

# AMCHAM NEWS

## American Chamber of Commerce in New Zealand

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### TPP Negotiators Press Ahead in Malaysia, Welcome Japan's Entry - USTR

Officials reported today that they achieved further strong progress at the 18th round of Trans-Pacific Partnership (TPP) negotiations, which ended today, keeping their eyes fixed on the goal set by President Obama and the other TPP Leaders of concluding a high-standard, comprehensive agreement this year, while welcoming Japan's entry into the negotiations. Through the TPP, the United States is seeking to advance a 21st-century trade and investment framework that will boost competitiveness, expand trade and investment with the robust economies of the Asia Pacific, and support the creation and retention of U.S. jobs, while promoting core U.S. principles on labor rights, environmental protection, and transparency.

Following the guidance of the trade ministers from the United States and the other TPP countries prior to this round – Australia, Brunei Darussalam, Canada, Chile, Malaysia, Mexico, New Zealand, Peru, Singapore, and Vietnam – the negotiating groups covering market access, rules of origin, technical barriers to trade, investment, financial services, e-commerce, and transparency reached agreement on a wide range of technical issues in the legal texts of these chapters, which set the rules that govern the conduct of their trade and investment relations. They also found common ground on issues that allowed them to make progress in the negotiating groups covering intellectual property, competition, and environment. In addition, each group developed a detailed plan for closing remaining issues and completing their work.

The negotiators also moved ahead in their efforts to construct the ambitious packages that will provide access to their respective markets for industrial, agricultural and textile and apparel products, services and investment, and government procurement. They agreed on next steps and an overall plan for achieving these market access outcomes in the timeframe agreed by Leaders.

Throughout the talks, negotiators reflected the wide range of views provided to them by their stakeholders on the best pathway to promote trade and investment, regional integration, and jobs in the United States and the other TPP countries. The TPP negotiations were temporarily adjourned on July 20 so the delegates could listen to and share information with more than 200 stakeholders from the United States and across the TPP region. Stakeholders also met informally with U.S. and other negotiators to provide further detailed information. U.S. chief negotiator Barbara Weisel and her fellow TPP chief negotiators also briefed stakeholders on the status of the negotiations and responded to their questions on specific issues and the process going forward.

On July 23, the United States and the other TPP countries welcomed Japan as the 12th member of the negotiations, following the successful completion of the respective domestic procedures of the United States and the other existing TPP members. Japan received detailed updates on the status of the negotiations and participated actively in the work of the negotiating groups that were meeting on those dates, expressing its commitment to integrate quickly and smoothly into the process. With Japan's entry, TPP countries now account for nearly 40 percent of global GDP and about one-third of all world trade.

Ministers from the TPP countries have been in close touch on TPP over the past month. Over the past week, USTR Froman met in Washington with Vietnamese Trade Minister Hoang, Bruneian Trade Minister Pehin Lim, and Japanese Minister for the Economy, Trade and Industry Motegi, and spoke by phone with Director General Jana of Chile's trade ministry (DIRECON) and Mexican Economy Minister Guajardo. Additionally, Ambassador Froman met with Vietnamese President Truong Tan Sang during President Sang's visit to Washington, D.C. this week.

Ambassador Froman and the other TPP ministers plan to engage regularly in the coming weeks ahead of the next round to find solutions to the sensitive issues that remain, guide the work of negotiators, and keep the negotiations moving expeditiously toward a high-standard outcome the TPP Leaders agreed to seek.

The 19th round of TPP negotiations will be held in Brunei from August 22-30

In a recent speech Vice President Biden stated that "this TPP effort of ours, we believe it is also doable. And we're working hard to get this done this year".

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## **Video: The Dialog with the Hon. Tim Groser**

*New Zealand trade minister Tim Groser talks to Murray Hiebert, senior fellow and deputy director of the CSIS Pacific Partners Initiative, about the ongoing negotiations for a Trans-Pacific Partnership (TPP) free trade agreement... [Listen to Dialog >>](#)*

## **United States and Vietnam Agree to Intensify TPP Engagement, Aim to Reach Comprehensive Agreement This Year**

Ambassador Michael Froman met today with Vietnam's President Truong Tan Sang and Minister of Industry and Trade Vu Huy Hoang to discuss the Trans-Pacific Partnership (TPP) negotiations. They reaffirmed the objective of concluding the Trans-Pacific Partnership (TPP) this year as a shared priority for both countries. All welcomed the significant progress being made during the round of TPP negotiations in Malaysia this week, and agreed to direct their negotiators to intensify engagement on a range of market access and rules issues with a view to resolving outstanding matters as quickly as possible.

"Vietnam has come a long way in addressing its own challenges to meet the high standards of the TPP, but we still have work to do together," said Ambassador Froman. "I expect that the discussion over the coming weeks leading up to the APEC Leaders' Meeting in October will be crucial in this process, and the United States is committed to continuing its close engagement with Vietnam to reach an ambitious, high-standard agreement with all our TPP partners."

The ministers agreed that successful completion of a comprehensive TPP would strengthen economic ties between the two countries, promoting economic growth and development and supporting creation and retention of jobs.

