

# Transcontinental Trusts 2013

Shaping the global agenda of the offshore world

Register by 22 March 2013  
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**STIKEMAN ELLIOT**

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Partner  
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**3 STONE BUILDINGS**



Shan Warnock-Smith QC  
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## What makes Transcontinental Trusts 2013 the Conference not to miss?

- **Networking**  
You will have the opportunity to meet and network with **200+ offshore professionals**
- **Break-out sessions**  
The unique **multi-session programme** enables specialists to address high-priority jurisdictions and benefit from regulatory, strategic and technical guidance within their jurisdiction of choice
- **Speakers**  
Transcontinental Trusts 2013 boasts **30+ expert speakers** from around the globe chosen for their expertise, knowledge and standing within the industry.

## New key roundtables for 2013

### INFORMATION EXCHANGE: WHICH MODEL WILL DOMINATE THE GLOBAL LANDSCAPE?

- Son of FATCA
- Multilateral conventions
- Competitive pros & cons

### HOW CAN WE MAKE SURE THAT REGULATION IS BALANCED AND PROPORTIONATE?

- Richard Geisenberger, John Harris & Jason Sharman

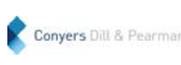
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# 28th Annual International Conference

DAY ONE 19th June 2013

08:00 - 08:30 Registration

08:30 - 09:20 **Breakfast Briefings** (choose 1 of 3)



Briefing 1 - FATCA

Briefing 2 - Africa / Mauritius

Briefing 3 - Changes to VISTA and Other BVI Trust Laws

09:30 **Chair's Opening Remarks**



Richard Hay  
Partner

**STIKEMAN ELLIOTT**

## MORNING THEME – Key Updates

09:40 **Keynote Address**



Chief Justice Anthony Smellie  
**CAYMAN ISLANDS**



10:10 **The Hayton Trust Law Overview**



The Honourable Mr Justice David Hayton  
**THE CARIBBEAN COURT OF JUSTICE**

10:50 Coffee hosted by 

11:10 **Litigation**



- Remediating problems in documentation
- Trustee indemnities and creditors' claims
- Removal of trustees
- Limitation of trust claims
- Interaction with divorce and forced heirship



Gilead Cooper QC  
Barrister

**3 STONE BUILDINGS**



Shan Warnock-Smith QC  
Barrister

**5 STONE BUILDINGS**



Jonathan Speck  
Partner

**MOURANT OZANNES**

11:50 **Practical Insight into Family Governance and Succession Key Issues**



- Internationalisation
- Transmission
- Know how



Moderated by: **Sandy Loder**  
Chief Executive

**AHLODER ADVISORS** & Member  
**FLEMING FAMILY**

Panel members:



Hans Nowak  
Partner

**BORDEN LADNER GERVAIS**



Joe Field  
Of Counsel

**WITHERS**

12:30 Lunch

13:40 **Conflicts and Litigation in Switzerland**



Moderated by: **Cecile Vuillier**  
Managing Director

**ALPADIS**

Panel members:



Dario Zanni  
Public Prosecutor  
**COURTS OF GENEVA**



David Wallace-Wilson  
Partner  
**SHELLENBERG WITTMER**

## AFTERNOON THEME – Information Exchange

14:20 **US FATCA & Information Exchange Models: Lessons for the UK**

- 'Son of FATCA'
- Impact on small IFCs
- Competitive disadvantages?
- Is this the emerging global standard?

Moderated by:



Richard Hay  
Partner  
**STIKEMAN ELLIOTT**

Panel Members:



Mark Matthews  
Formerly Deputy Commissioner & Chief of Criminal Investigations

**IRS**  
& Member  
**CAPLIN & DRYSDALE**  
Representative, **OECD**

15:20 Coffee hosted by 

15:40 **Conflicts of Interests for Trustees**

- Domiciliation and re-domiciliation
- Strengths, weaknesses, opportunities and threats



Roddy Balfour  
Director  
**VIRTUS TRUST GROUP**



David Sussman  
Managing Director  
**CODAN TRUST COMPANY**

16:20 **Foundations vs. Trusts**

- Types of foundations and trusts
- Jurisdictional pros and cons
- Elements and structuring
- Re-domiciliation post incorporation
- Commercial and investment activities

Moderated by:



Philip Baker QC  
Barrister  
**GRAYS INN TAX CHAMBERS**

Panel members:



Dr Anthony Cremona  
Partner  
**GANADO & ASSOCIATES**

17:00 End of Day One

19:30 **Lake Geneva Boat Cruise**



# Transcontinental Trusts 2013

DAY TWO 20th June 2013

08:00 - 08:30 Registration

08:30 - 09:20 **Breakfast Briefings** (choose 1 of 3)



