

# Investment in **MYANMAR**

on 19-20 SEPTEMBER 2013  
@ Pullman Bangkok Hotel G, Silom

2013



## CONFERENCE DAY ONE:

19 SEPTEMBER 2013 (ON THURSDAY)

### Myanmar Legal and Investment Framework:

- ➔ Investment with SOE and Under the Foreign Investment Law  
**Guest speaker:** **Kowit Somwaiya**  
Managing Partner  
LawPlus Ltd.
- ➔ Tax and Non-Tax Incentives Under the Foreign Investment Law  
**Guest speaker:** **Ms. Khin Htwe Myint**  
Advocate  
LawPlus Myanmar Ltd.
- ➔ Key Requirements and Procedures for Establishing Companies and Obtaining Permits  
**Guest speaker:** 1) **U Myint Lwin**, Advocate,  
U Myint Lwin Law Office  
2) **Sebastian Pawlita**  
PWP Legal Myanmar
- ➔ Obtaining Licenses to Establish and Operate Large Scale Projects  
**Guest speaker:** **Kowit Somwaiya**,  
Managing Partner  
LawPlus Ltd.

## CONFERENCE DAY TWO:

20 SEPTEMBER 2013 (ON FRIDAY)

### Legal Aspects for Joint Ventures:

- ➔ Borrowing and Project Financing  
**Guest speaker:** **Jessica Ei Ei San**  
Associate Director Tax Services  
Pricewaterhouse Coopers  
Myanmar Co., Ltd.
- ➔ JVs in Myanmar: Structuring a Joint Venture Project  
**Guest speaker:** **James Finch**, Head of Myanmar,  
Thanlwin Legal Services Ltd.  
Partner & Managing Director  
DFDL in Myanmar
- ➔ Joint Venture Agreement  
**Guest speaker:** **Christopher Osborne**  
Partner, Watson, Farley & Williams
- ➔ Implications for Cross Border Tax and Transaction in Myanmar  
**Guest speaker:** **Malika Bhumivarn**, Managing Director  
Bryan Cave International Trade  
(Thailand) Ltd.
- ➔ Intellectual Property and Its Enforcement in Myanmar  
**Guest speaker:** **Salisa K. Skinne**, Associate,  
Chandler & Thong-Ek Law Offices Ltd.

8.30 Registration and Refreshments

8.45 Welcoming Remarks & Opening Address


**Myanmar Legal and Investment Framework:**

9.00 Investment with SOE and Under the Foreign Investment Law

- ✓ Requirements
- ✓ Procedures
- ✓ Experiences and practices

**Guest Speaker**

**Kowit Somwaiya,**  
Managing Partner,  
LawPlus Ltd.


10.30 Morning Refreshments & Networking 

10.45 Tax and Non-Tax Incentives Under the Foreign Investment Law

- ✓ Exemption and reduction of taxes, accelerated depreciation,
- ✓ Payment of taxes for expat employees
- ✓ R&D expenses
- ✓ Carrying forward losses

**Guest Speaker**

**Ms. Khin Htwe Myint**  
Advocate,  
LawPlus Myanmar Ltd.


12.00 Luncheon 

13.15 Key Requirements and Procedures for Establishing Companies and Obtaining Permits

- ✓ Registrations and permits by MIC, CRO, DICA
- ✓ Requirements and procedures for company registration
- ✓ Permit to trade
- ✓ Property leases

**Guest Speaker**

- 1) **U Myint Lwin**  
Advocate,  
U Myint Lwin Law Office
- 2) **Sebastian Pawlita**  
PWP Legal Myanmar

15.15 Afternoon Refreshments & Networking 

15.30 Obtaining Licenses to Establish and Operate Large Scale Projects

- ✓ Types of eligible projects
- ✓ Requirements
- ✓ Procedures

**Guest Speaker**

**Kowit Somwaiya,**  
Managing Partner,  
LawPlus Ltd.

17.00 End of Conference Day One

[www.idf-asian.com](http://www.idf-asian.com)

8.40 Registration and Refreshments

8.50 Chairperson's Welcoming Address


**Legal Aspects for Joint Ventures:**

9.00 Borrowing and Project Financing

- ✓ Local financing
- ✓ Foreign loans
- ✓ Collateral and security for loans
- ✓ Foreign exchange control