## **US Chamber Steps up TPP Advocacy in Malaysia, Japan**

A delegation of U.S. Chamber members and staff stepped up their advocacy on the Trans-Pacific Partnership (TPP) at the 18th round of negotiations concluded on July 25 in Kota Kinabalu, Malaysia. According to a fact sheet from the Office of the U.S. Trade Representative (USTR), officials reported that they achieved "further strong progress" toward the goal set by President Obama and other TPP leaders of concluding a high-standard, comprehensive agreement this year, while welcoming Japan's entry into the negotiations. Officials also announced the 19th round of TPP negotiations will be held in Brunei on August 22-30.

In addition, the U.S. Chamber on July 23 joined with 47 other business associations to send a letter to U.S. Trade Representative Michael Froman noting that "the broader interests of the United States are best met through further trade liberalization -- at home as well as abroad, including with respect to the few sectors of the U.S. economy, such as textiles and apparel, sugar, and footwear, that continue to receive relatively substantial protection from import competition compared to most other sectors. From the beginning, we have advocated as an overarching priority for no exclusion of specific sectors or commodities from commitments in these negotiations and for the phasing out of all tariffs and other market-access barriers... market access commitments by the United States will help to advance the priorities of U.S. businesses in establishing strong rules for international trade and more open markets in other TPP countries."

Immediately before the negotiating round in Malaysia, the Chamber led a business delegation to Tokyo

on July 16-18 -- prior to Japan's entry to the TPP negotiations -- to meet with Japanese business groups and officials from various ministries to discuss priorities for the negotiations. As the talks enter their final stage, the Chamber is conducting outreach in TPP capitals to strategize on common objectives, compare notes on areas of divergence, and underscore the U.S. business community's keen interest in an ambitious, comprehensive, and high-standard agreement that will spur growth and create jobs among all TPP partners.

The Chamber delegation met with Japan's three major business organizations -- the Japan Chamber of Commerce and Industry (JCCI), Keizai Doyukai (Japan Association of Corporate Executives), and Keidanren -- as well as senior Japanese government representatives and U.S. Embassy officials. The trip opened with a meeting with members of the American Chamber of Commerce in Japan (ACCJ) and U.S.-Japan Business Council (USJBC) to assess the situation and compare strategy.

In each meeting, strong support was expressed for Japan's entry into TPP. Against this positive backdrop, the objectives were to give Japanese business groups and government officials a better understanding of the substance and political dynamics on key issues in the TPP negotiations such as intellectual property, investment, procurement, competition, state-owned enterprises, cross-border data flows, regulatory coherence, and supply chain, and customs and trade facilitation. The delegation stressed that the United States and Japan have common goals in many of these areas and should work together in the negotiations to secure the strongest rules to support them.

As with recent visits to Ottawa and Canberra, the delegation urged Japan's business groups to stand shoulder to shoulder with their U.S. counterparts in pressing for a high-standard outcome, lest the TPP ultimately fail to deliver on its promise and garner insufficient support. In virtually all meetings, Japanese officials insisted they share these objectives and pledged to work closely with U.S. business groups and government to move the TPP forward. Officials further emphasized that they consider the TPP a vital part of the new government's economic reform plans, which prioritize opening the Japanese economy further to trade and foreign investment.

## **Lobby group demands to know why copyright law review delayed until TPP talks complete**

See article [here](#)

## New Agricultural Trade Envoy appointed

Trade Minister Tim Groser and Primary Industries Minister Nathan Guy recently announced the appointment of Mike Petersen to the position of New Zealand Special Agriculture Trade Envoy (SATE).

The role is to advocate for New Zealand's agriculture trade interests, from the perspective of a practicing farmer. Petersen replaces Alistair Polson, who has held the SATE role since 2005.

"In the immediate term, Petersen's priority will be to coordinate support among international farmer groups for a comprehensive outcome on agriculture in the Trans-Pacific Partnership trade negotiations," says Mr Groser.

## Trade Secrets and Confidential Information (for doing business in USA)

By Chris Young of Minter Ellison Rudd Watts

Trade secrets and confidential information are often important business assets protecting ideas, concepts, knowhow and technology. Particularly early on in business negotiations, confidential information is frequently the only effective protection available where businesses are disclosing valuable information to each other and have not at that point developed other IP rights. In New Zealand and the US, protection is provided through contract (non disclosure agreements or confidentiality agreements (NDA)), and through the general law protections against breach of confidence.

In a recent US case decided on 1 July 2013, *Convolve, Inc & Massachusetts Institute of Technology v. Compaq Computer Corporation and Seagate Technology LLC and Seagate Technology Inc.* there was an appeal from the United States District Court to the United States Court of Appeals for the Federal Circuit dealing with an attempt to prevent use of confidential information disclosed during negotiations after those negotiations failed.

This case is a timely reminder of the importance of NDAs and how you use them:

- Trade secret misappropriation is a matter of State law – there may be differences from State to State, eg in this case it was noted that New York law did not extend trade secret protection to marketing concepts
- In this case, the NDA in question set up a procedure so that for information to be protected as confidential it needed to be marked confidential, and if not marked, a requirement that it was treated as confidential at the time of disclosure and later designated confidential in a written memorandum. During negotiations these specific requirements were not followed. Convolve's argument that the parties had effectively waived the requirement to comply with the specific procedures of the NDA by their conduct during the negotiations and their acceptance of the confidentiality of the information, was not accepted by the courts
- Not only was Convolve unable to rely on the NDA for protection as the procedures had not been followed, but in this case as these companies had entered into a specific contract setting up procedures for the confidential information, disclosure of that information was not able to be protected in the usual manner by the general law protecting trade secrets, ie through a claim of breach of confidence.

