaii – In the midst of uncertainty over the next steps in the Trans-Pacific Partnership (TPP) talks, one scenario beginning to emerge as a plausible option is for the U.S. and Japan to strike a bilateral deal in late April when Prime Minister Shinzo Abe visits Washington, setting the stage for TPP conclusion at a ministerial meeting in late May. Source: Inside Trade

House GOP Freshmen Voice Support for TPA

On March 6, 26 Republican members from the Freshman class sent a letter to President Obama urging swift action on Trade Promotion Authority (TPA). Led by Representatives Tom Emmer (MN-06) and Mimi Walters (CA-45), the letter reads in part: "We urge you to include TPA as one of your administration's top priorities for the 114th Congress and look forward to working with you to pass TPA early this year."

Investor-State Dispute Settlement Questions and Answers by Jeffrey Zients, Director of the National Economic Council and Assistant to the President for Economic Policy

Senator Warren raises some important questions about an element of the Trans-Pacific Partnership (TPP) called Investor-State Dispute settlement, or ISDS.

There are good answers.

The purpose of investment provisions in our trade agreements is to provide American individuals and businesses who do business abroad with the same protections we provide to domestic and foreign investors alike in the United States.

ISDS is an arbitration procedure – similar to procedures used every day by businesses, governments, and private citizens across the globe – that allows for an impartial, law-based approach to resolve conflicts and has been important to encouraging development, rule of law, and good governance around the world. ISDS does not undermine U.S. sovereignty, change U.S. law, nor grant any new substantive rights to multinational companies. [Read more](#)

No Trademark, No Accountability by David Hirschmann, President and CEO of the U.S. Chamber of Commerce Center for Capital Markets Competitiveness

"An apple. A swoosh. Two golden arches. Most citizens of the world equate those three iconic symbols with a brand.

Branding is essential for the economy and provides a fundamental service to the consumer, differentiating competing products from one another. This differentiation has several benefits; it makes producers accountable for their own goods, it ensures that consumers can find the quality products they seek, it helps protect consumers choose the products they trust and it helps distinguish legal from black market goods. Customers will go to great lengths to access brands they like and trust. [Read more](#)

Former US Consul to NZ appointed Special Envoy for the Human Rights of LGBT Persons.

Randy Berry, the former US Consul to New Zealand was recently appointed Special Envoy for the Human Rights of LGBT Persons by US Secretary of State John Kerry.

We looked far and wide to find the right American official for this important assignment. Randy's a leader. He's a motivator. But most importantly for this effort, he's got vision. Wherever he's served – from Nepal to New Zealand, from Uganda to Bangladesh, from Egypt to South Africa, and most recently as Consul General in Amsterdam – Randy has excelled. He's a voice of clarity and conviction on human rights. And I'm confident that Randy's leadership as our new Special Envoy will significantly advance efforts underway to move towards a world free from violence and discrimination against LGBT persons. [Read more](#)

Studio K opens in Kawaikini, Hawaii

The second High Tech Youth Studio has opened in Hawaii with the support from the Office of Hawaiian Affairs at Kawaikini Charter Public School on the Island of Kauai. There will be two HTY Studios on Kauai, with the second being housed at Waimea High School in May this year.

Kane Milne, Director of learning, went to Kawaikini to help set up the studio with Studio Producer, Shane and a team of 8 senior students earlier this year.



Supporting AmCham

SUCCESS STORIES WITH USA

[Wellington-made app a hit at US tech show](#)

[Notable attracts angel investment from US for first time](#)

[Emulex develops the next generation of engineering excellence](#)

[Kiwi tech start-up to crowdfund expansion](#)

[Flow Software's entry into US market gains momentum](#)

[Kiwi start-up Glassjar launches payments app in the US](#)

[Promapp hires marketing executive to lead push into U.S.](#)

[NZ salmon endorsed by leading sustainable seafood guide](#)

[Vista signs conditional agreement for US based Ticketsoft](#)

[US wine-drinkers trading up, Delegat says](#)

[Sales growth spurs new Auckland office for ERP firm](#)

[Cross-border facility secured by Gallagher](#)

[Harbour partners with global asset manager](#)

[Wynyard Group expands U.S. partner programme](#)

[Hawaiian Airlines ponders NZ flight expansion](#)

[All Blacks Game rekindles relationship](#)