**Guest Speaker**

**Jessica Ei Ei San**  
Associate Director Tax Services  
PricewaterhouseCoopers  
Myanmar Co., Ltd.


10.30 Morning Refreshments & Networking 

10.45 JVs in Myanmar: Structuring a Joint Venture Project

- ✓ Joint Ventures in Myanmar: Challenges & Opportunities
- ✓ Acquisition of shares in local companies
- ✓ Setting up a new joint venture company
- ✓ Case samples

**Guest Speaker**

**James Finch, Head of Myanmar,**  
Thanlwin Legal Services Ltd.  
Partner & Managing Director  
DFDL in Myanmar


12.00 Luncheon 

13.00 Joint Venture Agreement

- ✓ Important provisions: Shareholders, share capital, directors, voting mechanism, management decision, transfer of shares, divided policy, winding up of JVC
- ✓ Governing Laws
- ✓ Termination & dispute resolution
- ✓ Experiences and practices

**Guest Speaker**

**Christopher Osborne, Partner**  
Watson, Farley & Williams

14.30 Afternoon Refreshments & Networking 

14.45 Implications for Cross Border Tax and Transaction in Myanmar

- ✓ The security problems that affect Thai-Myanmar cross border trade
- ✓ Myanmar customs: Regulations updates
- ✓ Cross border tax planning: critical issues and key considerations
- ✓ Key issues should be aware of
- ✓ Real case samples

**Guest Speaker**

**Malika Bhumivarn, Managing Director**  
Bryan Cave International  
Trade (Thailand) Ltd.

16.15 Intellectual Property and Its Enforcement in Myanmar

- ✓ Myanmar law on IP
- ✓ Legal frameworks of Patent, trademarks, copyrights and trade secrets
- ✓ Infringement remedies
- ✓ Technology licensing - options and methods
- ✓ Licensing - Intricate issues
- ✓ Case samples

**Guest Speaker**

**Salisa K. Skinner, Associate,**  
Chandler & Thong-Ek Law Offices Ltd.

17.45 End of Conference

# PANEL OF DISTINGUISHED GUEST SPEAKERS



## James Finch

Head of Myanmar, **Thanlwin Legal Services Ltd.** Partner & Managing Director, **DFDL** in Myanmar

James Finch is a partner in the law firm of DFDL and runs the firm's practice in Myanmar. His experience in the commercial legal field spans three decades and has taken him to the Middle East, Latin America and the Caribbean, where he practiced for extended periods. His work as a partner in the firm of Russin & Vecchi finally brought him to Asia, where he began in the Hanoi office of the firm. In 1996 he became managing partner of the firm's Yangon, Myanmar office. Since then he has had a varied and active practice in Myanmar, with extensive legal work in the energy, power, hard minerals, corporate, tax, aircraft leasing, hotel development, banking and finance fields, to name a few.



## Kowit Somwaiya

Managing Partner, **LawPlus Ltd.** Bangkok, Thailand

Kowit has 30 years' experience in laws on banking, corporate, foreign direct investment, merger and acquisition, intellectual property, IT, telecoms and litigation. Before founding LawPlus Ltd. in 2003, he was the Managing Partner of the Bangkok Office of a leading UK law firm. He has been recognized by colleagues and clients. His accolades include:-

“**Leading lawyer**” for banking and finance transactions. The 2003 through 2012 editions of the Asia Pacific Legal 500 • “**Leading lawyer**” for banking, general corporate practice, corporate governance, restructuring and insolvency. The AsiaLaw Leading Lawyers 2005 • “**Highly recommended company and corporate transaction practitioner**”. The 2003/2004 Global Counsel 3000 • “**Highly recommended**” for corporate / M&A. The PLC Cross-border Mergers and Acquisitions Handbook 2006, 2008 and 2009 • “**Leading lawyer**” for M&A. The AsiaLaw Leading Lawyers 2009 • “**Highly Recommended**” for corporate / M&A. The PLC Which Lawyer? Yearbook 2007 through 2009 • “**Notable expertise**” on banking, intellectual property, M&A, restructuring, insolvency and bankruptcy. The AsiaLaw Profile 2006 and 2007 • “**Well-known**” IP practitioner. The IP Profile 2006 and 2007 • “**Intelligent lawyer, who engages with his clients**”. The Asia Pacific Legal 500, 2009/2010 • “**Hardworking and commercial**”. The Asia Pacific Legal 500, 2010/2011 • “**Knowledgeable and decisive partner**”. The Asia Pacific legal 500, 2011/2012 • “**On-point, precise advice**” to a global clientele. The World's Leading Trademark Professionals 2013 • “**Kowit Somwaiya has wide-ranging corporate and M&A experience**”. The Legal 500 Asia Pacific, 2013.