### Take Outs

- The importance of confidential information and NDAs should not be underestimated
- The details of an NDA need to be considered and legal advice (including overseas legal advice) obtained where necessary to ensure both that appropriate protection is in place and that there is an understanding of the implications of the particular local law on the regime
- Where an NDA prescribes procedures – comply with them
- Given risks if not followed, when trying to protect confidential information it can be better to avoid imposing procedures in an NDA, for example on identifying and marking confidential information
- In an NDA where you are the party disclosing information, try to expressly preserve in the NDA all your other rights of confidence at law or otherwise. The interpretation of this may vary from jurisdiction to jurisdiction, but it is a good starting point to try to preserve other legal protection that may be available.

## Article on The Report of the Commission on the Theft of American Intellectual Property by BM, IPR Enforcement, NZ music industry

This article highlights the Report of the Commission on the Theft of American Intellectual Property, published on behalf of The Commission on the Theft of American Intellectual Property by the National Bureau of Asian Research, May 2013.

*(Continued on page 4)*



Supporting AmCham

(Continued from page 3)

The Commission on the Theft of American Intellectual Property is an independent and bipartisan initiative of leading Americans from the private sector, public service in national security and foreign affairs, academe, and politics<sup>1</sup>.

The three purposes of the Commission<sup>2</sup> are to:

- Document and assess the causes, scale, and other major dimensions of international intellectual property theft as they affect the United States
- Document and assess the role of China in international intellectual property theft
- Propose appropriate U.S. policy responses that would mitigate ongoing and future damage and obtain greater enforcement of intellectual property rights by China and other infringers

The report was written by several leading Americans from a wide range of industries and experience<sup>3</sup>; from the two co-chairs; Admiral (Rtd.) Dennis C. Blair and Jon M. Hunstman Jr, Slade Gorton (former U.S. Senator, the State of Washington), Craig R. Barrett (former CEO Intel Corporation) to Michael K. Young (President of the University of Washington).

The article was written to publically highlight the contemporary issues facing the United States of America (USA) in relation to the widespread theft of American intellectual property (IP) of an estimated value of hundreds of billions of dollar (US) per year<sup>4</sup>.

The USA has been the significant leader in the development, support and commercialisation of IP since the Industrial Revolution but has recently noticed substantial financial losses from IP theft across all sectors (public/private) but significantly from technology and defense IP.

While the Report clearly identifies the Peoples' Republic of China (PRC) as the current primary infringer, other emerging economic powers such as Russia, India and other weak Intellectual Property Rights (IPR) environments are also contributing to the overall impact. [To read the full article click here](#)

## Daniel R. Russel appointed Assistant Secretary of State for East Asian and Pacific Affairs

Daniel Russel is the Assistant Secretary of State for East Asian and Pacific Affairs and is a career member of the Senior Foreign Service. Prior to his appointment as Assistant Secretary on July 12, 2013, Mr. Russel served at the White House as Special Assistant to the President and National Security Staff Senior Director for Asian Affairs. During his tenure there, he helped formulate President Obama's strategic rebalance to the Asia Pacific Region, including efforts to strengthen alliances, deepen U.S. engagement with multilateral organizations, and expand cooperation with emerging powers in the region.

Prior to joining the NSS in January of 2009, he served as Director of the Office of Japanese Affairs and had assignments as U.S. Consul General in Osaka-Kobe, Japan (2005-2008); Deputy Chief of Mission at the U.S. Embassy in The Hague, Netherlands (2002-2005); Deputy Chief of Mission at the U.S. Embassy in Nicosia, Cyprus (1999-2002); Chief of Staff to the Under Secretary of State for Political Affairs, Ambassador Thomas R. Pickering (1997-99); Special Assistant to the Under Secretary of State for Political Affairs (1995-96); Political Section Unit Chief at U.S. Embassy Seoul, Republic of Korea (1992-95); Political Advisor to the Permanent Representative to the U.S. Mission to the United Nations, Ambassador Pickering (1989-92); Vice Consul in Osaka and Branch Office Manager in Nagoya, Japan (1987-89); and Assistant to the Ambassador to Japan, former Senate Majority Leader Mike Mansfield (1985-87).

## Independence Day Message from President Obama

On Independence Day, we celebrate a small, audacious group of patriots who, in signing a declaration, ignited a revolution and made us free. Believing in a democracy they had never known, the patriots of 1776 did not fight to replace the tyranny of a king with the privileges of a few or the rule of a mob. They created a government of, by, and for the people, entrusting each generation to keep safe our founding creed.