[SLI Systems widens loss by 75% as it chases growth in US market](#)

[Superior Sales Exec Drives Vmob Global Goals](#)

[Infor announces four-year partnership with the Crusaders](#)

[2Degrees buys telco Snap in step towards full service](#)

[US BlackRock takes 5% stake in Fletcher Building](#)

[Massive Kickstart to Kiwi-born Grainfather in USA & Canada](#)

[Visitors to Hawaii double in two years](#)

[EveredgeIP forms Partnership with Mondiale Technology](#)

TRADE, BUSINESS and INVESTMENT OPPORTUNITIES

Commercial News USA

The March/April 2015 issue of Export USA, the official export promotion magazine of the U.S. Department of Commerce, is currently online at <http://exusa.thinkglobal.us/032015/>

Trade-Leads for Importing and Exporting

You are invited to register your company at America's new online trade leads matchmaking platform for importers and exporters. ThinkGlobal is the world's first B2B matchmaking platform to integrate multimedia, localization, virtual trade show technology, and social media. Just register online at [ThinkGlobal](#)

International Buyer Program

Trade Show Schedule 1 Jan to 31 Dec 2015 – for details and support contact Janet Coulthart: janet.coulthart@mail.doc.gov

Supporting 100% surety bonds into American Samoa and other US Pacific territories

One new partnership for NZECO is with AIG Australia Ltd. We have entered into an arrangement to assist New Zealand exporters secure surety bonds into American Samoa and other US Pacific territories. Under this arrangement, NZECO guarantees the successful performance of the New Zealand firm, which enables AIG Australia to issue the required surety bonds. It is designed to assist New Zealand exporters bid for US Government funded projects in American Samoa or other Pacific territories with confidence that they can provide a surety bond. This arrangement is based on our successful arrangement that we have had with Liberty Mutual in North America. To date we have underwritten surety bonds ranging from USD 1 million to USD 21 million in support of New Zealand companies delivering airport baggage handling, construction, public safety and ICT projects, with total exports supported of approximately \$120m. [Read more](#)

AmCham-Meteoroid Program/Wharf 42 Webinars

Understanding US company structures & legal contracts

Wed, Apr 1, 3:00 PM New Zealand Standard Time

Please join my meeting from your computer, tablet or smartphone. <https://global.gotomeeting.com/join/827006685>

You can also dial in using your phone. United States (Long distance): +1 (571) 317-3131 **Access Code:** 827-006-685 More phone numbers: <https://global.gotomeeting.com/827006685/numbersdisplay.html>

The 'Understanding US company structures & legal contracts' webinar is being presented by Zachary D. Norris, JD, LL.M and Ada Echetebe, JD, LL.M of Norris Legal Consulting. Norris Legal Consulting is an Auckland-based US Legal specialist firm of attorneys.

Preparing your IP Strategy for the US market

Wed, Apr 15, 9:00 AM New Zealand Summer Time

Please join my meeting from your computer, tablet or smartphone. <https://global.gotomeeting.com/join/528694013>

You can also dial in using your phone. United States (Long distance): +1 (571) 317-3122 **Access Code:** 528-694-013 More phone numbers: <https://global.gotomeeting.com/528694013/numbersdisplay.html>

The 'Preparing your IP strategy for the US Market' webinar is being presented by Paul Davies, Head of Intellectual Property, at Everedge IP. Everedge IP is one of the world's top three [intellectual property](#) strategy and technology commercialization firms (based in [New Zealand](#), [United Kingdom](#) and [USA](#)).

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HOTELS AND RESORTS

AUCKLAND

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From NZTE

The US - big opportunity, big risk (part 3)

In the last instalment of a three-part series on the intellectual property risk for New Zealand businesses in the US, EverEdgeIP CEO, Paul Adams, discusses what has changed in recent years to increase the intellectual property-related risk in the US market. [Read more](#)

From ExportX

[1Above Selects ExportX to Manage Amazon Sales](#)

1Above, the anti-jetlag flight drink, will soon be available in tablet form through Amazon.com in the USA. 1Above is formulated to help fight ... [Read on](#)

[Bruns Tool Holders to the USA](#)

The Bruns Tool Holder will soon be available in the USA through ExportX. In 1986, the Harsewinkel-based German company Bruns began production of ... [Read on](#)

[Victory Knives to Enter USA with ExportX](#)

New Zealand knife manufacturer Victory Knives, established 1927, has selected ExportX to represent its products in the USA. The Victory range includes the high-tech XTB Sailor's ... [Read on](#)

From United States Connect

Comprehensive listing of industry clusters in the U.S.