## KHIN HTWE MYINT

Advocate, Legal Advisor  
**LAW PLUS MYANMAR Ltd.**

Daw Khin Htwe Myint has been working for 30 years in several fields of law. After teaching laws at Yangon University, she started her practice in the legal profession with the Office of the Attorney General of Myanmar as a Public Prosecutor and then was promoted to Assistant Director and finally to Deputy Director of the Legal Advice Department of the Office of the Attorney General before she resigned in 2010 to work in the private sector. She has extensive experiences in giving legal opinions and advices to the government enterprises on investments and commercial transactions with local and foreign private parties. She is amongst a few leading Myanmar lawyers who have expertise and extensive experiences in establishing legal entities, obtaining Government licenses and permits, advising clients on laws and regulations applicable to foreign investments, company registration, joint ventures, mergers and acquisitions and domestic international trades. She is a legal advisor to the UMFCCI.



## MYINT LWIN

Partner, **U MYINT LWIN LAW OFFICE**

Myint Lwin found **U MYINT LWIN LAW OFFICE** in Yangon in 1994. His expertise areas include corporate & commercial laws, IP law & civil litigation. His law firm has represented a large number of foreign companies on establishing and operating restaurant, architecture, legal service, investment financing, information technology and manufacturing business in Myanmar. He also advised clients on cross-border transactions, including distribution agreements and property leases. Myint Lwin has invited to be a guest speaker of the topic - 'Doing business in Myanmar Seminars' in Both Japan & Thailand.



## SEBASTIAN PAWLITA

Polastri Wint & Partners

He started his career in a Big Four accountancy firm before working in the corporate and tax department of a well-regarded British law firm in Germany. Before joining PWP and relocating to Myanmar, he was the head of the Ho Chi Minh City office of a leading German law firm. Sebastian has worked on a great number of deals in South East Asia and assisted many companies from Asia (mainly from Japan) in their overseas operations.

**Education:** LL.M., Kyushu University, Japan and LL.B., Munich University, German



## Christopher Osborne

Partner  
**Watson, Farley & Williams**

Chris is a partner in the Corporate Group of Watson, Farley & Williams and his practice focuses on cross-border M&A, joint ventures, and regulatory compliance.

Chris has been based in Thailand since 2001 dealing extensively in mergers, acquisitions and joint ventures involving companies from Europe, Asia, Australia and USA. He has advised financial institutions and industry participants on business acquisitions, corporate governance, compliance with listing rules, and restructuring. His client base covers a wide range of industries, in particular the banking, real estate, telecommunications, manufacturing and renewable energy sectors.



## Malika Bhumivarn

Managing Director  
**Bryan Cave International Consulting Co., Ltd.**

Ms. Malika Bhumivarn is a leading expert on customs and trade matters in Thailand. She advises clients on a wide range of customs and trade issues, particularly on customs compliance, valuation, tariff classification and duty refunds, and assists them in obtaining trade and investment privileges. Her clients are from diverse industries, including automotive, air transport, air conditioner/refrigerator, electronics, audio tape, food, liquor, cosmetics and healthcare. Ms. Bhumivarn led a team which was assigned by the Thai Customs Department to conduct a review and assessment on the controlling systems of the entire Public Customs Bonded Warehouse system in Thailand. Ms. Bhumivarn has represented several major companies in settling the cases with the Customs Department as well as in negotiating with the Thai Customs to minimize their tax liabilities. She also conducted a number of trainings to educate the clients on customs compliance and suggest improvement in import/export system. On several occasions, Ms. Bhumivarn was also invited as a guest speaker in seminars and presentation relating to customs and excise regulations, customs compliance and customs privilege. Ms. Bhumivarn is a former Director in the Tax & Legal Services Division of KPMG Thailand, leading its Customs & Trade consulting group.