Two hundred and thirty-seven years later, their words are just as bold and revolutionary as they were when they were first inscribed: "We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness." [\[read entire message\]](#)

## Celebrating Independence Day in Auckland & Christchurch

Ambassador Huebner's blog - As in previous years, our Independence Day celebration was not confined to Wellington. After sweeping up at the Reading Cinemas, we packed the bunting and flags and took the party on the road to Auckland and then Christchurch. Over the course of a week we hosted more than 1,200 guests from government, business, education, cultural, community, political, and NGO circles in New Zealand's three largest cities. [See more..](#)

## Exporter Magazine - Destination America

For our cover story in the July/August issue of Exporter we turn our eyes to the North American market, with a special guide to gaining a toe-hold in the US. It's the world's wealthiest, most advanced and arguably most challenging export destination, and one that requires smart collaboration with fellow exporters and/or support organisations in order to succeed. We also talk to ICEHOUSE market validation executive Mark MacLeod-Smith about his research trip to the US and his insights on how to successfully launch to market.

In this complex world of international trade, maintaining the optimum capital structure and choosing the best trade financing options is vital for export success. The latest Exporter features Yoke Har Lee's export finance update And we put the questions to angel investor Steve Saunders – the driving force behind the commercialisation of Rockit apples; founder of Plus Group; co-founder of the Newnham Innovation Park in Bay of Plenty; and a man passionate about business.

If you wish to subscribe to the free digital issue just go to [www.exportermagazine.co.nz/digital](http://www.exportermagazine.co.nz/digital) and fill out the form.

## Unlimited Digital - [Only in America](#) →

Want to conquer the US market? Find out how BIMStop and Vend are making it happen.

## Global Trends in Migration – from Crown Relocations

There are record numbers of international migrants today. An estimated 214 million people live outside their country of citizenship, an increase of 30% from 2000. That's around one in every 33 people. What are different regions of the world doing to cope with the increasing number of migrants and the global economic picture, while trying to stay competitive in a global marketplace?

Different regions have very different policies for dealing with migrant workers. The following survey highlights some of those differences and provides a picture of a world that is unsure what to make of so much mobile labor.

Where are we going?

The majority (59.7%) of all international migrants live in developed regions such as Australia, Europe, Japan, New Zealand and North America, compared to those (40.3%) living in the less developed regions of Africa, Asia (except Japan), Latin America and the Caribbean. Migratory flows to developing countries have slowed to a minimal rate. [Read more..](#)

## SUCCESS STORIES WITH USA

**Deal with US firm rewarding, Comvita says**

**Visitors from the US outnumber those from the UK**

**Kiwi light bulb maker lands deal with major US retailer**

**Jade Software's Master Terminal Wins Another Us Customer**

**Merlot.aero supports Allegiant Air of the USA**

**Simcro sells to Riverside**

**Health firm sees \$100m chance in US**

**Cubic Receives \$125 Million in Orders from the Pacific Rim**

**Air Tahiti Nui Increases Flights to Papeete and LA**

**Speakeasy Brewery's Beers Available in New Zealand**

**Hawkes Bay Winery scoops four medals at San Francisco**

**Mobil Oil invests to meet growing demand for Marine Fuel**

## TRADE, BUSINESS and INVESTMENT OPPORTUNITIES

### Commercial News USA

The July/August issue of Commercial News USA, the official export promotion magazine of the U.S. Department of Commerce, is currently online at <http://cnusa.thinkglobal.us/i/134837>

### 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 2013

For details and support contact Janet Coulthart: [janet.coulthart@mail.doc.gov](mailto:janet.coulthart@mail.doc.gov)

### Mighty Max Cart looking for Distributor

Mighty Max Carts is looking for a distributor for their all-purpose carts. See <http://www.mightymaxcart.com> or contact Jack Clark, [jack@mightymaxcart.com](mailto:jack@mightymaxcart.com)

## FROM NZTE

### Kiwi invasion hits San Francisco

The America's Cup campaign for 2013 officially launched on American Independence Day. And as Emirates Team New Zealand prepare to return the 'auld mug', we take a look at the considerable opportunity the campaign presents for New Zealand to build profile, deepen and make new business contacts internationally. [Read more](#)

### What you need to know about doing business in the US

Fortunes can be made in the United States. Some get lucky and hit it big first time, but generally the road to prosperity is long, challenging and expensive. Trade Commissioner in North America, Duncan Catanach, explains why doing your homework is nowhere more relevant than in the US. [Read more](#)

**Growing NZ businesses through community, conversation and shared learning**



Pernod Ricard New Zealand proud supporter of AmCham.

**TRADE INVESTMENT** (Continued from page 5)

The Kiwi Landing Pad has come a long way since its establishment in 2011. With a vibrant ecosystem in San Francisco and a culture much like New Zealand, the KLP has supported many New Zealand companies to establish a presence in the Bay Area. [Read more](#)

**Culture, values and the process of winning**

The 2013 Better by Design Study Tour kicked off on Sunday night in San Francisco, and although the group has visited diverse organisations — from financial management solutions software company Intuit, innovation and design firm IDEO to Google and Stanford University d.school — there's one word that underscores them all: culture. [Read more](#)

**From Worldwide Access**

SAViQ Anti-Aging Skincare in the USA

SAViQ skincare is now available in the USA through World Wide Access.

**From Council of Great Lakes Governors**

We are currently assisting a company from Pennsylvania, [Unipack, Inc.](#), a manufacturer of OTC (over the counter) drug and personal care products with presence in Europe, South Korea, Middle East countries, and South East Asian countries.