The U.S. Cluster Mapping Project is a national economic initiative that provides over 50 million open data records on industry clusters and regional business environments in the United States. This is a great tool for any company looking to set up a presence in the U.S. or segment the market by industry. (US Cluster Mapping). [Read more.](#)

8 best industries for starting a business right now

Here is *Inc.*'s annual look at the best industries for starting a business in the US, in sectors with the most promising opportunities for new entrants. (Inc). [Read more.](#)

FOR YOUR DIARY

- 29th April Auckland CEO lunch (invitation only)
- 30th April Doing Business with the USA Roadshow to Wellington
- 1st May Wellington CEO lunch (invitation only)
- 21st May Seminar - How to design a lean mean and strategy with Palladium Group Australia
- 26th May Auckland CEO lunch (invitation only)
- 28th May AGM & AGM Reception at AUT University, Auckland

To be rescheduled – Meet the Class of 2015, Auckland in association with Exceltium Ltd

MEMBER NEWS

New Members

Maurice Trapp Group, Auckland – **Jason Armishaw**, Financial Advisor - Maurice Trapp Group are experts in risk management and succession planning for small to medium sized New Zealand businesses, business owners and their people. We can provide your business with a safety net if things go wrong! www.mauricetrapp.com

Lotus Belle NZ Ltd, Auckland – **Mike Walsh**, Director – distributor of speciality tents canvas tents, mostly by on-line sale and looking to grow in the US market. <http://lotusbelle.com/>

United States Australia Tax Service, Sydney – **Tony Eaton**, Client Relationship/Business Development Director - a boutique international tax firm, focused on assisting individuals, expatriates, and businesses with US, AU, and NZ tax planning, consulting, and return preparation where there is a connection with either the United States, Australia, and/or New Zealand. While the IRS does not have offices in Australia, we serve clients all over Australia, Asia and the United States from offices in Sydney, Bangkok and San Francisco California. <http://usautax.com/>

Zespri International Ltd, Mt Maunganui – **Nick Kirton**, Government Relations Manager - the world's largest marketer of kiwifruit, selling kiwifruit into more than 53 countries and managing 30 percent of the global volume. www.zespri.com

MEMBER NEWS (Continued from page 4)

AmCham to celebrate 50 years in 2015

AmCham was first registered on 16th March 1965 as the American Trade Association of New Zealand. To celebrate 50 years we will be making our annual awards dinner a major gala event and will be inviting past presidents, former Ambassadors and other key people who have played a significant role in AmCham over the decades, to the dinner.

We could not have achieved this milestone with our the support of our members, four of whom have been with us for all 50 years – **3M New Zealand, Air New Zealand, ANZ Bank, and IBM New Zealand.** We will recognise their support as well as presenting 25 year membership awards to - **Citibank NA New Zealand, Crown Worldwide (NZ) Ltd and Deloitte.**

Congratulations to Milmeq

Milmeq, which designs, engineers and manufactures systems for primary food processing, has doubled export revenue in the past two years. Its technology success has not gone unnoticed - earlier in the month it won both the supreme and export awards at the Westpac Business Awards and tonight won the innovation category of the New Zealand International Business Awards. Source: NBR

GE Capital sells Australasian consumer finance arm for \$8.6 billion

The New Zealand and Australian consumer finance businesses of GE Capital have been sold for about \$8.6 billion in one of the region's largest private equity transactions ever.

