

ET Masterclass

From The Economic Times

COMMERCIAL CONTRACTS & DISPUTE RESOLUTION

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PROGRAM OUTLINE

Negotiating and drafting commercial contracts has become an indispensable part of any business transactions in today's highly competitive and cost-conscious environment. It has become necessary that contracts should be aligned with business requirements as every business transactions are governed by contracts and agreements. Legal Professionals are required to be well versed with the drafting techniques and expertise to foresee the risk and handle in the best interest of their organizations.

PROGRAM HIGHLIGHTS

The upcoming Commercial Contract Masterclass focuses on critical issues in commercial and legal areas pertaining to commercial agreements and will guide you to improve your negotiating and drafting skills. This training will also help the organization to reduce exposure, avoid litigation and implement dispute management by being fully conversant with the knowledge, skills and strategies in ensuring that the contracts are well negotiated, properly drafted and managed.

AGENDA

09:30 AM - 05:00 PM

Basic Structure of Commercial Contracts

- › Overall structure and key elements of a commercial contract
- › Understanding the importance of nomenclature, description, objective, recitals and definitions of a commercial contract
- › Main operative clauses
- › Representations, Warranties, covenants, and indemnity
- › Term and termination
- › Governing law and dispute resolution provisions
- › Miscellaneous and boilerplate provisions
- › Schedules, appendices, and exhibits

Strategic Negotiation of Commercial Contracts

- › Contract negotiation: Tactics and strategies
- › Planning and conducting Negotiation
- › Determining the needs, rights and obligations of negotiating parties
- › Deal or no-deal situations – how to keep the options open
- › What is binding and non binding MoUs or Term Sheets

- › What is binding and non binding MoUs or Term Sheets
- › The boundaries of negotiating and re-negotiating contracts
- › Basics of Structuring Foreign Collaborations and Joint Ventures
- › Understand the elements effecting negotiation process – Culture, Language & Legal System

A Hands-on Guide to Drafting Commercial Contracts

- › What is a Commercial Contract- The contract law fundamentals & elements
- › Difference between an MoU, a letter of intent, an agreement and a contract
- › Analysing how letters of intent, heads of agreement and memoranda of understanding affect a contract
- › Formation of contract: The art of drafting an effective commercial contract
- › Drafting techniques: Key terms of a Contract, Indemnity and risk allocations, recitals, boilerplate provisions
- › Understanding various types and interpretations of contract clauses and relook at contractual provisions in the light of current scenario of the outbreak of COVID-19 such as – force majeure, liquidated damages, risk purchase, warranty, limitation of liability, etc.
- › Sharing some cases on intricacies of drafting various types of contract such as: Joint venture agreements / collaboration guarantees, Investment contracts (Share Subscription Agreement, Share Purchase Agreement and Shareholders' Agreement), Distribution Agreements, Supply Agreements

AGENDA

Dispute Resolution Clauses & Mechanism

- › Understanding & identifying dispute prone areas
- › Possible consequences and the medium of dispute resolution mechanisms
- › Remedies for disputes emerging from contracts
- › ADR provision in the contract
- › Litigation or arbitration - A comparative analysis
- › Role of corporate counsel in dispute management
- › Developments in arbitration law

Modification, Breach & Termination of Contracts

- › Modification of a contract by novation, accord and satisfaction or by simple variation
- › Judicial approach during the pandemic and lock down and legal highlights Force Majeure and Renegotiation clause
- › Frustration of contracts
- › Documentations involved in contract modification and variation, right time for “Lock-in-period”
- › Anticipating contractual obligations to breach of a contract

- › Filing a breach of contract complaint
- › Breach versus repudiation
Partial breach, material breach of contract, anticipatory breach of contract

Drafting of International Contracts

- › Analysing the key elements in cross border agreements
- › Terms unique to overseas contracts
- › Dispute resolution clauses for use in international disputes
- › Understanding various jurisdictions issues

WHAT YOU WILL LEARN

Strategic negotiation of commercial contracts

How to draft effective commercial contracts

Managing variation and modification of contracts

Managing breach and termination of contracts

Drafting and negotiating alternative dispute resolution clauses

Techniques of drafting international contracts

Effective risk control measures to minimize legal exposure and avoid disputes

WHO SHOULD ATTEND

Contract Administration &
Management Professionals

Legal Heads / General Counsels

Legal Managers / Legal
Executives

Corporate Legal Advisors

Company Secretaries

Corporate Lawyers

Arbitrators & Mediators

Procurement and Purchasing
Managers

REGISTRATION

Contact us if you have any queries. We're available from Monday to Saturday from 10:00 AM to 6:00 PM.

NOMINATE YOUR LEADERSHIP TEAM


Access to Masterclass
@INR 15,000
Plus GST/Participant

Access to Masterclass + Recordings
@INR 18,000
Plus GST/Participant

GROUP DISCOUNT AVAILABLE!

FOR MORE INFORMATION & REGISTRATION, CONTACT

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