**Mr. Harilal L. Patel, President at Unipack and Mr. Dinesh Patel – VP at Unipack, are highly interested to explore opportunities in New Zealand and wish to meet with potential distributors in person during their upcoming trip to New Zealand (2 and 3 October 2013).**

[Unipack, Inc.](#) is an FDA-registered, USA-based manufacturer of OTC (over the counter) drug and personal care products with very competitive prices.

Established in 1981, headquartered in Pittsburgh, Pennsylvania and the FDA-registered and FDA-inspected manufacturing facility is located in Belleville, New Jersey. Their current customers in USA include major drug store chains such as CVS Caremark, Rite Aid, Walgreens and CDC (Consortium of Drug Chains) as well as Medline of USA.

Just to mention Unipack's product range briefly:

	Product Category	Products
1	Suppositories	Laxative Bisacodyl Suppositories, Glycerin Suppositories, Hemorrhoidal Suppositories, Contra Seed Suppositories
2	Analgesic Products	Analgesic cream (aspirin-free), Pain-Relieving Gels, Roll-On and Spray,
3	Anesthetic Products	Gels and Liquids containing various amounts of Benzocaine
4	Cough and Cold Remedies	Chest Rubs for adults and babies, Vaporizing Steam
5	Antifungal	Fungi Care for treating fungal infections of toe & nail
6	Other OTC Products	Ear Wax Removal Drops, Ear Drying Aid, Poison Ivy Wash
7	Personal Care Products	Baby Oil, Petroleum jelly, Baby Petroleum Jelly, Baby powder

Chamber Members interested in finding out more about this opportunity should call or email Aneta Tavella at the Pennsylvania Trade Office in Sydney on +61 2 9229 8555 or email [aneta@foley.net.au](mailto:aneta@foley.net.au)

**MEMBER NEWS****Buy a ticket to any Amcham event and go into the draw for 2 nights at Wharekauhau luxury resort**

Any AmCham member who has bought (and paid for) or buys a ticket to any AmCham event this year from 1 January through to 31 September will go into the draw for two nights accommodation for two people in a Cottage Suite, including pre-dinner drinks and canapés. A four course gourmet dinner each night and a full country breakfast each morning at Wharekauhau Country Estate. **The stay must be taken before 1<sup>st</sup> December 2013** <http://www.wharekauhau.co.nz>

**AmCham would like to thank Mark Turnbull of Foley Family Wines for this wonderful prize**

**New Members**

**BMW Group New Zealand**, Auckland – **Nina Englert**, Managing Director – Vehicle importer and distributor. BMW is the country's number one premium automotive brand. Almost all BMW Sport Activity Vehicle models for sale locally are produced at BMW's plant in Spartanburg, South Carolina. [www.bmw.co.nz](http://www.bmw.co.nz)

**Milmeq Ltd**, Auckland – **Mike Lightfoot** – Chief Executive Officer - custom design, engineer and manufacture systems for primary food processing, materials handling and chilling and freezing within the protein industry. Systems are developed, designed and delivered for optimum integration within operations for primary food industries, including red meat, poultry, dairy, seafood and horticulture. [www.milmeq.co.nz](http://www.milmeq.co.nz)

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**Transfrontier Holdings, LLC, Florida, USA/Credit & Loan Lincoln Limited, Auckland – Nikolay Parkhomenko, Managing Partner -** Investing in and assisting with ventures in the tech/mobile financial services industries.

## **Recorded Music NZ, the New Voice for NZ Music - Music industry bodies PPNZ Music Licensing & RIANZ merge**

A clearer and more streamlined approach to music licensing and industry representation is forecast to result from the merger of PPNZ Licensing and the Recording Industry Association of NZ.

The two bodies, which carry out licensing and industry representation activities for recording artists and their labels throughout New Zealand, announced today (11 June) they are joining forces under a new name – Recorded Music NZ Limited.

Under the merger, Recorded Music NZ takes on the roles previously carried out by each organisation. Recorded Music NZ divides its operations into three main areas of activity – member services, music licensing, and pro-music.

The new structure comprises a single board of directors and a new chief executive, Damian Vaughan. Vaughan brings with him a strong background in licensing and has held roles with the Performing Rights Society (PRS) in UK and more recently APRA New Zealand.

RIANZ managing director Chris Caddick becomes chairman of Recorded Music NZ. With the restructure now complete, PPNZ acting chairman Henri Eliot (Chief Executive, Board Dynamics) is returning to his role as consultant to the new board bringing independent advice and governance expertise.

## **ACE partners with First Assistance for 24/7 emergency assistance**

ACE Insurance Limited (ACE), part of the ACE Group, global leaders in insurance and reinsurance, today announced that First Assistance is the new provider of the 24-hour emergency assistance services to holders of its Business Travel, Leisure Travel and Expatriate Insurance policies.

Emergency assistance is a vital aspect of any travel-related insurance policy. It should serve to give New Zealand policy holders peace of mind knowing they have New Zealand support available should the unforeseen happen while they are travelling.

Operating from its state-of-the-art operations centre, First Assistance will deliver a range of services including 24-hour worldwide telephone support, emergency travel assistance, emergency medical evacuation, medically supervised repatriation, help in replacing a lost or stolen passport and help in obtaining legal assistance. The partnership also includes a provision for a roadside assistance and breakdown service.