Businesses including GE Money, GE CreditLine, GEM Visa card and the Countdown OneCard Visa credit card were bought by an investor group including American multinational private equity firm KKR & Co., Deutsche Bank and \$13.6b investment firm Värde Partners. Source: NBR

Douglas Pharmaceuticals diversifies, shoots for near quarter-billion dollar turnover

Douglas Pharmaceuticals, New Zealand's largest developer and manufacturer of generic pharmaceuticals, is targeting annual revenues of \$244 million by 2020 from \$145 million today as it diversifies and seeks higher risk, higher reward opportunities in novel drug development. Source NBR. [Read more](#)

DLA Piper Arrives In New Zealand

We are delighted to update you, our valued contact, on a significant change for our firm and for the value, services and insights we deliver to you and your organisation. From today, we will be DLA Piper New Zealand, the first global business law firm operating in New Zealand. [Read more.](#)

Baldwins' attorneys ranked 'Best Lawyers' in New Zealand

Baldwins Intellectual Property is thrilled to announce that seven of its attorneys were recently selected by their peers for inclusion in *The Best Lawyers in New Zealand*. [Read more](#)

Jetpack maker Martin Aircraft raises \$28 million lists on ASX

Christchurch's Martin Aircraft, developer of the "jetpack" flying machine, has raised A\$27 million (\$28.2 million) in a public offer of 67.5 million shares to commercialise the machine. A Chinese entrepreneurial investor bought most of the shares. Chief executive Peter Coker said there were also other new investors and a "considerable New Zealand interest" in the shares selling for A40c a share, discounted from an initial price of A50c.

Coker said the company had raised the A\$27m it was seeking. The stock opened trading at A60c, compared to the A40c offer price, valuing the company at \$A103 million. Source: NBR

People on the move:

June Tienstra has been appointed Sales & Marketing Manager ANZ Region, **3M Electrical Markets Division** for Australia and New Zealand
Abbie Ltd has appointed **Craig Skelton** as Country Manager.

Glen Milnes, CEO of **ikeGPS** is relocating to their US office in Westminster/Boulder, Colorado

Baldwins have recently appointed **Paul Johns** as Head of Dispute Resolution in their Auckland office.

DLA Piper New Zealand has appointed employment law and health and safety expert **Laura Scampion** as a Partner

DHL Express has appointed **Karl Goble** to the role of Marketing Communications Manager

Jackson Cox, founder and CEO of **Woodmont International** based in Mongolia has been appointed as President of the **Asia Pacific Council of American Chambers of Commerce.**

Seeking work

My name is Josh Clarke. I graduated from AUT in 2013 with a bachelor of business degree, majoring in economics and finance. Since graduating, I have worked in Wellington as an analyst on a fixed term contract and are studying towards the CFA qualification. I will be sitting the level 2 exam in June. At AUT, I graduated in the top 10% of business students, allowing me to join the Beta Gamma Sigma business fraternity.

(Continued on page 6)

BUSINESS TRAVEL INSURANCE
FROM ACE acegroup.com/nz



Seeking work (Continued from page 5)

During my time at university, I studied abroad in America. I was also involved in the CFA research team, winning the New Zealand competition and placing second in the Asia-Pacific regional finals. I have a keen interest in the financial markets and are seeking a development role in the investment or financial services industry. I enjoy researching, analysing companies and solving problems. It would be great to meet with anyone who has potential opportunities that may suit me. Contact: josh.clarke@gmail.com

ISA (International Studies Abroad) seeking placement for students

International Studies Abroad has 11 students seeking short term placements ranging from 6-10 weeks commencing from 2 June. Areas of interest:

- ◇ Sports Management/Sports Studies
- ◇ Addiction and Recovery
- ◇ Marketing, Management & Communication
- ◇ Film Production
- ◇ Physical/Occupational/Sports Therapy
- ◇ Health Sciences, Psychology, Education
- ◇ Biochemistry, Biotechnology, Pharmacology
- ◇ Business Admin, Business Management, Finance, Commercial Real Estate

For details on the students see: <http://amcham.co.nz/Employment> or contact: Ihaka Tunui | Resident Director - Internships Coordinator NZ, Auckland, New Zealand ISA (International Studies Abroad) Phone: (+64) 021-045-4369 Email: itunui@studiesabroad.com, Website: www.studiesabroad.com

Support the USA team at the FIFA U-20 World Cup – corporate support wanted

The USA U-20 soccer team will be here for the FIFA U-20 World Cup playing 3 qualifying matches.

- ⇒ 30 May v Myanmar at Whangarei
- ⇒ 2 June v New Zealand at North Harbour Stadium Auckland
- ⇒ 5 June v Ukraine at North Harbour Stadium Auckland

FIFA are looking for every stadium to be filled and they are hoping that New Zealanders will get in and support all the teams.

