



FASANO
AVVOCATI

AGENCY AND DISTRIBUTORSHIP

THERE ARE A NUMBER OF COMMERCIAL, LEGAL AND PRACTICAL FACTORS TO BE CONSIDERED IN DECIDING HOW TO STRUCTURE THE RELATIONSHIP BETWEEN BUSINESSES AND THEIR DISTRIBUTION CHANNELS, WHETHER AGENTS, DISTRIBUTORS OR OTHER FORMS OF PARTNER.

Whilst each country within the European Economic Area has enacted legislation intended to harmonise the rights of commercial agents across the various jurisdictions there still remain key differences in the approach taken by each country. For example, there are notable differences in the approach taken to determining the lump sum payment which is payable to an agent upon termination. In contrast, save for the development of competition law policy which may operate to restrict the content and operation of distribution agreements, there is little or no harmonisation of the laws relating to distributors. Significant differences exist between each jurisdiction in their treatment of distribution arrangements.

At FASANO, we have experience in guiding clients that are appointing, terminating or otherwise dealing with agents and distributors in Italy, EU as well as worldwide, on how best to maximise the opportunities of the legal market whilst minimising the legal risk in doing so.

FASANO has represented the interests of both domestic and foreign producers, and international trade intermediaries – agents and distributors – by:

- Advising on the legal and commercial issue and differences affecting the operation of agents and distributors across multiple jurisdiction
- Counselling on setting up balanced contractual structures and schemes, recommendations on mitigation of contract-related risks
- Drafting, negotiating and executing of agency and distribution contract
- Counselling on other related legal issues such as competition and antitrust compliance matters, customs, tax, investments, transfers of technology, joint ventures etc.
- Representing clients in relations with specific regulatory authorities and institutions;
- Advising on relevant dispute resolution matters and representing clients in litigation and international arbitration.