Paul Martin, ACE's Country President for New Zealand, said: "The new partnership with First Assistance forms part of our ongoing commitment to ensure that ACE remains the leading provider of supplementary health and travel insurance solutions in New Zealand. We are very pleased to have First Assistance onboard to provide round-the-clock emergency services for New Zealanders anywhere they travel around the globe."

## **People on the move**

**Ford Motor Company of New Zealand** Managing Director **Neale Hill** has moved to be General Manager of Sales with Ford Australia. **Corey Holter** has moved to NZ from Shanghai to take over as Managing Director.

**Fonterra Cooperative Group Ltd** has appointed former Nestle executive Lukas **Paravicini** as its chief financial officer to take over from **Jonathan Mason**, who retires at the end of September.

**Stamford Plaza Auckland** has created three new positions within its corporate structure to reflect the hotels recent growth and to meet changes to the Auckland tourism / hospitality market. Assistant General Manager – **Admir Mullaaliu**, Senior Business Development Manager – **Natasha Lloyd** and PR & Marketing Manager – **John Moffett**.

**Fred Donovan** is the new Branch Manager in Wellington for **DHL Express (New Zealand) Ltd**

**Leesa Phillips** is taking over from **Delis Fraser** as Market Services Manager, North America at **New Zealand Trade & Enterprise**.

**Leslie Stager** is leaving **Massey University** to return to the USA.

**Deloitte** has appointed 10 new partners - Six of the new partners are effective from 1 June. They are Consulting partners **Darren Wood** (Wellington) and **Hamish Wilson** (Auckland); Corporate Finance partners **Linda Meade** (Wellington) and **Richard Dorset** (Auckland); Tax and Māori Services Group partner **Mark Lash** (Wellington); Deloitte Private partner **Hilton Joll** (Hamilton); and from 1 July, Enterprise Risk Services partner **Catherine Waugh** (Wellington). An additional three partners were appointed earlier this fiscal year – Deloitte Private and Māori Services Group partners **Murray Patchell** and **John McRae** (Rotorua) in March 2013; and Consulting partner **Steve Law** (Christchurch) on 1 December 2012

**Dan Coup** has left the **Meat Industry Association** to take up the role of CEO at the **Deer Industry Association**.



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## FOR YOUR DIARY

8 <sup>th</sup> August	AmCham-DHL Express Success and Innovation Awards, Auckland
20 <sup>th</sup> August	Auckland CEO lunch (invitation only)
21 <sup>st</sup> August	Business War Games with Palladium Group, Auckland
29 <sup>th</sup> August	Craig Heatley, 2012 Ernst & Young Entrepreneur of the Year, Auckland
24 <sup>th</sup> September	Lunch with Mark Adamson, Chief Executive Officer and Managing Director, Fletcher Building, Auckland.

## US NZ CONNECTIONS IN NEW ZEALAND

Kiwi Expat Association – <a href="http://www.keanewzealand.com">www.keanewzealand.com</a>	Wanganui New Zealand American Association <a href="mailto:donnarush@clear.net.nz">donnarush@clear.net.nz</a>
American Club – Auckland <a href="http://www.americanclub.org.nz/">http://www.americanclub.org.nz/</a>	American Women's Network – Wellington <a href="http://www.awn.co.nz">www.awn.co.nz</a>
American Women's Club – Auckland <a href="http://www.awcauckland.com">www.awcauckland.com</a>	American Club of Christchurch – <a href="http://www.american-club-chch.org">www.american-club-chch.org</a>
NZ/American Association, Wellington <a href="http://www.nzaa.org.nz">www.nzaa.org.nz</a>	Kiwi Club of New York Inc - <a href="http://www.kiwiclubny.org">www.kiwiclubny.org</a>

## Online membership database plus companies trading with USA

All members should have received their passwords so please go online and make sure your information is correct so that other members can get see who you are and what you do. [www.amcham.co.nz](http://www.amcham.co.nz)

## Five New 25 Year Members added to role of honour

The following companies will be recognised for their support at this year's awards dinner.

Dun & Bradstreet (New Zealand) Ltd	Ernst & Young Ltd
Federal Express Pacific Inc	Qantas Airways Ltd
Wallenius Wilhelmsen Logistics AS	

## AmCham Role of Honour

### Founding Members:

3M New Zealand, Chartis Insurance New Zealand Limited, Air New Zealand, ANZ Bank, Fonterra Co-Operative Group Ltd, IBM New Zealand, Merck Sharp & Dohme (New Zealand) Ltd, Mobil Oil New Zealand Limited, National Bank of New Zealand

### 25 Year + members:

Ace Insurance Ltd, DHL Express (New Zealand) Ltd, Eagle Technology Ltd, Hesketh Henry, Kensington Swan, KPMG, The Langham Hotel, Dun & Bradstreet (New Zealand) Ltd, Ernst & Young Ltd, Federal Express Pacific Inc, Qantas Airways Ltd, Wallenius Wilhelmsen Logistics AS.

## Join the Fulbright New Zealand 65th Anniversary Celebrations

This year is the 65th Anniversary of the Bilateral Treaty between the United States and New Zealand that established the Fulbright exchange programme in New Zealand. Since 1948, Fulbright New Zealand has supported more than 1,600 New Zealand students, scholars, artists and professionals to study and research in the United States, and over 1,300 Americans have had Fulbright experiences in New Zealand.