A variety of hospitality options are now available, from private suites & boxes to formal and informal shared lounges, offering first class food & beverages as well as seats in a prime location. To enquire about the various opportunities or register your interest, please contact Noel Barkley, noel@fifau20.co.nz or Tel: 09 307 3320 Mob: + 64 21904148

Expression of Interest - 2016 American Football Southern Bowl

In 2016 American Football Southern Bowl will arrive in New Zealand, East will play West in a two game series that will showcase American Football at its finest, in a first time event to ever hit New Zealand. The two game series will start in Auckland at Eden Park – New Zealand largest outdoor arena on March 5th before moving to Westpac Stadium on 12th March (The Cake Tin). There will be an audience of over 85,000 spectators at both games.

The series will also be filmed for both National and International television and made available to our television partner, we are currently in discussion for TV rights. We will also be producing and filming a documentary on the players visiting NZ - behind the scenes, what they do in New Zealand and tourism visits.

Opportunities

- | | |
|---|---|
| • Naming Rights to 2016 American Football Southern Bowl | • Name on player's uniform |
| • Team sponsorship | • Stadium signage |
| • Partnerships – Travel, Accommodation | • Advertising in the exclusive event souvenir programme |
| • Corporate hospitality | • Facebook and other social media platforms |
| | • Documentary naming |

I would like to invite expressions of interest from you to discuss this opportunity further. Please take a look at our website <http://www.dpinternational.co.nz/>

NZ World Corporate Golf Challenge - entries open

Welcome to World Corporate Golf Challenge in New Zealand. The WCGC has been held each year since 1993 with more than 1 million golfers playing in qualifying events in over 40 countries. National Winners from each of these countries are treated to a 'once in a lifetime' week of golf at some of the best golf destinations at the annual World Finals. This year it is being held in Cascais, Portugal.

The NZ series of the event will be held in the autumn of 2015 with regional qualifying events to be held in:

Christchurch – Clearwater 9 April;

(Continued on page 7)



Supporting



WORLD CORPORATE GOLF CHALLENGE (Continued from page 6)

Auckland - Muriwai Golf Club, Auckland 16 April; Akarana Golf Club, Auckland 5 May; Wellington (tbc).

The National Final - Thursday 21st May - Clearwater Golf Club, Christchurch

Format: 2 x person teams combined stableford.

For further details and to register see <http://newzealand.worldcorporategolfchallenge.com/> or contact NZ Licence Holder, Mike Gibson - 027 294 0551

BUSINESS TRAVEL & TRAVEL NEWS

News, views and information for Amcham business travellers from **Grant Bevin**, Managing Director Business World Travel.

Business World Travel is a member of GlobalStar Travel Management

BWT introduces Virtuoso to our Amcham clients

Business World Travel has been accepted as a **Virtuoso** member and our Private Clients and Leisure Travellers will benefit. So too will our discerning Business Travellers who enjoy quality surroundings that bring exceptional additional benefits. **Virtuoso** is a US based network of the world's leading travel agency experts who are all industry leading travel advisers. The entire BWT team qualifies in this category and we'll be delivering significant benefits to you – early check-in and late checkout at many **hotels**, room upgrades and often credits for hotel restaurants and spa's. As an example one of our hotels is the well-located InterContinental Century City in Los Angeles where our clients will receive a guaranteed upgrade at time of booking (from Superior room to One Bedroom Executive King Suite), daily breakfast for up to two in-room guests, a \$100 USD Food & Beverage credit and early check-in/late check-out (subject to availability). Our **Cruise** clients also receive special sightseeing tours and cabin upgrades on Cruises. The list goes on. True value and the **Virtuoso** benefits are available in many countries! Moreover it's the recognition you deserve from hotels around the world as a **Business World Travel Virtuoso** client. Call Clare Gilbertson in Wellington, Grant Bevin, Marie Easton-Myers or Megan Dawson in Auckland to discuss your travel with us and we'll then introduce you to one of our **Virtuoso Travel Advisers here at BWT**. www.virtuoso.com

Airlines

Its worth considering upgrading your economy class **Hawaiian Airlines** seat to their '**Extra Comfort**' seating on board flights between Auckland and Honolulu. Pay an additional \$125 over the economy class airfare and you get a seat with 5 inches more leg room and priority boarding.