**Briefing 1** - IFCs and the EU

**Briefing 2** - Russia

**Briefing 3** - Bahamas

09:30 **Chair's Welcome**



**Richard Hay**

*Partner*

**STIKEMAN ELLIOTT**

## MORNING THEME – Jurisdictional Overview

09:40 **US**

- Recent developments: the new tax on investment income and other recent U.S. tax changes
- Looking ahead: tax reform proposals for President Obama's second term
- The new normal: increased information exchange
- Getting started: FATCA implementation
- FATCA and trusts: special considerations



**Richard Fava**

*Partner*

**KOZUSKO HARRIS DUNCAN**

10:20 **Asia (Singapore / Hong Kong)**

- Understanding business succession in Asia
- Philanthropy & governance for Asian HNWI's
- Tax & wealth planning
- Asset protection & divorce
- Asian trust companies



**Simon Phelps**

*Partner – Head of Private Client Asia*

**BERWIN LEIGHTON PAISNER**

11:00 Coffee hosted by 

11.20 **Choice of 2 Break Out Sessions**



**(Room 1) Middle East**

- Planning for family businesses in the UAE
- Family business governance strategies
- Forced heir-ship

*Moderated by:*



**Andrew de la Rosa**

*Barrister*

**ICT CHAMBERS**

*Panel members:*

**(Room 2) India**

- Indian estate planning, asset protection and succession planning considerations
- International structuring for Indian non-doms, HNWI's & family businesses: what lies ahead?
- Indian wealth tax planning: latest & upcoming essential developments
- Setting up compliant and efficient tax planning solutions for Indian non-doms, HNWI's & family businesses



**Cyril Shroff**

*Managing Partner*

**AMARCHAND MANGALDAS**



**Sunil Kakkad**

*Partner*

**LAWRENCE GRAHAM**

12:00 **Choice of 2 Break Out Sessions**



**(Room 1) Latin America**

- Overview of the region and reform agenda for 2013
- AML developments
- Planning for LatAm family businesses and dynamics
- Choosing trusts & jurisdiction



**Klemens Zeller**, *Executive Director*, **J P MORGAN**

**(Room 2) Canada: A Forgotten Tax Haven**

- How new immigrants to Canada can access a five year or more tax holiday for their offshore income
- How wealthy families may establish offshore trust structures to benefit Canadian persons without tax
- How Canadian ex-pats can form offshore trust structures to benefit Canadian persons without tax
- How foreign investors can invest in Canadian commercial real estate with little or no tax
- How Canadian private equity and debt investments have become more attractive to foreign investors



**Peter Wong**, *Partner*, **BORDEN LADNER GERVAIS**

12:40 Lunch

## Trusts in Divorce

13:50 **Attacking and Defending Trusts in Divorce**

- The attitude of the English Family Court - powers to vary and to regard trusts as a resource
- The attitude of the offshore courts- following the same model?
- Are the Swiss Courts following too?
- Where does this leave inherited wealth?
- Marriage contracts and pre nups- how effective are they?
- What scope is there for:
  - Effective trust planning
  - Resistance to enforcement in Switzerland and offshore?

*Moderated by*



**Dawn Goodman**

*Partner*

**WITHERS**

*Panel Members:*



**David Wallace-Wilson**

*Partner*

**SHELLENBERG WITTMER**



**Stewart Leech QC**

*Barrister*

**QUEEN ELIZABETH BUILDINGS**

## AFTERNOON THEME – Regulating for Growth

14:30 **Will the Old World Sink Under the Weight of Regulation?**



- Seeking the right balance between regulatory burden and economic growth



**Richard J. Geisenberger**

*Chief Deputy Secretary of State & Director of Corporations*

**DELAWARE DEPARTMENT OF STATE**



**Professor Jason Sharman**

*Deputy Director Centre for Governance & Public Policy*

**GRIFFITH UNIVERSITY**



**John Harris**

*Director General*

**JERSEY FINANCIAL SERVICES COMMISSION**

15:30 **Farewell from Chairman**

15:40 Coffee hosted by 

## Breakfast Briefings with the Experts

Enjoy informal briefings and conversation over coffee and croissants with the experts of your choice.