On the actual anniversary of the Treaty signing, Saturday 14 September, their Excellencies, Lt Gen The Rt Hon Sir Jerry Mateparae, Governor-General of New Zealand, and Lady Janine Mateparae, are hosting a banquet at Government House in Wellington. A second gala dinner is being held at the beautiful Villa Maria Estate on Saturday 7 September.

As an organisation associated with or from the US, you know well the benefits of the relationships formed during these exchanges and the shared learning and expertise. Fulbrighters have made and continue to make significant contributions in all sectors of New Zealand (and US) society.

As part of the 65th anniversary, Fulbright New Zealand has launched a fundraising appeal to support the provision of additional Fulbright awards in perpetuity, essentially because the current constrained financial environment has meant a reduction in income and thus the number of awards available and more highly deserving applicants being denied a Fulbright experience.

The Gala Dinners, donations (tax deductible) and proceeds from an art auction executed around the gala dinners will contribute to the endowment. For all information about these activities and donations visit <http://www.fulbright.org.nz>

### Fulbright New Zealand Anniversary Gala Dinner, Auckland

Date: Saturday 7th September, 7.00-11.00pm

Location: Villa Maria Estate, 118 Montgomery Road, Mangere

Cost: \$135 per head, \$1,350 per table (GST inclusive)

Bookings: For payment by cheque or direct credit: download the registration form <http://www.fulbright.org.nz/events/65th-anniversary>

For payment by credit card: Link to the Eventbrite event bookings site (booking fees apply) <http://fulbrightauckland.eventbrite.com>

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### Fulbright New Zealand Anniversary Gala Dinner, Wellington

Date: Saturday 14 September, 7.00-10.00pm

Location: Government House, Wellington

Cost: \$135 per head, \$1,350 per table (GST inclusive)

Bookings: For payment by cheque or direct credit: download the registration form <http://www.fulbright.org.nz/events/65th-anniversary>  
For payment by credit card: Link to the Eventbrite event bookings site (booking fees apply) <http://www.fulbright.org.nz/events/65th-anniversary>

## 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

**Santa Monica's** very good Sheraton Delfina Hotel is being re-branded as the **Le Meridien Delfina Santa Monica** as part of a renovation project for the 310 room property. The move sees the more upscale Starwood Hotels brand back in Los Angeles for the first time since they closed the Le Meridien the Beverly Hills in 2007. Le Meridien's signature is the brand's art and culture heritage. Original art is a feature as is bespoke room key cards featuring local artists.

Re-discover your childhood and be welcomed by the unique Lego bell-hop at the new 250-room **Legoland Hotel** at Legoland in California. Rooms are designed around the most popular Lego themes – Pirates, Kingdom, Adventure. Each room features separated sleeping zones for children and parents. As with the Disney Hotels, Lego Hotel guests get early access to the Lego theme park. Tanya Warman, our Travel with Kidz Manager has the details and some great packages. [twarman@bwt.co.nz](mailto:twarman@bwt.co.nz)

To match the insatiable level of demand for Hawaii, **Hawaiian Airlines** has added a temporary 4<sup>th</sup> non-stop service around the September/October school holidays. Business travellers have also been using **Hawaiian** and taking advantage of their direct flights from Honolulu to quite a number of useful US cities – including Portland, Seattle, San Francisco, San Jose, Sacramento, Los Angeles, San Diego, Phoenix, Las Vegas and New York.

**Delta Airlines** has announced a new shuttle service between Los Angeles and San Francisco from September. Tailored to lure business travellers, the service on the top of each hour from 0700hrs will have a 30 minute advance check-in, dedicated check-in counters, gates near security and onboard there will be complimentary newspapers and snacks. The west coast shuttle has been the long-held domain of United and more recently Virgin America, so the route will not be without its competitive tension.

**United** continues to roll out its exclusive **Coast to Coast PS Service** on flights between JFK New York and San Francisco or Los Angeles. The designated aircraft fleet offers **180° lie flat Business Class** seating and is branded as **Business First**.

**Air New Zealand** has given us some good fares for the northern **ski season** for ticketing by 17 August. Excludes flights 05 Dec – 22 Jan. Flights including connections to Denver and Salt Lake City are available from \$1840 return (plus various taxes). When purchasing your flights, accommodation and ski package through Business World Travel's Executive Leisure team there are no additional booking fees for **Amcham Members**. Many of the pre-Season ski package sales conclude this month so this is the week to be booking your US ski holiday.

In **further news** from Air NZ, previously frustrated **Air New Zealand Gold and Gold Elite Frequent Flyers** plus **Koru Club** members will appreciate the reversal of the airline's decision to charge for some **seat assignments** in preferred parts of the aircraft. Those of us without all the status memberships still have the opportunity to pay extra for preferred seat assignments. Air New Zealand has also altered the grey area around who gets first access to frequent flyer **upgrades**. Gold Elites using complimentary upgrade certificates get first access over the paid One Up upgrade requests that any traveller can access; we suggest you get your request in very early.

On the subject of frequent flyer upgrades on any airline, we strongly suggest that you manage your expectations way down. Best chances when using your miles or points for frequent flyer upgrades seem to be on off-peak short haul flights (often Tuesday and Wednesday flights) where the airline has a larger aircraft on the route you are selecting.