Airlines changes from the Northern Winter to Northern Summer schedules from April when the capacity comes off longhaul routes to Australia and New Zealand and is ramped up in the Northern Hemisphere for their summer. **Air New Zealand's** USA schedule has some slight changes:

Auckland to Los Angeles

NZ004 Departs 1545hrs Lands 0900hrs Mon/Thu/Sat/Sun (from July)

NZ006 Departs 1915hrs Lands 1230hrs Daily

NZ002 Departs 2140hrs Lands 1455hrs Daily (continues to London Heathrow)

Auckland to San Francisco

NZ008 Departs 1935hrs Lands 1250hrs

Air New Zealand is now at home in the updated **Tom Bradley International Terminal** at Los Angeles and this makes for an improved connection experience to their international Star Alliance partners. If travelling onward to Europe there is very good connections with **Lufthansa** to both Frankfurt and Munich within the same terminal. Travellers still have to clear immigration and luggage but it offers less hassle given you are in the same terminal. New Zealand passport holders' transiting onward to Europe still require Visa Waiver ESTA's. Ask our team at BWT for assistance.

If you combine your USA trips with business in **South America** you'll be interested to note that **LAN** will be using the Boeing 787 on their daily flights from mid-April between Auckland and Santiago, Chile. **LAN**, along with its Brazilian division TAM operate from Santiago and Sao Paulo to Miami, New York, Toronto, San Francisco and Los Angeles. The Auckland to Santiago sector is usually a heavily subscribed flight but unfortunately the new aircraft has only 30 Business Class lie flat seats instead of the current A340's 42 seats. Advance booking will be essential. Economy Class has about the same number of seats.

Executive Leisure If you have a layover at Los Angeles airport of a few hours then we recommend a trip to Santa Monica for a meal, some shopping and a walk around in the fresh air. In off-peak traffic its no more than a 20 minute ride from the airport at LAX. The very popular Farmers Market is held every Wednesday, Saturday and Sunday

Check out our website at www.bwt.co.nz

Reviewing your Corporate Travel? Call our Team:

Clare Gilbertson Business World Travel Wellington 04-470 6044 cgilbertson@bwt.co.nz

Grant Bevin Business World Travel Auckland 09-529 3700 gbevin@bwt.co.nz



LEGAL ISSUES

Norris Legal Consulting – American Law Specialists

In partnership with the Chamber, our objective is to provide Chamber members with information on the complex US legal landscape, which might assist in US-NZ business relationships, and to assist NZ businesses expanding into the lucrative US markets. In our monthly column, we write about legal issues which we deal with in our representation of NZ businesses doing business in and with the US, however, we are also open to suggestions on topics about which members are interested in learning. So, please feel free to email us with your comments, questions and any suggested topics at info@nz-uslegal.co.nz.

The UCC Lien

For those businesses unfamiliar with US commercial law it is important to understand how integral the Uniform Commercial Code (the "UCC") is to this particular field of law. The UCC is a collection of model codes which was originally drafted by the American Law Institute and was adopted by each state legislature separately in either its original proposed form, or as modified to meet each state's particular local customs. The purpose of the UCC was to standardize commercial law throughout the United States. The UCC regulates the buying, selling, and leasing of goods, banking, storage and transport of goods (including bills of lading), securities, and secured transactions. With harmonized law regulating each step of a transaction in the sale of goods, businesses in the US now have a much easier time of standardizing their commercial contracting practices. Accordingly, it is important that NZ businesses selling their goods into the United States have at least a basic understanding of the UCC.

For the purposes of this article, we will focus the secured transaction rules of the UCC, which are located in Article 9. A "secured transaction" is one in which a security interest is retained in a party's property in connection with the transaction. For instance, a seller can retain a security interest in the goods being sold to a buyer until the buyer makes payment for those goods. It specifically comes into play when a New Zealand business sells goods into the United States on terms of credit. Typically, NZ businesses will send their goods to their US distributors or retailers and allow full or partial payment for those goods after the goods are received and accepted. While some NZ businesses do this without any sort of protection from non-payment, many will also require a "letter of credit" from the buyer.