## Salisa K. Skinner

Associate,  
**Chandler & Thong-Ek Law Offices Ltd.**

Salisa have intensive experiences on Myanmar investment law; she has ever joined **Chandler & Thong-Ek Law Offices Ltd. In March 2013. Khun Salisa** advised Thai and international companies on joint venture projects, foreign direct investment, incorporation, due diligence and other corporate issues in Thailand and Myanmar and assisted international clients on obtaining foreign business licenses, BOI certificates and foreign business certificates (Thailand-United States Treaty of Amity and Economic Relations) and issued pertaining to the United States intellectual property law including IP due diligence. She also support her clients on general business agreements drafting and the legal and regulatory regime applicable to investments in Myanmar.

[www.idf-asian.com](http://www.idf-asian.com)

# CONFERENCE OVERVIEW:



## Investment Statistics:

Many businesses representing almost all industry sectors are eagerly seeking opportunities to either invest or expand to Myanmar. ASEAN countries are the main source of FDI in Myanmar which accumulated to around US\$10,000 million. It is followed by the EU which invested roughly US\$2,500 millions, four times lesser than the investment by ASEAN countries. Thailand is the main contributor with investment of about US\$7,500 million which consist of almost more than half the total FDI in Myanmar. Second in the list is United Kingdom (UK) with FDI of about US\$1,800 million. Next in the list is Singapore which invested US\$1,500 million and Malaysia US\$700 million. Four ASEAN countries and three countries from other parts of Asia made up the top ten investors in Myanmar, those countries are Thailand, Singapore, Malaysia, Indonesia, Philippine, Brunei Darussalam, and Vietnam (Kline, 2008: 29-31). (<http://www.123helpme.com/foreign-direct-investment-in-myanmar-view.asp?id=165006>)

Opportunities for investment in Myanmar have been continuing to generate hype over recent months and with Myanmar's long awaited Foreign Investment Law ("New Investment Law") having officially come into force on 2 November 2012, It is anticipated that more investors will now be considering their options more seriously. However, the new law still does not clearly specify business activities in which foreign participation is permitted and, as Myanmar is a frontier economy in which the implementing rules and notifications under the new law have yet to be put in place, investors should make every effort to obtain protection under one of the bilateral investment protection treaties which Myanmar has entered into with other countries.

Yet, for many Myanmar still remain an enigma and an unknown frontier. To explore Myanmar investment platforms, **IDEAL FORUM** is very pleased to organized 2-day intensive program on **"INVESTMENT IN MYANMAR 2013"**.

This intensive conference will encapsulate regulatory updates, the latest in Myanmar's law on foreign investment, key legal implications concerning Joint Ventures transactions and agreement, financing & tax issues, risk management strategies for foreign investment, plus other current political situation and business aspects as related for a successful business entry into the new land of opportunities - Myanmar

**ACT Now! To Reserve Seats for your EXECUTIVE TEAMS**

## WHO SHOULD ATTEND?

- CEOs, Managing Directors
- Regional Directors/Managers
- General Managers
- Chief Financial Officers
- Regional Finance Directors
- Financial Controllers
- Business Development Directors/Managers
- Corporate Legal Counsels
- Tax Directors/Managers
- Head of Corporate Planning & Development
- Legal Managers
- Heads of Strategic Investment
- Legal & Tax Advisors
- Commercial Bankers
- Investment Bankers

*\*From across industry both in Thailand and other markets in the region. Including those key decision makers having a vested interest in investment in Myanmar.*



**FOR MORE INFORMATION,  
PLEASE CONTACT IDF TEAM AT  
+ 662 982 9564, + 662 982 9561-2 or  
Email to [conferences@idf-asian.com](mailto:conferences@idf-asian.com) or  
visit our website at [www.idf-asian.com](http://www.idf-asian.com)**