## US Service Security Update

US sites to see for updated information visit [www.dhs.gov](http://www.dhs.gov) and [www.safetravel.govt.nz](http://www.safetravel.govt.nz) <http://www.tsa.gov/travelers/index.shtm>

Check out our website at [www.bwt.co.nz](http://www.bwt.co.nz)

Reviewing your Corporate Travel? Call our Team:

Jane Higgie Business World Travel Wellington 04-470 6044 [jhiggie@bwt.co.nz](mailto:jhiggie@bwt.co.nz)

Grant Bevin Business World Travel Auckland 09-529 3700 [gbevin@bwt.co.nz](mailto:gbevin@bwt.co.nz)



 **SELECTUSA®**  
**2013 INVESTMENT SUMMIT**  
Washington, DC | October 31-November 1

July 22, 2013

The United States Embassy in Wellington and the Consulate General in Auckland cordially invite you to attend the inaugural SelectUSA Investment Summit in Washington D.C. from October 31- November 1.

SelectUSA is the first-ever U.S. Government-wide initiative to promote and facilitate business investment in the United States. For more information about the SelectUSA program, please visit [www.SelectUSA.gov](http://www.SelectUSA.gov).

This summit represents an unprecedented opportunity for New Zealand investors to connect with U.S. city, state, and regional economic development organizations and learn about specific investment opportunities. The event will feature:

- Unique networking opportunities with economic development professionals, service providers, and U.S. government officials.
- Moderated panels discussing the latest economic trends and specific industry topics such as capital availability, free trade agreements, U.S. regulations, research and development, and infrastructure.
- Exhibits from U.S. state and local economic development organizations and a resource area where participants can directly engage with representatives from key federal agencies.

Attendees will include company executives from the United States and around the world, state and local economic development representatives, senior White House and Administration officials, subject matter experts, and industry and technical specialists.

Please visit [www.selectusasummit.com](http://www.selectusasummit.com) to pre-register and find more information about the venue and the program. Space is limited and registration will be on a first-come first-served basis, so we encourage you to register soon. If you have any specific questions, please contact Janet Coulthart at [Janet.Coulthart@trade.gov](mailto:Janet.Coulthart@trade.gov).

We look forward to seeing you in Washington, DC.



Sincerely,



David Huebner  
U.S. Ambassador to New Zealand

## TAXATION ISSUES

### Gift and Estate Tax for United States Expatriates living in New Zealand

As I have said in the past, US citizens are taxed on their worldwide income regardless of where they reside. As bad as that issue is they also suffer from United States estate taxation when they pass away. In typical Orwellian tax form, they also suffer additional hazards if they are married to a foreign spouse. Under normal circumstances the US citizen spouse passes assets to the surviving spouse with an unlimited estate tax exemption. However if the surviving spouse is not a US citizen the unlimited estate tax exemption is not allowable. One immediate impact of this is that gifts to foreign spouses are limited. In 2013 it is possible to gift a foreign spouse 143,000 per year (this amount is indexed for inflation and is up from 139,000 in 2012). If the deceased U.S. citizen's estate reaches 5.25 million for the year 2013 the excess will be taxed at a tax rate up to 40%. While some nations do have Estate and Gift Tax treaties with the United States sadly New Zealand is not one of those. All of this makes estate planning for United States expatriates extremely complicated because they are subject to complex rules that are outside of the already arcane set of rules for estate planning and gifting. Ideally the Trans Pacific Partnership negotiations could address this along with a Bilateral Social Security agreement but I have seen no indication that they are looking at correcting these inequities. If you are a United States citizen, and married to a foreign spouse contact a highly qualified U.S. international expatriate tax specialists if you are approaching the estate tax exemption maximum or you are considering gifting your foreign spouse funds or assets.

Regards  
Thomas Carden EA JSM  
THOMAS@NZUSTAX.COM

Email [THOMAS@USAUTAX.COM](mailto:THOMAS@USAUTAX.COM)

Thomas Carden is an International Tax Manager with New Zealand United States Tax Specialists and an IRS Enrolled agent with more than 15 years of tax and financial industry experience.

## Marketing Opportunities for Members

For more details - phone 09 309 9140

### Members have the opportunity of:

- ◆ Platforming your visiting CEOs by having them speak to AmCham
- ◆ Sponsoring an events including the Annual Success & Innovation Awards Dinner
- ◆ Sponsoring a professional speaker / Launching products/service through AmCham
- ◆ Hosting of Forums / Sustaining Member Events or Committee meetings
- ◆ Use us for your Event management / Advertising in our monthly newsletter
- ◆ Direct mail or fax marketing to members

### Also don't forget your Membership gives you access to:

- ◆ Key advisors on tax, immigration, setting up a company and doing business in the USA
- ◆ Possible sources of equity.
- ◆ A network of several thousand companies who are trading with the USA
- ◆ The U.S. Chamber of Commerce which is the world's largest business federation representing 3 million businesses with over 8,000 Chambers of Commerce throughout the USA.
- ◆ 112 AmChams in 99 countries including 27 in the Asia-Pacific region.
- ◆ Free global membership to Regus Plc's 1,000+ serviced offices worldwide, including over 400 in the USA.
- ◆ Discounted costs & special rates for remitting foreign exchange through AFEX - Associated Foreign Exchange Pty Ltd