A "letter of credit" is an arrangement with the buyer's bank wherein payment for the goods is guaranteed by the bank on behalf of the buyer if the "terms" of the letter are met. The terms of the letter often state that payment will not be made on purchased goods unless the goods are delivered exactly on time, with all the necessary documentation, in acceptable condition, and in the exact quantity ordered. While a letter of credit should form a part of any regular international transaction, such as an NZ business selling its goods into the US, the letter of credit mechanism leaves the NZ seller vulnerable and exposed to risk on several accounts. First and foremost of these risks may be the buyer or distributor's unwillingness to take on the costs of securing a letter of credit. For new or small businesses this can be a particular hardship if they are unable to meet the bank's credit rating requirements. Also, the NZ seller can often run into problems with collection on the letter of credit because they fail to meet one of the letter of credit's strict triggering requirements. For example, if any part of the shipment is damaged during transit, or there is a third-party delay which prevents the shipment from being received on time, the bank can refuse to honor the letter of credit. This sort of event is not generally the fault of the NZ seller, yet the NZ seller is left holding bag without security for payment where the partially conforming goods have been delivered.

In order to secure recourse for these sort of situations (ie, where the letter of credit is either unobtainable by the buyer or the terms of the letter cannot be met by the seller), the seller has the option of asserting a security interest lien on the goods under Article 9 of the UCC. Specifically, Article 9 authorizes a lien on the buyer's personal property (usually the goods themselves, but sometimes extending to other personal property of the buyer pledged as collateral). To obtain this lien, the Sales Contract or Terms of Sale must include a specific provision which invokes the Article 9 security interest and specifically defines the collateral. Once the buyer accepts this term and accepts the goods, the lien is said to have "attached" to the pledged collateral. In order to finalize the lien, the buyer must then "perfect" the lien by (in most cases) filing a UCC-1 Form Financing Statement.

A Financing Statement is a form document filed in the US public records which gives public notice that there is a security interest in certain personal property. It requires the disclosure of the names of the debtor and generally describes the collateral to which the lien applies. The method for filing a Financing Statement differs slightly from state to state, but is generally done through the state's Secretary of State Office. Once the Financing Statement is filed with the appropriate state office, it gives the NZ business the right to repossess the goods sold (or other collateral). The goods can then be auctioned under the UCC's rules and the money obtained through the auction is used to reduce the debt owed by the buyer. All of this can be accomplished without having to file anything with the local court if the repossession can take place without disturbing the peace.

The ability to seize and sell collateral greatly increases the likelihood of at least a partial payment on the conforming goods received by the buyer in the transaction. Further, the process for filing the lien by way of the UCC-1 Form Financing Statement is simple and inexpensive. Finally, when combined with a letter of credit, the UCC lien provides a New Zealand business selling its goods into the US on credit with a robust payment security mechanism. NZ businesses should review their Terms of Sale and Sales Contracts to ensure that they include this valuable and powerful collection tool.

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AMCHAM SPORT

Hawaiian Airlines-AmCham Ambrose Auckland Golf Tournament

The Hawaiian Airlines-AmCham Auckland Ambrose Golf Tournament was held on 20th February at The Grange. It was great to see some old friends returning as well as some now ones. We welcomed a new major sponsor in the Fine Wine Delivery Company who provided the wines including Champagne Gardet.

The winning team was the RPM Tool & Dye No 1 team Peter Smith, Aaron Dwight, John Kennelly & Jim Hunter (See photograph of the winners below).

Second was the Office Max team

Third was the Rosebank Business Association team

Nearest the pin on 8th sponsored by the Fine Wine Delivery company - Tomas Riberio

Nearest the pin on 15th sponsored by the Fine Wine Delivery company – Scott Russ

Longest drive on 18th sponsored by Coface – Tony Phillips

Our thanks to our lead sponsors:

Hawaiian Airlines – Russell Williss

Fine Wine Delivery Company – Jeff Poole

Hole sponsors:

Coface – Chris Murphy

Eagle Technology Ltd – Gary Langford & Duane Eagle

Rosebank Business Association – Mike Gibson

Prize sponsors:

ASB

Bell Gully

Citibank

New Zealand Screen Association

Office Max

Urban Turban restaurant

A very special thanks to:

Hawaiian Airlines – Russell Williss who put up 100,000 Hawaiian Miles for the first person to achieve a hole in one on 15th. This is not achieved so a business card draw was made. The winner was Surinder Ogra from ASB Bank. →

Our thanks to Mark & Judith in the office; Jason & team in the pro-shop; Jesse & the bar staff; and caterers at Grange Golf Club at the Grange for again making us so welcome.