### Breakfast Briefings Day 1

#### Briefing 1

##### FATCA

- Understanding the complexities and challenges of the Primary Legislation
- Examining Exemptions
- Tackling practical and operational challenges of FATCA including Audit Overview, Documentation and Client Profiling
- Implementing and managing an effective FATCA Compliance Project
- Meeting the obligations of Dividend Equivalents
- Practical implications for the US Market

#### Briefing 2

##### Africa / Mauritius

- Creating Wealth from opportunities in Africa's largest markets
- Using trust structures for international planning
- Political stability
- Compliance and transparency strategy
- Investment protection strategies

#### Briefing 3

##### Changes to VISTA and Other BVI Trust Laws

The British Virgin Islands government has published draft legislation to amend the following:

- Virgin Islands Special Trusts Act- Trustee Act- Trust Corporation (Probate and Administration) Act- Banks and Trust Companies Act

**Tony Pursall, Partner, MAPLES & CALDER**

### Breakfast Briefings Day 2

#### Briefing 1

##### IFCs and the EU

- Is it better to be inside or outside of the EU?
- Can an IFC survive and thrive inside Europe?
- Attacks from Europe
- Various versions of FATCA
- European tax harmonisation the impact on offshore centres

#### Briefing 2

##### Russia

- Double tax treaty structuring
- Permanent establishment and central management and control
- Alternative structures
- Structuring for personal assets

#### Briefing 3

##### British Virgin Islands

- The growth of the Bahamas as a IFC
- Key factors of the Executive Entity (EE):
  - There is no set minimum funding requirement;
  - An EE may only perform its functions in relation to a trust or other entity established in or regulated by the laws of a jurisdiction
  - The EE may have a flexible governance structure consisting of officers and / or a council.
- How it compares to other structures

## Over 200 people attended Transcontinental Trusts 2012 including:

- Allianz Global Investors Ltd
- Minerva Trust Company SA
- Quilvest Switzerland Ltd
- Apex Fund Services Ltd
- First Advisory Group
- Bois & Bois
- Voisin Law
- Maples and Calder
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## Truly International Audience

With over 25 key jurisdictions being represented by speakers and attendees over recent years – the conference itself provides a unique opportunity for you to network with colleagues and experts of the highest level and on a truly international scale. These have included:

**Gibraltar, Singapore, Latvia, Switzerland, Isle of Man, Jersey, Norway, Hong Kong, Malta, Liechtenstein, Canada, Guernsey, Germany, Monaco, New Zealand, India, British Virgin Islands, Cayman Islands and United Kingdom**

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**FinanceMalta**, a non-profit public-private initiative, was formally set up to promote Malta's international Business & Financial Centre, both within, as well as outside, Malta's shores. It brings together, and harnesses, the resources of the industry and government, to ensure that Malta maintains a modern and effective legal, regulatory and fiscal framework in which the financial services sector can continue to grow and prosper. The Board of Governors, together with the founding associations, four expert groups, its corporate members, and staff are committed to promote Malta as a centre of excellence in financial services and international business.



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**Mourant Ozannes** is one of the leading offshore law firms, with more top tier legal directory recommendations across its jurisdictions than any of its competitors. The firm's ground-breaking International Trusts & Private Client practice is led from London and brings together some of the most renowned private client advisers, litigators and draftsmen in the offshore world to create an integrated global offering with the overriding aim of delivering exceptional client service. We advise on the laws of the BVI, the Cayman Islands, Guernsey and Jersey, from offices in each of those jurisdictions as well as in London and Hong Kong. In recent years, members of the ITPC team have played a leading role in some of the most complex and high value trusts advisory, structuring and litigation work in the world.



The British Virgin Islands' is one of the world's premier centres for international business. In addition to its economic and political stability, it boasts a wealth of knowledgeable and innovative professionals; a modern, robust yet business-friendly regulatory regime; and an attractive commercial environment that is a one-stop-shop for both corporate and personal wealth management. In 2005 the BVI Business Companies Act, an innovative, cutting edge law crafted with the changing needs and requirements of the international business community in mind, was introduced. The jurisdiction's attractiveness as an international finance centre has been further enhanced by the introduction of modern, forward looking trust legislation, including:

- Amendments to the Trustee Act providing for a 100 year perpetuity period and enhanced trustee powers.
- The Virgin Islands Special Trusts Act - VISTA, which has attracted interest from around the world and has been described by trust and estate practitioners as a ground breaking development in the area of settlor controlled trusts.
- Modernised Private Trust Company regulations, which afford greater clarity and certainty to family trusts and private trustees in terms of licensing exemptions and related matters.

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The Finance Centre Department is headed by the Finance Centre Director, James Tipping, who reports directly to the Minister for Financial Services, the Hon. Gilbert Licudi MP. The Department is responsible for advising the Minister on all financial services policy matters, liaising with the private sector and regulator in Gibraltar, financial services legislation, and co-ordination of communication relating to strategic initiatives involving the IMF, OECD, EU and other financial services-related matters. The Finance Centre Department is also charged with marketing Gibraltar internationally as a financial services centre and co-ordinate s applications for high-net-worth tax residence in Gibraltar by individuals. In addition, the Finance Centre Director is the competent authority for tax information exchange under the International Co-operation (Tax Information) Act 2009 and is also Registrar of Companies.

# Transcontinental Trusts 2013

19th & 20th June 2013, Grand Hotel Kempinski Geneva (FKW52527)

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